

# STATES OF JERSEY



## **MACHINERY OF GOVERNMENT: VOTES OF NO CONFIDENCE IN INDIVIDUAL MINISTERS (P.6/2004) – COMMENTS**

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**Presented to the States on 30th March 2004  
by the Privileges and Procedures Committee**

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**STATES GREFFE**

## COMMENTS

The Report attached to P.6/2004 refers to the proposal in the Report of the Policy and Resources Committee attached to P.122/2001 which was approved by the States on 28th September 2001 when the core 'Clothier' reforms were first debated and approved by the States. The relevant paragraph (6.15) read as follows –

*“6.15 It is not proposed that the Chief Minister should be given specific powers of direction over other departments, as these would rest with the Council of Ministers, although of course the Chief Minister would have powers of direction over his/her own department. As with the ministers, it should be emphasised that the Chief Minister would remain subject at all times to the authority of the States. In this connection it is proposed that there should be a mechanism whereby a proposition could be brought to the States, with the support of a minimum number of States members, asking the Assembly to resolve that it has no confidence in the Chief Minister or any other minister.”.*

Senator Syvret is correct to point out that this decision was reversed when the States approved the proposition on the Structure of the Executive (P.191/2002), with amendments. The relevant paragraph of the Appendix of that proposition stated –

*“5.2 The States Assembly should not be able to debate a vote of confidence in an individual minister. The minister is a member of a team (the Council of Ministers) and it would be inappropriate to challenge one member of that team for matters that relate to the team as a whole. On that basis, therefore, the new States of Jersey Law should facilitate a proposition of no confidence in the Council of Ministers, but not individual ministers. There should be a requirement in Standing Orders that any such proposition should have the signatures of a given number of States members.”.*

In line with that decision, early drafts of the States of Jersey Law 200- permitted only a vote of no confidence in the Council of Ministers as a whole, and not in individual Ministers.

The policy was reviewed by the Policy and Resources Committee at its meeting of 20th November 2003 and then considered by a joint meeting of Policy and Resources Committee, Finance and Economics Committee and Privileges and Procedures Committee on 8th December 2003. The Committees agreed, at that meeting, that imposing a restriction on the powers of the States to debate any issue would be undemocratic. In addition it was recognised that the restriction would be somewhat meaningless as there are many other mechanisms (e.g. a vote of censure) that would be available to members to express displeasure in the performance of an individual Minister. Accordingly it was decided that the draft Law should be amended to permit a vote of no confidence in the Chief Minister or any other Minister alone, or in the Council of Ministers as a whole.

However it was recognized that there is no need for the draft Law to contain a provision permitting members to bring propositions for votes of no confidence in individual ministers. In the absence of a prohibition or restriction in the Law, members are at liberty to bring a proposition to the States upon any matter.

Accordingly, the revised draft Law which has now been circulated to members is silent on the matter of votes of no confidence, other than to say that the consequence of a vote of no confidence in the Council of Ministers as a whole, or in the Chief Minister alone, triggers the process for selection and appointment of a new Council of Ministers.

As a general principle, matters of States procedure are to be specified in Standing Orders rather than in the States of Jersey Law 200- itself, affording the States the ability to enact any changes to them without delay. Such matters will include the number of signatures required on a proposition for a vote of no confidence and the information that must accompany the proposition.

Senator Syvret's proposition will provide the opportunity to formally reverse the decision taken in relation to P.191/2002 and, as such, the Privileges and Procedures Committee supports the proposition as it is in line with its current thinking. In addition the Committee is willing to give an undertaking that it will not include any provision

preventing votes of no confidence in individual Ministers in the new States of Jersey Law 200- and Standing Orders.