

STATES OF JERSEY

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DRAFT AMENDMENT (No. 3) OF THE STANDING ORDERS OF THE STATES OF JERSEY

**Lodged au Greffe on 18th October 2005
by Deputy G.C.L. Baudains of St. Clement**

STATES GREFFE



Jersey

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REPORT

I was unaware that the 20 votes minimum requirement in the present Standing Orders had been dropped in P.162/2005 until the actual debate, and therefore bring this amendment because I was unable procedurally to do so at the time.

I do not recall a reason being given for the removal of this minimum requirement and am concerned that without it the rights of a minority could well be infringed.

With the present quorum of 24, a proposition that would effectively prevent debate on a subject could be carried by only 13 votes. That will rise to 14 when the quorum rises to 27.

In my view that is insufficient. Upon move to ministerial government that is especially true, as the Council of Ministers could, with the assistance of a few junior ministers, sabotage backbenchers propositions they did not agree with before meaningful debate had begun.

I believe that the safeguard vested in the presiding officer, whereby the proposition to move onto the next item must not appear to be an abuse of procedure or an infringement of the rights of a minority does not, in practise, work.

This was confirmed recently, when my proposition for a Committee of Inquiry was carried by a 2/3rds majority of the Assembly – but not before a proposition by Senator Norman to move onto the next item (after only about 3 speeches) had been carried by 18 votes to 16.

Had the 20 rule not been in existence, the debate would have stopped there and then.

In my view, the presiding officer's judgment as to what constitutes an abuse or infringement is insufficient protection, as the above example shows.

What my amendment seeks to do is merely reinstate the safeguard that was in existence previously but was removed under the revised Standing Orders recently adopted by the Assembly.

Financial and manpower implications

There are no financial or manpower implications for the States arising from this Amendment.



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Arrangement

- 1 Standing order 85 amended
- 2 Citation and commencement



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DRAFT AMENDMENT (No. 3) 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,^[1] have made the following amendment to Standing Orders^[2] –

1 Standing order 85 amended

After paragraph (3) of standing order 85 there shall be inserted the following paragraph–

“(3A) Notwithstanding Article 16(1) of the Law, the proposal is not adopted if less than 20 elected members vote in favour of it.”.

2 Citation and commencement

- (1) This Amendment may be cited as Amendment (No. 3) of the Standing Orders of the States of Jersey.
- (2) If standing order 85 is not in force on the day this Amendment is made, this Amendment shall come into force on the day that standing order 85 comes into force.
- (3) If this Amendment is made after standing order 85 comes into force, This Amendment shall come into force on the day it is made.

[1] L.8/2005.

[2] R&O.109/2005.