

STATES OF JERSEY



MOVE TO NEXT ITEM: REPEAL OF STANDING ORDER 85 (P.187/2009) – COMMENTS

**Presented to the States on 1st December 2009
by the Privileges and Procedures Committee**

STATES GREFFE

COMMENTS

Standing Order 85 relates to a proposal to move to the next item and has been increasingly rarely used. However, its principal use is where members feel uneasy either to vote for a proposition or to vote against it.

An example from recent years might be a proposition brought by Deputy P.V.F. Le Claire relating to the François Scornet memorial (P.116/2001). In this particular case, members were generally in favour of providing a memorial, however they were unable to identify where the money might come from, and they found themselves in a difficulty in that they could neither vote for the proposition, nor did they wish to vote against it.

The adoption of Standing Order 85 allows proceedings to continue without the need for a vote on the proposition, so that any matters arising can be dealt with, and the proposition can be brought back to the States for debate at a later date.

When a reference back is proposed under Standing Order 83, there must be a need for further information to be provided or for an ambiguity or inconsistency to be resolved. In contrast, a proposition under Standing Order 85 does not require a need for further information, but can be permitted without the need to specify a reason.

There is a safeguard within Standing Order 85 that not less than 20 members must vote in favour of a move to the next item before it can be adopted. This is quite a high test, particularly as, for much of the time there may be significantly fewer than 53 members in the Assembly. As with a proposal for a reference back, if the States adopt a proposal to move to the next item under Standing Order 85, the proposer does not need to withdraw the proposition, but can ask that it be debated, without re-lodging, at a future Sitting, when it may be moved afresh in accordance with Standing Order 86.

In conclusion, the Committee sees a valid use for Standing Order 85 and considers that to repeal it would limit the options available to members.