

# STATES OF JERSEY

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## DRAFT AMENDMENT (No. 7) OF THE STANDING ORDERS OF THE STATES OF JERSEY

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Lodged au Greffe on 7th June 2007  
by Deputy G.P. Southern of St. Helier

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STATES GREFFE





Jersey

## DRAFT AMENDMENT (No. 7) OF THE STANDING ORDERS OF THE STATES OF JERSEY

### REPORT

This amendment to Standing Orders comes as a consequence of the use of the “proposition to move to the next item” employed during the debate on 1st May this year on my proposition P.4/2007, Electoral Reform, lodged on 11th January 2007.

Members will recall that the proposition was of the “in principle” variety, and contained the series of separate and unrelated reforms to the electoral process as follows:

***THE STATES are asked to decide whether they are of opinion –***

- (a) *to agree that –*
  - (i) *the age at which a person should be entitled to vote in public elections should be reduced from 18 to 17;*
  - (ii) *eligibility to register to vote in public elections should no longer be linked to length of residence in Jersey but should be an automatic entitlement to every resident as soon as he or she is registered in the population register to be created under the Migration Policy as approved by the States;*
  - (iii) *a system of registration of political parties be created;*
  - (iv) *a system of the regulation of election expenses be introduced;*
  - (v) *details of the party affiliation of candidates of a registered political party and the party logo be permitted on ballot papers;*
- (b) *to charge the Privileges and Procedures Committee to bring forward for approval the necessary amendments to the Public Elections (Jersey) Law 2002, and to prepare for approval any other necessary legislation, to give effect to the proposals in time for the 2008 elections.*

Members will also recall that I had already agreed to withdraw (a)(i) of the proposition pending a proposal from the Deputy of Grouville concerning 16+ voting.

It is not appropriate to debate here the merits or otherwise of the arguments paraded in the debate of 1st May 2007, but my contention is that the use of the “move to the next item” amounted to an abuse of backbenchers’ rights. Members should note that by the date of the debate, my proposition had been lodged for over 15 weeks. Debate could have taken place as early as the States’ meeting of 27th February 2007, when the message it carries, that of ensuring action on these election issues, takes place in good time for the 2008 elections would have been even clearer. The fact is that whatever the date of the debate, PPC had had plenty of time to gather its arguments and amend or oppose what it objected to in my proposition. To take the position that, despite actively pursuing the aims contained in parts (a)(iii) and (iv), it could not support them, is ludicrous. To then state in a letter of 11th

May that –

*“The only reason that PPC would have preferred you to withdraw the paragraphs was that we were genuinely concerned that the proposition would be rejected.”*

is equally specious. The appropriate action would be to support (iii) and (iv) and to amend (v) and if necessary to oppose (ii).

The attitude taken by PPC that *“it would be more appropriate to await the full proposals being brought forward (by the Committee)”* sets a precedent. It says that *“in principle”* propositions brought by backbenchers are not to be treated with respect and can safely be ignored.

Furthermore, by delaying debate on the issue underlying part (a)(ii), that of achieving an accurate electoral register in the urban areas particularly, PPC has effectively also delayed the attainment of what must be a shared aim by alternative means.

Given the strength of my feelings concerning the use of the *“move to the next item”* expressed above, members may be surprised that this amendment does not simply read *“delete Standing Order 85, and renumber”*. Despite the fact that we wasted 2 hours of debate by avoiding a vote on 1st May 2007, and despite the fact that I cannot think of a circumstance in which the *“move on”* motion would not be an abuse of members’ rights, I seek to amend and not remove Standing Order 85.

In doing so, I am mindful of the response of the Bailiff, who was presiding at the time of the call to *“move on”*. His response to a question from me on what constitutes an abuse, he had this to say –

*“SO85(1) provides that a member may propose without notice that the States move to consideration of the next item on the order paper. That right is qualified by paragraph 2 which provides that the presiding officer shall disallow the proposal if it appears to him that “it is an abuse of the procedure of the States or an infringement of the rights of a minority”. The policy which I follow is that a proposition which has been moved should be the subject of reasonable debate so as to allow members to express their views upon it before I allow a motion to move the next item on the Order Paper be proposed. Clearly what is “reasonable debate” may vary depending upon the nature of the proposition. But it seems to me that, if the States have this procedure for summary termination of a debate, it is really a matter for members and not the presiding officer to decide when to employ it.”*

The key to the problem is, I believe, contained in the words *“summary termination”*. The worst part of Standing Order 85 is its summary nature. If the Assembly decides it wishes to move on without resolving the issue under debate, that is one thing; that it should do so without allowing any opportunity to hear a brief statement of the reasons why and for a response from the member concerned is quite another. To allow a backbencher at least the opportunity to make the case for not arbitrarily dismissing the issue he or she wishes to have debated to a conclusion is the least we can do.

There are no financial or manpower implications arising from this proposal.

## **Appendix**

### **85 Proposal to move to next item**

- (1) A member of the States may propose without notice, during a debate on a proposition, that the States move to consideration of the next item on the order paper.
- (2) The presiding officer shall not allow the proposal if it appears to him or her that it is an abuse of the procedure of the States or an infringement of the rights of a minority.

- (3) Otherwise, the presiding officer shall immediately put the proposal to the vote, without debate.
- (4) Notwithstanding Article 16(1) of the Law, the proposal is not adopted if less than 20 elected members vote in favour of it.
- (5) If the proposal is adopted, the debate on the proposition shall cease.
- (6) If the proposal is not adopted, the member who proposed it cannot make a similar proposal during the debate.
- (7) A move to the next item does not affect any vote already taken by the States on any part of the proposition.

## **Explanatory Note**

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This amendment relates to a proposal that the States move to consideration of the next item on the order paper. Currently, if allowed, the proposal is put to the vote without any debate. The amendment would enable the member of the States who proposes the move to the next item to speak in support of his or her proposal and the member whose proposition is being debated to respond.





Jersey

## DRAFT AMENDMENT (No. 7) OF THE STANDING ORDERS OF THE STATES OF JERSEY

*Made*

*[date to be inserted]*

*Coming into force*

*[date to be inserted]*

**THE STATES**, in pursuance of Article 47 of the States of Jersey Law 2005<sup>[1]</sup>, have made the following amendment to Standing Orders<sup>[2]</sup> –

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### **1 Standing order 85 amended**

For paragraph (3) of standing order 85 there shall be substituted the following paragraph–

“(3) Where the presiding officer allows the proposal he or she shall, before putting it to the vote, invite –

- (a) the proposer of it to speak in its support; and
- (b) the member whose proposition is being debated to respond.”.

### **2 Citation and commencement**

This Amendment may be cited as Amendment (No. 7) of the Standing Orders of the States of Jersey and shall come into force on the day after the day it is made.



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[1]

*chapter 16.800*

[2]

*chapter 16.800.15*