

STATES OF JERSEY



ELECTED SPEAKER AND DEPUTY SPEAKER OF THE STATES ASSEMBLY: SELECTION AND APPOINTMENT (P.84/2017) – AMENDMENT

**Lodged au Greffe on 11th October 2017
by the Privileges and Procedures Committee**

STATES GREFFE

ELECTED SPEAKER AND DEPUTY SPEAKER OF THE STATES ASSEMBLY:
SELECTION AND APPOINTMENT (P.84/2017) – AMENDMENT

PAGE 3, PARAGRAPH (2) –

For the words “following the 2018 General Election” substitute the words “in 2019”.

PRIVILEGES AND PROCEDURES COMMITTEE

Note: Paragraph (2) as amended would read –

- (2) *the Privileges and Procedures Committee, with the support of the Chief Minister’s Office, should bring forward all necessary actions, including legislative amendments, to implement these changes in time for the Assembly to select and appoint a Speaker and Deputy Speaker at its first meeting **in 2019.***

REPORT

PPC has not taken a view on the merits of this proposition. However, the Committee is concerned that the timescale for implementation is unachievable.

If the proposition were adopted, PPC would be charged with bringing forward the necessary legislative changes. This would include changes to the States of Jersey Law 2005, which would require law drafting, consideration by the Assembly, and Privy Council approval. In order to bring in a new system by early June, the Assembly would need to pass the draft States of Jersey (Amendment) Law in February to provide sufficient time for consideration by the Privy Council. On this timetable there would be no opportunity for scrutiny, and if the relevant Scrutiny Panel (Corporate Services) did decide to exercise their right, under Standing Orders, to call the legislation in for scrutiny, the timetable in the proposition would be unachievable. It is, in our view, undesirable for Scrutiny to be put in a position where they cannot scrutinise legislation, using procedures agreed by the Assembly, without being criticised for derailing a ministerial timetable.

In the event that the proposition is adopted, PPC will also have the task of drawing up changes to Standing Orders in order to create the new roles of Speaker and Deputy Speaker and deal with all the detailed, but important, matters covered in the proposition. These are not entirely straightforward, and work on the Standing Orders is likely to throw up a number of debates and contentious points which will require consideration both by the Committee and the Assembly. It will be challenging to resolve all these questions in time for Standing Order changes to be agreed in March or April. This is particularly the case when considering the proposal that the Speaker could be a person who is not a member of the Assembly. What will be the criteria for eligibility as Speaker? How will this person's name come before the Assembly? What will be the procedure for election when at least one candidate is not a member of the Assembly? The proposition provides no guidance on these points. On the current timescale, the Assembly is likely to be given one chance to agree all of these matters, and if agreement cannot be reached, there is a risk that the law would be changed to provide for an elected Speaker, but the arrangements to implement the law will not have been agreed, causing confusion and legal uncertainty.

For these reasons we call for the date of implementation, should the proposition be approved, to be postponed until the beginning of 2019, so that the required changes to the States of Jersey Law 2005 and Standing Orders can be properly considered and scrutinised before they are brought into force.

Financial and manpower implications

There are no additional financial or manpower implications for the States arising from the adoption of this amendment.