

STATES OF JERSEY



DRAFT AMENDMENT (No. 34) OF THE STANDING ORDERS OF THE STATES OF JERSEY

**Lodged au Greffe on 6th December 2017
by the Privileges and Procedures Committee**

STATES GREFFE



Jersey

DRAFT AMENDMENT (No. 34) OF THE STANDING ORDERS OF THE STATES OF JERSEY

REPORT

1. These amendments to Standing Orders have been drafted to enact the States Assembly's approval of paragraph (b) of 'States Assembly: selection and appointment of Ministers, Committees and Panels – return to secret ballots' ([P.73/2017](#)), lodged by Deputy R. Labey of St. Helier. In adopting paragraph (b), the Assembly agreed that "*the Minister(s) subject to review by a corresponding Scrutiny Panel should be excluded from voting for the Chair of that particular Panel;*".
2. As we noted in our comments to the Deputy's proposition, this was a matter on which the Privileges and Procedures Committee had already undertaken some work, following a recommendation from the Standing Orders and Internal Procedures Sub-Committee.
3. The Committee proposes an amendment to Standing Order 120 that would prevent the relevant Ministers from either nominating, or voting upon, candidates for the corresponding Scrutiny Panel Chairman. Although Deputy Labey's proposition only referred to excluding Ministers from the vote, it appears consistent to the Committee that this exclusion extend to the nomination of candidates. This would then prevent a scenario where only one member was nominated for the position of Chairman, and the Member making the nomination was, in fact, the Minister. Such a scenario would seem to run counter to the intentions underpinning Deputy Labey's proposition. The relevant Ministers would not be prevented from taking part in the 20-minute question period for candidates, however.
4. The amendment to Standing Order 120 would list the relevant Ministers in respect of each corresponding Scrutiny Panel as follows –

Corporate Services	Chief Minister Minister for Treasury and Resources Minister for External Relations
Economic Affairs	Chief Minister Minister for Economic Development, Tourism, Sport and Culture
Education and Home Affairs	Minister for Education Minister for Home Affairs

Environment, Housing and Infrastructure	Minister for the Environment Minister for Housing Minister for Infrastructure
Health and Social Security	Minister for Health and Social Services Minister for Social Security

5. For each Panel, the Ministers listed are those which provide the primary focus of the Panel and who appear at the Panel's quarterly public hearings. The Chief Minister is listed twice as responsibility for financial services, innovation, competition, and the digital industry was transferred to the Chief Minister from the Minister for Economic Development in January 2016; however, it was agreed at that time that the Economic Affairs Scrutiny Panel would retain responsibility for scrutinising those areas.
6. Despite the explicit link that Standing Order 120 would make between each Scrutiny Panel and corresponding Ministers, the Committee does not think that this amendment should be taken as justification for Ministers not to appear before a Scrutiny Panel, or to provide that Panel with information, simply because it is not 'their' Panel. Ministers should still be prepared to appear before other Scrutiny Panels if the circumstances of a particular review make it desirable that they do so.
7. Amendments to Standing Order 135 are also proposed to bring the description of the Scrutiny Panels' responsibilities up to date. These amendments would ensure the following –
 - 'Treasury and Resources' would be explicitly included within the remit of the Corporate Services Scrutiny Panel.
 - It would be made explicit that the remit of the Economic Affairs Scrutiny Panel includes the areas of financial services, innovation, competition, the digital industry and tourism.
 - Responsibility for scrutinising 'sport and culture' would be shifted from the Education and Home Affairs Scrutiny Panel to the Economic Affairs Scrutiny Panel (to reflect the corresponding change in Ministerial responsibilities).

Financial and manpower implications

8. There are no financial or manpower implications for the States arising from the adoption of these amendments to Standing Orders.

Explanatory Note

These Amendments of the Standing Orders of the States of Jersey make provision for the nomination of chairmen to scrutiny panels and amend the descriptions of the topics assigned to the panels.

Amendment 1 is an interpretation provision.

Amendment 2 amends standing order 120 to preclude Ministers from nominating a member for the office of the chairman of a scrutiny panel that reviews topics for which the Minister has ministerial responsibility; and precludes that Minister from voting for a candidate for that scrutiny panel.

Amendment 3 amends standing order 135 to update the descriptions and roles of the various scrutiny panels established under that standing order, following the changes in Ministerial responsibilities effected by the States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015 (R&O.158/2015).

Amendment 4 gives the title of these Amendments and provides for them to come into force on the day after the day on which they are made.



Jersey

DRAFT AMENDMENT (No. 34) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 48 of the States of Jersey Law 2005¹, have made the following Amendments to the Standing Orders of the States of Jersey².

1 Interpretation

In these Amendments, a reference to a standing order by number is a reference to the standing order of that number in the Standing Orders of the States of Jersey³.

2 Standing order 120 amended

(1) In standing order 120 –

(a) after paragraph (1) there shall be inserted the following paragraphs –

“(1A) A nomination for the office of the chairman of the scrutiny panel which is assigned the topics of corporate services, corporate policies, treasury and resources and external relations shall not be made by the Chief Minister, the Minister for External Relations or the Minister for Treasury and Resources.

(1B) A nomination for the office of the chairman of the scrutiny panel which is assigned the topics of economic development (including financial services, innovation, competition, and the digital industry), tourism, sport and culture shall not be made by the Chief Minister or the Minister for Economic Development, Tourism, Sport and Culture.

(1C) A nomination for the office of the chairman of the scrutiny panel which is assigned the topics of education and home affairs shall not be made by the Minister for Education or the Minister for Home Affairs.

(1D) A nomination for the office of the chairman of the scrutiny panel which is assigned the topics of environment, housing and infrastructure shall not be made by the Minister for the Environment, the Minister for Housing or the Minister for Infrastructure.

(1E) A nomination for the office of the chairman of the scrutiny panel which is assigned the topics of health, social services and social security shall not be made by the Minister for Health and Social Services or the Minister for Social Security.”;

(b) after paragraph (6) there shall be inserted the following paragraph –

“(6A) A Minister shall not be entitled to vote for a candidate who under paragraph (1A), (1B), (1C), (1D) or (1E) the Minister is precluded from nominating.”.

3 Standing order 135 amended

For standing order 135(1) there shall be substituted the following paragraph –

“(1) There shall be –

- (a) a scrutiny panel which is assigned the topics of corporate services, corporate policies, treasury and resources and external relations;
- (b) a scrutiny panel which is assigned the topics of economic development (including financial services, innovation, competition, and the digital industry), tourism, sport and culture;
- (c) a scrutiny panel which is assigned the topics of education and home affairs;
- (d) a scrutiny panel which is assigned the topics of environment, housing and infrastructure;
- (e) a scrutiny panel which is assigned the topics of health, social services and social security.”.

4 Citation and commencement

These Amendments may be cited as Amendment (No. 34) of the Standing Orders of the States of Jersey and shall come into force on the day after the day on which they are made.

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- ¹ *chapter 16.800*
² *chapter 16.800.15*
³ *chapter 16.800.15*