

STATES OF JERSEY



AMENDMENT TO STANDING ORDERS – DEPUTY CHIEF MINISTER

Lodged au Greffe on 29th May 2024
by the Chief Minister
Earliest date for debate: 16th July 2024

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion to make the following amendments to the Standing Orders of the States of Jersey, with immediate effect –

1. Standing Order 9 [Who may ask, and be asked, a question]

After paragraph (2), insert the following –

“(2A) A question relating to a function or matter delegated to the Deputy Chief Minister may be addressed to the Chief Minister or to the Deputy Chief Minister.”.

2. Standing Order 12 [Written reply to question]

After paragraph (1), insert the following –

“(1A) A question relating to a function or matter delegated to the Deputy Chief Minister may be answered by the Chief Minister or the Deputy Chief Minister, unless the questioner has indicated that he or she wishes the Deputy Chief Minister to answer the question himself or herself, in which case the Deputy Chief Minister must answer the question.”.

3. Standing Order 68A [Who may propose proposition]

(1) After sub-paragraph (1)(a), insert the following –

“(aa) the Deputy Chief Minister;”.

(2) After sub-paragraph (2)(a), insert the following –

“(aa) the Deputy Chief Minister;”.

4. Standing Order 120 [Chair of a scrutiny panel: appointment process]

In paragraphs (1A) and (1B), after the words “Chief Minister”, whenever they appear, insert “, Deputy Chief Minister”.

CHIEF MINISTER

REPORT

Summary

These amendments to Standing Orders have been lodged together with the draft States of Jersey (Deputy Chief Minister) Amendment Law 202- (“the draft amendment law”). These two propositions should be read in conjunction with one another.

These amendments to Standing Orders would complement the proposals in the draft amendment law, should it be adopted by the States.

Draft States of Jersey (Amendments relating to Deputy Chief Minister) Law 202-

The primary purpose of the draft amendment law is to allow for the delegation of specific responsibilities from the Chief Minister to the Deputy Chief Minister. This would mirror the arrangements that are already in place for Assistant Chief Ministers (and indeed all Assistant Ministers in respect of their Minister).

These amendments to Standing Orders relate to this aspect of the draft amendment law.

Standing Order amendments

Allowing the delegation of functions from the Chief Minister to the Deputy Chief Minister requires some corresponding amendments to ensure the Deputy Chief Minister can be held accountable by the States for any such delegations.

Accordingly, these amendments to Standing Orders 9 and 12 would ensure that oral and written questions can be asked of, and answered by, the Deputy Chief Minister in respect of a delegated function.

The amendments to Standing Order 68A would also specifically provide for the Deputy Chief Minister to propose a proposition of the Council of Ministers or the Chief Minister. At present, the Deputy Chief Minister would only be able to present such a proposition in their ministerial capacity, and not as Deputy Chief Minister.

Standing Orders currently allow for an Assistant Minister to propose a proposition of the Council where they have delegated responsibility, and/or for an Assistant Chief Minister to propose a proposition of the Chief Minister. If the Deputy Chief Minister were permitted to receive delegated functions on the same basis as an Assistant Minister, it is logical for the Deputy Chief Minister to be permitted parallel permission to act as rapporteur in that capacity.

Lodging propositions, presenting reports and comments

At present, Assistant Ministers are able to lodge propositions, present reports, and present comments in relations to functions or matters for which they have delegated responsibility. This would apply equally to the Deputy Chief Minister in areas of delegated responsibility should the Assembly agree to the draft amendment law.

Under current arrangements, any such propositions, reports and comments are still ultimately presented publicly/before the States in the name of the responsible Minister from whom functions have been delegated. These same arrangements will apply to the Deputy Chief Minister.

It is understood that the Privileges and Procedures Committee (“PPC”) are considering a proposal to allow propositions lodged by an Assistant Minister to be lodged in the

name of the Assistant Minister. The Council of Minister would be supportive of this change, were it to come forward. In such an event, PPC (working with the Government) have been asked to ensure that the change would also apply in respect of the Deputy Chief Minister.

Nominations and elections to Scrutiny Panels

As part of these changes to the role of Deputy Chief Minister, and given that the Deputy Chief Minister is (unlike Assistant Ministers) a member of the Council of Ministers, it is seen as appropriate to place the same restrictions, in respect of nominations and elections to Scrutiny Panels, on the Deputy Chief Minister as apply to the Chief Minister.

This is achieved through the amendment to Standing Order 120, which then has a consequential impact on Standing Order 120(1A).

Financial and staffing implications

There are no additional resource implications that would arise from the adoption of these amendments to Standing Orders.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has not specifically been prepared in relation to this proposition as a CRIA is not required, in accordance with Schedule 2 to the Children (Convention Rights) (Jersey) Law 2022. However, a Children's Rights Impact Assessment Screening, prepared for the draft amendment law, is applicable to this proposition and is available to read on the [States Assembly website](#).