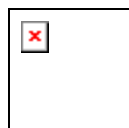


REFERENDUMS: CREATION OF A LEGISLATIVE FRAMEWORK

**Lodged au Greffe on 7th November 2000
by Deputy P.N. Troy of St. Brelade**



STATES OF JERSEY

STATES GREFFE

180

2000

P.188

Price code: A

PROPOSITION

THE STATES are asked to decide whether they are of opinion -

to refer to their Act dated 21st October 1997 in which they agreed, in principle, to the holding of referendums, and -

- (a) to charge the Legislation Committee to bring forward for approval legislation to establish an appropriate legal framework under which referendums could be held in the Island; and
- (b) to agree that the drafting of this legislation be added to the legislation programme for 2002.

DEPUTY P.N. TROY OF ST. BRELADE

REPORT

On 21st October 1997 the States debated P.131/97, lodged by Senator Stuart Syvret on 9th September 1997. The States agreed to adopt Part 1 of the proposition, which was lodged as follows -

“THE STATES are asked to decide whether they are of opinion -

Part 1.

- (a) to agree in principle to the holding of referendums;
- (b) that a referendum shall be held when the States agree -
 - (i) to the principle of a referendum on the subject in question;
 - (ii) the wording of the ballot;
 - (iii) to the date of the referendum.”.

For members' information the States did not adopt Part 2 of the proposition.

It is apparent that the mechanism for holding a referendum on any subject is not in place.

Further, referendum legislation is not included in the recommended legislation programme for 2001 (table 6.8) in the States Resource Plan of 2000 (P.143/2000), neither is it listed in table 6.9, headed “requests for inclusion in programme for 2002”.

A Referendum (Jersey) Law should be in place, in order that, should the States decide to seek the opinion of the people concerning any major constitutional issue or moral issue, it may proceed without undue delay.

This projet is being presented as part of the enabling process, in order that a decision taken in 1997 is finally implemented to its proper conclusion via the legislative procedures under which the States of Jersey operate.

Financial and manpower implications

There will be a requirement for officers assisting the Committee to prepare the necessary law drafting brief and there will then be a requirement for the Law Draftsman's Office to draft the proposed legislation. This proposition has no other financial or manpower implications.