
STATES OF JERSEY



POLICY GUIDANCE IN RESPECT OF THE LODGING AND PRESENTATION PROCESSES

Presented to the States on 8th January 2021
by the Privileges and Procedures Committee

STATES GREFFE

REPORT

The Privileges and Procedures Committee has agreed that, for ease of future reference, the policy guidance in respect of the lodging and presentation processes should be presented to the States. The guidance was initially provided to States members as an appendix to [Draft Amendment \(No. 42\) of the Standing Orders of the States of Jersey \(P.73/2019\)](#). That Amendment allowed for 'same-day' lodging and presentation to occur and was adopted by the States Assembly on 10th September 2019. The current guidance presented below has not been altered since that time.

Policy Guidance in respect of the Lodging and Presentation Processes

1. This guidance is intended to assist members and departments with understanding the lodging and presentation processes and to clarify expectations of when lodging or presentation may occur.
2. The guidance has been issued by the Privileges and Procedures Committee and will be kept under review by the Committee. The guidance does not supplant or override the provisions of Standing Orders in any way. But it takes into account those provisions, as well as administrative requirements, in order to explain how propositions are lodged and other documents are presented.
3. The States Greffe is responsible for administering the lodging and presentation processes. The Committee encourages members and departments to engage with the States Greffe if they have any questions in relation to these processes. The Greffe is available to help with the wording of propositions as they are being drafted; members and departments should therefore not hesitate to contact the Greffe, even before there is any formal requirement for a proposition to be submitted.

Terminology

4. This guidance refers to the ‘lodging’ and ‘presentation’ of documents. Lodging is the process by which propositions are put before the States for debate (in that they are ‘lodged au Greffe’). Only propositions (including amendments) are lodged. All other documents which are put before the Assembly (e.g. reports, Scrutiny reports, comments) are said to be presented. Both lodging and presentation see a document entered on to the registers of the Assembly and made publicly available.

The Lodging Process

5. Standing Orders 18 to 27 relate to the lodging of propositions. Of particular relevance are Standing Order 21 (which sets out how a proposition is lodged) and Standing Order 25 (which sets out the day on which a proposition is taken to be lodged). Essentially, the following must occur for a proposition to be lodged:
 - a. The draft proposition must be given by the member concerned to the States Greffe. For some propositions, this may be authorised via the Ministerial Decision process or by a minuted decision (e.g. of the Council of Ministers).
 - b. A report should be provided to accompany the draft proposition.
 - c. The States Greffe reviews the draft proposition (and accompanying report) and checks it against the requirements of Standing Orders (for example, to confirm that the accompanying report includes a statement of financial and manpower implications). If necessary at this stage, the Greffe will advise the member concerned on the wording of the proposition.
 - d. The States Greffe submits the draft proposition to the Bailiff.
 - e. The Bailiff, having considered the lawfulness and constitutionality of the proposition and whether it is in order, approves it without alteration; approves it with alteration (subject to the consent of the member concerned); or rules it out of order.

- f. If approved, the proposition is formatted for publication and lodging; and the States Greffe distributes the proposition to members. If no instruction to the contrary has been given to the Greffe, distribution is done as soon as possible and lodging occurs on the day of distribution. Members may, however, ask for the proposition to be lodged on a later date and request that it be distributed to members ahead of that date. This is to allow for propositions to be circulated under embargo, when necessary. In this instance, the States Greffe distributes the proposition on the date requested with the proposition subsequently lodged on the specified date.
 - g. On the day the proposition is lodged, a copy is made available on the States Assembly's website. The lodging period starts on that day.
6. A number of steps therefore need to be completed once the States Greffe has received a draft proposition before it is formally 'lodged au Greffe'. How long it takes to complete each step can vary depending on the circumstances, including the length and complexity of the proposition and / or accompanying report and the volume of business (i.e. whether other propositions have also been submitted on the same day). The process is also adversely affected if material is missing when the draft proposition is submitted (including from the accompanying report and / or other attachments).

The Presentation Process

7. Standing Orders 35 to 37A govern the presentation of documents to the States; and Standing Order 37 in particular sets out how a document is presented and the day on which it is taken to be presented. Essentially, the following must occur for a document to be presented:
- a. A document which is to be presented to the States must be given to the States Greffe.
 - b. The document is formatted for publication and presentation; and the States Greffe distributes the document to members. If no instruction to the contrary has been given, distribution is done as soon as possible and presentation occurs on the day of distribution. However, a later date may be specified for presentation to allow for documents to be circulated under embargo, when necessary. In this instance, the Greffe distributes the document on the date requested and the document is subsequently presented on the specified date.
 - c. On the day that presentation occurs, a copy of the document is made available on the States Assembly's website.
8. The presentation process is less involved than the lodging process: there are fewer steps and the Bailiff's approval is not required. Again, however, the length of time required for a document to be presented can vary, depending on the length and complexity of the document; the volume of business; and (in particular) whether any formatting of the report is required by the States Greffe.

Conclusion

9. The States Greffe will assume that distribution and lodging (or presentation) should take place as soon as possible and on the same day, unless otherwise instructed. Members or departments must therefore be clear in their instructions to the Greffe

about when distribution should occur and when lodging / presentation should take place. Active and open communication with the Greffe is encouraged to ensure clarity about what is planned and what the priorities of the member or department concerned may be for lodging and presentation.

10. The Greffe administers these processes as efficiently as possible. In light of the variables described in this guidance, however, it is not possible to provide firm guarantees about timescales. Nevertheless, the Greffe undertakes to work to the following –

If a draft proposition (or document for presentation) is received by 12.00 p.m. and is accompanied by all the supporting material that is required, the proposition / document can be processed for distribution and lodging / presentation that same day – provided that, for a proposition, the proposition has been approved by the Bailiff. Any proposition or document received after that time will be dealt with expeditiously but no guarantee can be given that it will be ready to be lodged or presented on the same day.

11. This timescale is not a deadline, but a guide to assist members and departments. The States Greffe will not refuse to process a document simply because it is received after 12.00 p.m. Similarly, on occasion there may be extenuating circumstances that mean a document received by 12.00 p.m. cannot be processed for lodging or presentation that day, if requested.