

STATES OF JERSEY



DRAFT STANDING ORDERS OF THE STATES OF JERSEY (P.162/2005): FOURTH AMENDMENTS

**Lodged au Greffe on 20th September 2005
by Senator S. Syvret**

STATES GREFFE

DRAFT STANDING ORDERS OF THE STATES OF JERSEY (P.162/2005): FOURTH AMENDMENTS

1 PAGE 42, STANDING ORDER 10 –

Delete paragraph (8) and renumber the remaining paragraphs accordingly.

2 PAGE 43, STANDING ORDER 13 –

In paragraph (3) for the words “one clear working day” substitute the words “2 clear working days”.

3 PAGE 45, STANDING ORDER 16 –

For paragraph (2) substitute the following paragraph –

“(2) The content of the statement must be personal in nature.”.

4 PAGE 45, STANDING ORDER 17 –

Delete paragraphs (3) and (4) and renumber the remaining paragraphs accordingly.

5 PAGE 46, STANDING ORDER 19 –

Delete the words “Except as provided in any other enactment,”.

6 PAGE 47, STANDING ORDER 21 –

After paragraph (2) insert the following paragraph and renumber the remaining paragraphs accordingly –

“(3) The proposer may request information from any Minister responsible for the resources in question and a Minister shall, when so requested, ensure that the proposer is provided with complete and accurate information sufficient to enable the proposer to prepare the statement.”

7 PAGE 47, STANDING ORDER 21 –

(a) *delete paragraphs (4) and (5);*

(b) *in paragraph (6) for the word “Bailiff” substitute the word “Greffier”.*

and renumber the paragraphs accordingly.

8 PAGES 66-67, STANDING ORDER 84 –

(a) *in paragraph (2) for the word “15” substitute the word “30”.*

(b) *after paragraph (4) insert the following paragraph –*

“(5) Notwithstanding Article 16 of the Law, the proposal shall be decided by at least two thirds of the members present and voting.”.

and renumber the remaining paragraphs accordingly.

9 PAGE 74, STANDING ORDER 105 –

In paragraph (2)(h) delete the words “comment upon or”.

10 PAGE 75, STANDING ORDER 107 –

After paragraph (1) insert the following paragraphs and renumber the remaining paragraphs accordingly –

“(2) When a member of the States makes a declaration of an interest in the subject matter of a proposition, but is not required by paragraph (1) to withdraw, another member of the States may propose without notice that the interest declared is of sufficient relevance to the subject matter of the proposition that the member be required to withdraw from the Chamber for the duration of the debate and any vote on the proposition.

(3) The member of the States who made the declaration may speak again before the proposer replies at the conclusion of the debate upon the proposal.”.

11 PAGE 77, STANDING ORDER 112 –

(a) *in the table in paragraph (1), for items 2 and 3 in the first column substitute the following items–*

- “2. selection of Ministers
- 3. appointment of chairman of the PPC”;

(b) *delete paragraph (3).*

12 PAGES 80-83, STANDING ORDERS 117 AND 118 –

Renumber Standing Order 117 as Standing Order 118 and vice versa.

13 PAGE 99, PART 8 –

At the beginning of Part 8 insert the following Standing Order –

“150A Interpretation of Part 8 and Schedule 2

In this Part and Schedule 2 “member of the States” does not include the Lieutenant-Governor.”.

14 PAGE 99, STANDING ORDER 151 –

In the heading, delete the words “Elected members”, for the words “an elected member” in each place where they appear substitute the words “a member of the States” and for the words “the elected member” substitute the words “the member of the States”.

15 PAGE 99, STANDING ORDER 151 –

After paragraph (1) insert the following paragraph and renumber the remaining paragraph accordingly–

“(2) The requirement to register applies to all interests, whether received, arising, held or owned within or outside Jersey.”.

16 PAGE 99, STANDING ORDER 151 –

At the beginning of paragraph (3) insert the words “Save as specified in Schedule 2,”.

17 PAGES 99-100, STANDING ORDER 152 –

(a) *After paragraph (1) insert the following paragraph –*

“(2) A member of the States who is not an elected member must, not less than 30 days after the day the day on which this standing order comes into force and, after that, not less than 30 days after the day on which he or she is appointed to the office by virtue of which he or she is a member of the States, complete a return of his or her interests that must be registered and submit it to the Greffier.”;

(b) *for the words “An elected member” in paragraphs (2) to (5) substitute the words “A member of the States”;*

and renumber the paragraphs in standing order 152 accordingly.

18 PAGE 100, STANDING ORDER 153 –

In paragraph (1) for the words “elected members” substitute the words “members of the States”.

