

PRIVILEGES AND PROCEDURES COMMITTEE

(65th Meeting)

6th October 2005PART A

(Business conducted by telephone)

All members were present with the exception of Deputy P.N. Troy, Deputy C.J. Scott Warren and Deputy J.A. Bernstein.

Deputy R.G. Le Hérisssier  
 Senator P.V.F. Le Claire  
 Connétable D.F. Gray  
 Deputy J-A. Bridge

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: Draft  
 Amendment (No.  
 1).  
 450/2(1)

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

A1. The Committee, with reference to its Acts Nos. A1 of 1st August 2005, recalled that it had become necessary to remove from the new Draft Standing Orders of the States of Jersey (P.162/2005 refers ) all Code of Conduct provisions and those measures relating to the exclusion or suspension of members until such time as the States had considered whether to repeal Article 51 of the States of Jersey Law 2005. In the intervening period the Committee had presented to the States a report outlining its proposals for the management of complaints against members under the Code of Conduct, and the management of issues relating to members' conduct in the Assembly itself if Article 51 of the States of Jersey Law 2005 was repealed (R.C. 68/2005 refers). On 14th September 2005 the States had elected to repeal Article 51, leaving the way clear for the Committee to reintroduce the necessary provisions.

The Committee considered the draft Amendment (No.1) of the Standing Orders of the States of Jersey. It noted that the amendment would give effect to the Committee's proposals as outlined in R.C. 68/2005 and also that it would revise the way in which the President of the Chairmen's Committee was chosen. The latter amendment had been added provisionally following receipt of comments made by the present Chairman of the Shadow Chairman's Committee.

**The Committee approved the Draft Amendment (No. 1) of the Standing Orders of the States of Jersey and agreed that it should be lodged 'au Greffe' on 11th October 2005 with a view to securing a date for debate of 1st November 2005. In the intervening period the Greffier of the States was requested to prepare an accompanying report for approval by way of telephone meeting.**

On a related matter, the Committee acknowledged that a number of relevant comments and observations concerning the new Standing Orders of the States of Jersey had been made by members during the course of the debate on P.162/2005. The Committee resolved to consider the feedback received in early course with a view to bringing forward any further refinements to the Standing Orders that might be necessary.

Draft States of Jersey (Modification and Transitional Provisions) (Jersey) Regulations 200-. 450/6(1)

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

A2. The Committee recalled that Article 49 of the States of Jersey Law 2005 allowed the States to make Regulations to cover the transition between the existing Committee system and the future ministerial system.

The Committee considered the draft States of Jersey (Modification and Transitional Provisions) (Jersey) Regulations 200-. It was explained that the purpose of the Regulations was to provide for a seamless transition between the two systems and to ensure that an identifiable government remained in place at all times during the changeover. Particular matters addressed included clarification of the exact moment at which the Chief Minister designate would take office and transitional arrangements for propositions lodged, but not debated, prior to the commencement of ministerial government.

**The Committee approved the Draft States of Jersey (Modification and Transitional Provisions) (Jersey) Regulations 200-. It agreed that they should be lodged 'au Greffe' at the earliest available opportunity and with a view to securing a debate on 1st November 2005.**

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

Draft States of Jersey (Appointed Day) (No.2) Act 200-. 450(1)

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

A3. The Committee recalled that on 28th June 2005 it had lodged 'au Greffe' the Draft States of Jersey (Appointed Day) (No.1) Act 200-, the purpose of which was to bring into force Article 6 of the States of Jersey Law 2005 only, so as to enable the Senators and Deputies elections to be ordered and held. Although the Act had subsequently been approved on 19th July 2005, consideration of the implications arising from the adoption of the former Article 51 of that Law, and a subsequent decision by the States to repeal that Article, had meant that there had been a delay in progressing an appointed day act for the remaining Articles of the Law.

The Committee considered the draft States of Jersey (Appointed Day) (No.2) Act 200-, the purpose of which was to bring into force the remaining parts of the States of Jersey Law 2005 with the exception of Article 51, which had been repealed by the States on 14th September 2005.

The Committee was advised that the draft Act should be read alongside the draft States of Jersey (Modification and Transitional Provisions) (Jersey) Regulations 200- which provided that the Chief Minister and Ministers selected by the States would take office at midnight after their appointment. It was clarified that adoption of the draft Act would cause the repeal of the States of Jersey Law 1966 and the Public Finances (Administration) (Jersey) Law 1967. In turn, the Public Finances (Jersey) Law 2005 and the Employment of States of Jersey Employees (Jersey) Law 200- would come into effect. Numerous changes to other pieces of legislation that had been approved by the States as a result of the switch from the Committee system to the ministerial system would also become effective.

**The Committee approved the Draft States of Jersey (Appointed Day) (No.2) Act 200-. It agreed that the Act should be lodged 'au Greffe' at the earliest available opportunity and with a view to securing a debate on 1st November 2005.**

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