

STATES OF JERSEY



Jersey

DRAFT AMENDMENT (No. 51) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Lodged au Greffe on 4th December 2020
by Deputy S.M. Wickenden of St. Helier

STATES GREFFE

REPORT

Introduction

I am bringing this amendment to the [Standing Orders of the States of Jersey](#) to improve the strength and independence of our system of scrutiny and to improve public confidence in this system. My objectives in lodging this proposition are solely to enhance our procedures to make them stronger, involving clear structures of accountability, and to ensure a better public perception of those procedures.

Currently within our Standing Orders it is possible for a political party to have one of their members be a Minister and another to be the Chair of the Scrutiny Panel that reviews the said Minister's policies.

I believe that this weakens the public perception of Scrutiny as the independent critical friend of Government and undermines trust that Government Ministers are being held sufficiently to account and that their decisions are being and appropriately and properly challenged.

In this amendment I am asking that we change the Standing Orders specific to Scrutiny Panels and the Public Accounts Committee so that any member would not be able to be the Chair of a Scrutiny Panel if they are simultaneously in the same political party as any of the Ministers that the Panel scrutinises under Standing Order 120(1A) to (1E) and that a member cannot be the Chair of the Public Accounts Committee if any Minister is in the same political party as that member.

Scrutiny Chairs

I have specified this amendment to just Scrutiny Chairs and not all scrutiny members.

Chairs of Scrutiny Panels, unlike Panel members, have the ability to call in draft legislation for scrutiny that are lodged by the Ministers they hold to account. Additionally, they are able to set the tone of reviews as the author of the foreword and are publicly seen as the face of their respective Panel.

This is why I am not asking to change the position that political party members can still be Panel members; this proposition only prohibits them from being the Chair of a Panel that directly scrutinises any Minister of the same political party.

Furthermore, it does not prevent members of a political party from chairing a Scrutiny Panel during the same term as a party colleague serves as a Minister – provided that the relevant Minister is not scrutinised by a Panel chaired by a party colleague.

Select Committees

Some may try to argue that the Chairs of select committees are held by the same rules as the Chairs of our Scrutiny Panels. A member of the Conservative Party can be the Chair of a Parliamentary Select Committee even though they are in power.

This is because the UK select committees do not scrutinise Ministers, that is what shadow ministers are for; select committees scrutinise subjects.

Furthermore, the House of Commons' party-based system renders all parties as either part of the Government (via a majority, coalition or confidence and supply) or in opposition. Select committees therefore do not have the opportunity to elect truly independent chairs.

This has increasingly caused difficulties within the UK system and prompted calls for reform. To give one example from the last 12 months, a recent report into alleged Russian interference in the 2016 Brexit referendum by the Intelligence and Security Committee was delayed by the Government until after the 2019 election. Following the election, and a further delay, the Government attempted to install former Transport Secretary Chris Grayling M.P. as Chair. The politicisation of the Committee's work has seriously undermined public confidence in the scrutiny of the Government, particularly regarding its intelligence agencies.

We are not the House of Commons and our machinery of government and political checks and balances are very different, as they have a cabinet, select committees and Shadow Ministers and we have Government and Scrutiny.

Financial and manpower implications

There are no financial or manpower implications arising from the adoption of this Amendment to Standing Orders.

EXPLANATORY NOTE

This amendment to standing orders, if passed, would prevent a member of the same political party as a Minister from being appointed as chair of PAC (Amendment 2). The chair ceases to hold office if the chair becomes a member of the same political party as a Minister or a Minister is appointed who is a member of the same political party as the chair (Amendment 3).

The amendment would also prevent appointment as chair of a scrutiny panel a member of the same political party as a Minister precluded from nominating any such chair (Amendment 4). The chair ceases to hold office if the chair becomes a member of the same political party as a Minister precluded from nominating any such chair or if such a Minister is appointed who is a member of the same political party as the chair (Amendment 5).



Jersey

DRAFT AMENDMENT (No. 51) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Contents

Amendment

1	Standing Order 1 amended	9
2	Standing Order 131 amended	9
3	Standing Order 133 amended	9
4	Standing Order 135 amended	10
5	Standing Order 137 amended	10
6	Citation and commencement.....	10

ENDNOTES **11**

Table of Endnote References.....	11
----------------------------------	----



Jersey

DRAFT AMENDMENT (No. 51) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES make the following Amendment to the Standing Orders of the States of Jersey¹ under Article 48 of the States of Jersey Law 2005² –

1 Standing Order 1 amended

In standing order 1(1), after the definition “Planning Committee” there is inserted –

“ “political party” means a political party registered under the Political Parties (Registration) (Jersey) Law 2008³.”.

2 Standing Order 131 amended

In standing order 131(1)(a), after “who is not a Minister or Assistant Minister” there is inserted “and who is not a member of the same political party as any Minister”.

3 Standing Order 133 amended

(1) In standing order 133(6) –

(a) in sub-paragraph (b) “or” is deleted;

(b) after sub-paragraph (c) there is inserted –

“(d) his or her becoming a member of the same political party as any Minister;

(e) the appointment of a Minister who is a member of the same political party as the chair.”.

(2) After standing order 133(6) there is inserted –

“(6A) The chair of the PAC ceases to hold office if, at the time this paragraph comes into force, he or she is a member of the same political party as any Minister.”.

4 Standing Order 135 amended

In standing order 135(2)(a), after “who is not a Minister or Assistant Minister” there is inserted “and who is not a member of the same political party as any Minister precluded by standing order 120(1A), (1B), (1C), (1D) or (1E) from nominating the chair”.

5 Standing Order 137 amended

- (1) In standing order 137(5) –
 - (a) in sub-paragraph (b) “or” is deleted;
 - (b) after sub-paragraph (c), there is inserted –
 - “(d) his or her becoming a member of the same political party as any Minister precluded by standing order 120(1A), (1B), (1C), (1D) or (1E) from nominating the chair;
 - (e) the appointment of a Minister precluded by standing order 120(1A), (1B), (1C), (1D) or (1E) from nominating the chair who belongs to the same political party as the chair.”.
- (2) After standing order 137(5) there is inserted –
 - “(6A) The chair of a scrutiny panel ceases to hold office if, at the time this paragraph comes into force, he or she is a member of the same political party as any Minister precluded by standing order 120(1A), (1B), (1C), (1D) or (1E) from nominating the chair.”.

6 Citation and commencement

This Amendment may be cited as Amendment (No. 51) of the Standing Orders of the States of Jersey and comes into force on the day after it is made.

ENDNOTES

Table of Endnote References

<u>1</u>	<i>chapter 16.800.15</i>
<u>2</u>	<i>chapter 16.800</i>
<u>3</u>	<i>chapter 16.555</i>