



## Standing Order 85 – Proposal to move to next item

### Overview

An overview of Standing Order 85, including a history of its uses and the amendments made to the Standing Order.



### Introduction

Any elected States Member (Member) can lodge a proposition for debate in the States Assembly, either from a position in Government or in their capacity as a backbencher. When the States Assembly debate propositions there is no time limit on the whole debate, but there is a 15-minute limit on how long individual Members can speak, excluding the proposer and main responder. Standing Order 85 – proposal to move to next item, allows a Member to propose a debate ceases and the States move to the next item on the order paper.

### What is Standing Order 85:

The Standing Orders of the States of Jersey describe Standing Order 85 as -

#### Standing Order 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.

In short, this Standing Order can be raised, before the proposer has risen to sum up, during a debate of a proposition by any Member, to move onto the next item on the order paper. If the



proposal to move on is adopted the debate ceases immediately, and the proposer is not given the right to reply to arguments already made in the debate.

If the proposed Standing Order is adopted, no vote is taken on the current matter being debated and the Assembly moves straight on to the next item listed in the Order Paper.

Standing Order 85 requires a minimum of 20 members to vote in favour. This provides a large enough majority of the Assembly to show a clear decision to move to the next item. When the Standing Orders ([P.162/2005](#)) were first lodged this requirement of 20 was not included. It was only in October of 2005 that an amendment was brought by Deputy Gerard Baudains in [P.245/2005](#) where this change was made. This amendment was carried with 33 votes Pour, and 17 Contre.

## Examples and uses of Standing Order 85 raised in the States Assembly

There have been 25 total mentions of Standing Order 85 in Hansard since 2005. Below are some examples of the use of Standing Order 85, including the first recorded use and the first time it was successful adopted.

The first use of Standing Order 85 recorded in Hansard is [27<sup>th</sup> March 2007](#). This was brought by Deputy Alan MacLean during the debate of **Senator S. Syvret: expression of disapproval for conduct (P.43/2007)**. The Baillif, however, deemed this to be in breach of part (2) of the standing order, specifically infringing the rights of a minority, and the matter was not carried forward. He had this to say on the matter –

*“Standing Order 85 provides that: “The Presiding Officer shall not allow 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.” I think it would be an infringement of the rights of the Deputy to bring the proposition if I were to allow a proposition to be moved at this stage of the debate. If Members do not wish to debate it then the matter can be drawn to a conclusion in another way.”*

The first time the Standing Order was carried to the appel was on [3rd July 2008](#) during the debate of **Waterfront Enterprise Board Limited: removal of States Directors and Chairman from office (P.98/2008)**. This was raised by Deputy Guy de Faye who claimed that –

*“In the light of what I have just heard it does strike me that the proposition before the House is fundamentally flawed. I really see no great merit in pursuing it... I think this proposition really is full of some very serious mistakes, Sir, and I would like to propose that we move on to other business.”*

Despite some objections from a couple of other members, the Baillif responded with –

*“Standing Order 85(1) says that a Member may propose without notice during a debate that the States move to a consideration of the next item on the order paper. Paragraph 2 says 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. It does not appear to me that either of those considerations applies here, therefore, the proposition of Deputy de Faye is in order.”*



Regardless of the Bailiff's ruling that the proposal under Standing Order 85 was in order, the Assembly voted strongly against moving to the next item with 7 votes pour and 31 contre.

The first time that Standing Order 85 was adopted by the assembly was on the [12th of July 2011](#) during the debate of **Uplifts in Land Values: Land Development Tax or Equivalent Mechanism(s) (P.90/2011)**. This was put forward by Deputy Phillip Ozouf as he believed the Assembly should “not be wasting time on such matters.” When this was raised the Deputy Bailiff brought attention to some lesser-known points of Standing Order 85, in particular the number of Members who should be allowed to speak before the Presiding Officer would allow the Standing Order to be raised. On this he said –

*“The issue for me is whether or not I think it would be an infringement of the rights of a minority if I allowed this proposition. I am conscious that usually the position is that some 9 or 10 Members ought to speak before the Chair allows the proposition”*

Despite this, the Deputy Bailiff allowed the proposition to be carried forward as the initial proposer, the Deputy of St Mary, made it clear their view that the proposition is “not capable of being achieved.” Following a request from Deputy Tadier, the Deputy Bailiff informed members there was only 1 person wanting to speak. Therefore, the proposition under Standing Order 85 was carried to the vote.

The proposition was adopted with 29 votes pour and 10 contre.

In the case of the Assembly adopting a proposition to move to the next item under Standing Order 85, it does not automatically mean that the proposition is withdrawn. Unless they choose to withdraw it, the proposer may bring the item back for debate in a later sitting under Standing Order 86, specifically under part (c) of the Standing Order. This section states that a proposition may be brought back for debate if there has been a “decision by the States to move to the next item.” The Assembly can therefore start the debate again on the same item at a subsequent meeting.