

PRIVILEGES AND PROCEDURES COMMITTEE

(59th Meeting)

1st August 2005PART A

(meeting conducted by telephone)

All members were present, with the exception of Deputy J-A. Bridge and Deputy J.A. Bernstein, from whom apologies had been received.

Deputy R.G. Le Hérissier
 Senator P.V.F. Le Claire
 Connétable D.F. Gray
 Deputy P.N. Troy
 Deputy C.J. Scott Warren

In attendance -

M.N. de la Haye, Greffier of the States
 I. Clarkson, Committee Clerk

Note: The Minutes of this meeting comprise Part A only.

Standing Orders
 of the States of
 Jersey: revision.
 1240/4(171)

A1. The Committee, with reference to its Act No. A1 of 21st July 2005, recalled that it had approved certain amendments to the draft new Standing Orders of the States of Jersey, and rejected certain other proposals for amendments.

Clerk
 G.O.S.
 L.D.
 Pub.Ed.
 States (2)

The Committee received a revised draft of the proposed new Standing Orders of the States of Jersey, together with an associated memorandum from the Greffier of the States.

The Committee was advised that the Deputy Bailiff had reviewed the proposed draft and had concluded that it would be out of order to lodge a version of Standing Orders containing provisions that were contrary to the current provisions of Article 51 that was inserted in the law following the adoption of an amendment of Senator Syvret.

Having reflected on the advice given, the Committee agreed to remove all provisions in the draft Standing Orders of the States of Jersey relating to the exclusion of members from the Assembly, including provisions on suspension of members (previously Standing Orders 112 to 114), as well as all provisions relating to the Code of Conduct (previously Standing Orders 157 to 161 and Schedule 3). It further agreed, in the event that the Assembly elected to repeal Article 51 of the States of Jersey Law 2005, as was proposed in Projet No. P. 98/2005, to lodge 'au Greffe' a proposition to re-insert the necessary provisions.

The Committee turned its attention to an issue raised by Deputy M.F. Dubras in connexion with the proposed Standing Order No. 79, entitled 'Suspension of debate for the purposes of scrutiny'. Deputy Dubras was of the view that Standing Order No. 79 should be restricted so that only the Chairman of a panel could make the

proposition.

The Committee expressed the view that such an amendment would weaken the ability of Scrutiny to respond to emerging developments on occasions when the Chairman was not present in the Assembly. It further considered that a proposition made by a member of a Panel that was not supported in the debate by the Chairman would be unlikely to succeed.

Members were advised that the Chairmen's Committee had also reviewed the proposed draft Standing Orders and had formed the view that two changes in particular should be made. First, it was suggested that the draft Standing Order No. 124(1) should be amended so as to remove the restriction on the maximum number of members permitted to serve on an individual Scrutiny Panel. It was argued that more complex and wide ranging topics might be managed more appropriately by a Panel consisting of more than 5 members. Second, it was suggested that Standing Order No. 134(3) be amended so as to permit an elected member to serve on up to two scrutiny panels and to be a Chairman of only one Panel.

Although the Committee conceded that removing the upper limit on the size of individual Panels would allow for greater flexibility, it expressed some concern that a larger Panel might become relatively unwieldy and would be in danger of consuming resources allocated to other reviews. With regard to the draft Standing Order No. 134 (3), the Committee considered that the issue was more finely balanced. On the one hand it was clear that Shadow Scrutiny had suffered both from a shortage of volunteers and a difficulty in retaining members. There was a concern that the situation might continue after the transition to ministerial government. On the other, there was a degree of concern that allowing members to serve on more than one Panel might reduce the opportunities for members to contribute to the Scrutiny process.

Having reflected on the issues raised by Deputy M.F. Dubras and the Chairmen's Committee, the Committee elected to maintain the status quo in respect of Standing Orders Nos. 79, 124(1) and 134(3). Accordingly it agreed to lodge 'au Greffe' the draft Standing Orders of the States of Jersey, as amended following receipt of the comments of the Deputy Bailiff, on 9th August 2005.

The Greffier of the States was requested to take the necessary action.