19 PAGES 108-110, SCHEDULE 2 –

(a) *in the heading, and in each place where they appear, for the words “elected members” substitute the words “members of the States”;*

(b) *for the words “an elected member” in each place where they appear (with the exception of paragraph 1(4) and, if adopted, paragraph 1(5)) substitute the words “a member of the States”;*

(c) *for the words “the elected member” in each place where they appear substitute the words “the member of the States”;*

(d) *for the words “elected members” in each place where they appear substitute the words “members of the States”.*

20 PAGE 108, SCHEDULE 2, PARAGRAPH 1 –

In sub-paragraph (1) after the word “person” insert the words “company, trust, professional association, union, political party or other organisation’.

21 PAGE 108, SCHEDULE 2, PARAGRAPH 1 –

After sub-paragraph (4) add the following sub-paragraph –

“(5) A member of the States who is not an elected member is not required to register remuneration which he or she receives in respect of the office by virtue of which he or she is a member of the States.”.

22 PAGE 109, SCHEDULE 2, PARAGRAPH 3 –

After sub-paragraph (2) add the following sub-paragraph –

“(3) For the purposes of this paragraph, a person owns shares if he or she owns them in his or her own name or if the shares are held, on his or her behalf, or for his or her benefit, by any other person.”.

23 PAGE 109, SCHEDULE 2, PARAGRAPH 4 –

Substitute the following paragraph –

“4 Financial and other support

- (1) An elected member must register the name and address of any person, company, trust, professional association, union, political party or other organisation who gives him or her money or any other benefit for the purpose of enabling the member to remain as, or carry out his or her duties as an elected member.
- (2) Paragraph (1) does not apply to any money or benefit given to an elected member pursuant to any enactment or to any remuneration that the elected member is not required to register.
- (3) When registering the name and address of the person or organisation giving the money or benefit, the member of the States must state the amount of any money given and the monetary value of any benefit given.”.

24 PAGE 109, SCHEDULE 2, PARAGRAPH 4 –

(If preceding amendment not adopted)

At the end of sub-paragraph (3) add the words “and state its monetary value”.

25 PAGE 109, SCHEDULE 2, NEW PARAGRAPH –

After paragraph 4 insert the following paragraph and renumber the remaining paragraphs accordingly–

“5 Trusts

- (1) An elected member must register the name and address of any trust of which he or she or his or her spouse or cohabitee, is a beneficiary.
- (2) When registering the name and address of the trust, the elected member must provide a brief description of any benefit received from the trust.
- (3) An elected member is not required to declare the name and address of any trust of which the member is a beneficiary of which the member is not aware.”.

26 PAGE 109, SCHEDULE 2, PARAGRAPH 5 –

At the end of sub-paragraph (2) add the words “and state its monetary value”.

27 PAGE 109, SCHEDULE 2, PARAGRAPH 6 –

Renumber as sub-paragraph (1) and add the following sub-paragraph –

- “(2) The elected member must also state the amount of the costs paid by the person or organisation.”.

28 PAGE 109, SCHEDULE 2, PARAGRAPH 7 –

For sub-paragraph (1) substitute the following subparagraphs and renumber the remaining paragraphs accordingly –

- “(1) An elected member must register a description of any land sufficient to identify it, which is wholly owned, or jointly owned with another person –
 - (a) by or on behalf of the elected member or his or her spouse or cohabitee; or
 - (b) by or on behalf of the elected member and his or her spouse or cohabitee jointly.
- (2) No declaration is required in respect of land so owned which is the principal place of residence of the elected member or of his or her spouse or cohabitee.”.

29 PAGE 109, SCHEDULE 2, PARAGRAPH 7 –

After sub-paragraph (2) add the following sub-paragraph –

- “(3) An elected member must register a brief description of any land sufficient to identify it, in which he or she, or his or her spouse or cohabitee, has any legal, prospective, usufructuary, equitable or beneficial interest which is not otherwise to be required to be registered under this paragraph, apart from any such interest in land which is the principal place of residence of the elected member or of his or her spouse or cohabitee.”.

30 PAGE 109, SCHEDULE 2, NEW PARAGRAPH –

After paragraph 7 insert the following paragraph and renumber the remaining paragraph accordingly–

“8 Organisations

An elected member must register the name and address of any organization of which he or she is a member, affiliate, subscriber, supporter or donor.”.

SENATOR S. SYVRET

REPORT

I refer to each amendment by its number and include a brief description of the purpose and objective of each.

