

**WRITTEN QUESTION TO THE CHAIR OF THE PRIVILEGES AND PROCEDURES  
COMMITTEE BY DEPUTY M.R. SCOTT OF ST. BRELADE  
QUESTION SUBMITTED ON MONDAY 28th OCTOBER 2024  
ANSWER TO BE TABLED ON MONDAY 4th NOVEMBER 2024**

**Question**

“Will the Chair advise what actions, if any, the Privileges and Procedures Committee are taking to introduce a recall mechanism, and whether it intends to bring any legislative updates to introduce such a mechanism before the end of this States Assembly in 2026; if no actions are planned, will the Chair advise why not?”

**Answer**

It is unclear whether the Deputy is referring to the facility to ‘recall’ the Assembly when it is in recess or the mechanism by which an MP can lose their seat and a by-election is triggered following a successful recall petition. The Committee has not considered either matter in depth as yet.

In relation to ‘recalling’ the Assembly, there is already provision under Standing Order 5 for an additional meeting of the Assembly to be convened outside of the agreed annual schedule.

Recall legislation in the UK provides a process by which a recall petition can be opened in the constituency of an MP providing one of these three conditions are met:

- An MP is convicted in the United Kingdom of an offence and receives a custodial sentence that is not overturned on an appeal brought within the usual time limit for appeals.
- Following on from a report from its Committee on Standards, the House of Commons orders the suspension of an MP from the service of the House for a period of at least 10 sitting days, or, if the period is not expressed as a specified number of sitting days, for a period of at least 14 days.
- An MP is convicted under section 10 of the Parliamentary Standards Act 2009 (offence of providing false or misleading information for allowances claims), regardless of the sentence imposed.

There already exist provisions across the States of Jersey Law 2005 (Articles 8 and 9) and Connétables (Jersey) Law 2008 (Articles 4A and 4C) which stipulate when a person ceases to be eligible to hold office, which would lead to a by-election. It could be argued that these provisions are more effective than the UK legislation as in that system an MP who loses his or her seat is not prevented from standing as a candidate in the subsequent by-election, whereas in Jersey that person would be disqualified from standing again.

Our current Standing Orders provide for those breaching the Code of Conduct to be censured or suspended. The Privileges and Procedures Committee is due to consider the responses received as part of its review of the Code of Conduct at a forthcoming meeting. Members will be aware that, owing to a poor response rate, the consultation process was extended until 14th October 2024. If any of the respondents to the Code of Conduct Review have proposed the introduction of a recall mechanism, then this will be considered by the Committee and changes to the Code and consequential amendments to any other relevant legislation will be brought forward for debate by the Assembly well before the end of this term of office.