- 1: Deletes the requirement that a question should not anticipate the subject of a debate. It seems perfectly reasonable that a member may want to ask questions concerning forthcoming debates.
- 2: Require oral questions to be submitted 2 working days before the meeting day. As presently framed, departments often only get notice of what can be complex questions, late on Friday afternoon. This can require staff to work over their days off in order to produce a satisfactory answer. Simply waiting until Monday, before work begins, can be to leave too little time. The effect of this amendment would be to give departments notice of the question no later than the Thursday evening.
- 3: As presently framed, sub-paragraph (b) places too narrow a restriction upon the material that can be included in a personal statement. This amendment has the effect of removing sub-paragraph (b).
- 4: As with amendment 3, this amendment removes similar artificial restrictions on the content of statements.
- 5: Removes wording from the introductory sentence which could be interpreted to qualify – in ways unspecified – who can or cannot bring proposals before the States. If such qualification is required, it should be specified when needed, rather than its inclusion here.
- 6: This amendment is extremely important if our objective is better government. As drafted, the standing order places what could be an onerous burden of research upon individual members, most of whom don't have research assistants at their disposal. It seems to me perfectly reasonable that if a member is required to supply certain detailed information with any proposal they submit, the relevant departments should be required to furnish the member with complete and accurate information needed to meet the requirements of sub-paragraphs (a) and (b).
- 7: The effect of amendment 7 would be to remove responsibility for approving propositions from the Bailiff and instead placing it with the Greffier.
- 8: This amendment is concerned with closure motions. As framed, the standing order places a requirement of 15 minutes notice upon any member who wishes to propose a closure motion. I do not believe this is sufficient notice. 30 minutes would make the process less open to abuse. The second part of this amendment would require a 2/3rds majority for a closure motion to succeed. The requirement in Guernsey is for a 2/3rds majority.
- 9: Removes a rather strange requirement that members may not comment upon a matter previously debated.
- 10: This amendment seeks to introduce a new procedure. As framed, the standing order allows a member to declare an interest which is not a direct financial interest, and then continue to participate in the debate. Sometimes the declaration of a general interest has proven controversial. This standing order, if adopted, would enable another member who felt the declaration made was, in fact, of sufficient importance, to propose that the member who made the declaration withdraw. The member whose withdrawal was sought would be permitted to speak twice, once after the initial proposal, and once before the summing-up.
- 11: This amendment would reverse the order in which Ministers and the chairman of Privileges and Procedures were selected. Chairing Privileges and Procedures is an important task, yet members who may be prospectively good candidates for the post, may not allow their names to go forward, because they may be seeking a ministerial post. The present order of appointment could lead to little or no contest for the post of chair of Privileges and Procedures.
- 12: Consequential upon amendment 11.
- 13: This amendment, in response to a ruling from the Bailiff, excludes the Lieutenant Governor from the

requirement to declare his interests (see amendment 14 below).

- 14: As presently framed, the requirement to declare an interest applies only to elected members of the States. Given the fact that un-elected members can play an important active part in debates, such as offering legal opinions or ruling on questions, it seems logical that the requirement to declare interests should be extended to the ex-officio members.
- 15: This amendment seeks to put in place a requirement that members must declare interests, no matter where they occur. It is entirely feasible that members could have interests in companies based elsewhere, which could have some involvement or stake in the outcome of States decisions.
- 16: This amendment is consequential upon a later amendment which if adopted, would require members to declare amounts received.
- 17, 18 and 19: These amendments are consequential upon amendment 14.
- 20: This amendment is included principally for clarity and ease of reference by both members and the public. Although the Interpretation (Jersey) Law 1954 makes reference to a 'person' also being a body or organisation, I felt that it should be spelt out unambiguously in these standing orders, that organisations were also included.
- 21: This amendment has the effect that the Bailiff, Dean, Attorney General and Solicitor General are not required to register the remuneration they receive by virtue of their office.
- 22: It is possible for individuals to have shares owned on their behalf by a variety of intermediaries. This amendment makes it clear that shares "owned" on the members behalf, must be declared.
- 23: When considering the draft standing orders it appeared to me that the term 'sponsorship' may not be sufficiently wide to cover all circumstances in which a member might be receiving payment from third parties because of their membership of the States. This standing order seeks to broaden the definition to financial and other support, received from a person or organisation. It also seeks to create a requirement that, in such circumstance, the amount received should be declared.
- 24: This amendment would fall if the preceding amendment to substitute paragraph 4 is not adopted. This amendment requires a member to declare the value of any sponsorship from third parties.
- 25: Presently, the schedule is silent on the matter of trusts. Members could be receiving very significant amounts of benefit from, or be having benefit accrue in their name by, trusts, which in turn may have a direct economic interest in States decisions. This standing order requires that members declare if they are the beneficiaries of trusts. Because of the nature of trusts, it is possible that a member may not be aware that he or she is a beneficiary. Paragraph (3) makes allowance for such cases.
- 26: Requires that members declare the value of gifts, hospitality or other benefits received from third parties.
- 27: This amendment would require a member to declare the value of any overseas visit paid for by third parties.
- 28: These amendments seek a more comprehensive requirement to declare interests in land or buildings and to a sufficient degree to enable the identification of such properties. It should be noted that the definition of 'land' in the Interpretation (Jersey) Law 1954 includes 'houses and other buildings'.
- 29: This amendment requires members to declare land which they may not own, but nevertheless, have a financial interest in. For example, a member might reasonably be expected to inherit very significant amounts of land, if owned by his or her parents or grandparents. Such a prospective interest should be declared.
- 30: This amendment would require members to register any organisation of which they were a member,

affiliate, subscriber, supporter or donor.

Financial and manpower statement

No additional financial or manpower requirements arise from these amendments.