

STATES OF JERSEY



NON-ELECTED MEMBERS ON SCRUTINY PANELS AND CHANGE IN TROY RULE (P.46/2025): COMMENTS

Presented to the States on 18th June 2025
by the Privileges and Procedures Committee

STATES GREFFE

COMMENTS

Deputy Scott has proposed that the Privileges and Procedures Committee (PPC) bring forward two amendments to Standing Orders –

- (a) to allow for the appointment of non-States Members to Scrutiny Panels; and
- (b) to amend the ‘Troy Rule’ and increase the maximum permitted size of the Government of Jersey from 21 to 25 elected States Members.

Scrutiny Panel Membership

Membership of Scrutiny Panels is governed by Standing Order 135: each Panel consists of a Chair and a maximum of 5 other States Members. Neither Ministers nor Assistant Ministers may serve on Scrutiny Panels.

Deputy Scott has put forward that Panels should have access to informed expert advice and knowledge. However, Panels are already able to call on the expertise of others in accordance with their [Proceedings Code](#). If a review topic is of a technical nature, Panels are able to commission expert advice to assist with the compilation and interpretation of specialist and technical information. Panels are also able to obtain evidence from a vast range of stakeholders including organisations, academics, industries and other institutions relevant to a review. This allows the Panel to consider all of the evidence presented, including from the Government, to put forward findings and recommendations. The Committee is not aware of any particular difficulties with this system and of any problems in accessing expertise that therefore need to be resolved in the way suggested by the Deputy.

The Deputy has also highlighted the constitution of the Public Accounts Committee (PAC), for which there is a requirement that 50% of its members are persons who are not States Members. The primary purpose of PAC is to determine whether public funds have been used efficiently, effectively and economically to deliver value for money for Islanders. It receives reports from the Comptroller and Auditor General and raises any significant issues arising to the States Assembly. This core activity of the PAC differs from Scrutiny Panels in that it is charged with scrutinising all aspects of public expenditure, income and asset management. Unlike Scrutiny Panels, it is not involved in reviewing legislation or policy and does not hold Ministers to account.

It is a fundamental role of parliaments to hold their respective governments to account. That is the role of the States Assembly in Jersey: it appoints the Council of Ministers and scrutinises the Council’s work. As such, it is also a fundamental role of parliamentarians who do not sit in the Executive to help their parliament fulfil that scrutinising role. In Jersey, States Members do it individually by submitting questions, by undertaking research, by taking part in debates and by lodging propositions or amendments. However, a key element is the Assembly’s appointment of Scrutiny Panels to hold the Government of Jersey to account on the Assembly’s behalf. The Deputy has suggested this role is one to which Members may not be suited, but it is a role to which Members are elected and which all should be expected to undertake.

Members who have engaged in the work of the Commonwealth Parliamentary Association (CPA) and the Assemblée Parlementaire de la Francophonie (APF) will have noted this element of parliamentary work across jurisdictions. The States

Members' Remuneration Reviewer also made a number of points about participation in the Scrutiny function in her determination ([R.157/2023](#)), recommending that "the States Assembly consider amending its Standing Orders so as to make participation in at least one scrutiny panel or the PAC compulsory." This recommendation was not binding and has not been implemented, but it reflected the important role that elected Members play in holding the Government to account.

Introducing non-States Members on to Scrutiny Panels, and reducing the number of elected States Members who may serve on them, would impact on the delivery of parliamentary scrutiny of Government work and could be seen as an abdication of responsibility.

Troy Rule

In September 2001, the Assembly adopted '[Machinery of Government: Proposed Reforms](#)' ([P.122/2001](#)), through which it agreed to introduce the Ministerial System of Government. In the proposition as lodged, the Policy and Resources Committee proposed that "the revised structure will be designed to ensure that the number of members of the States who are not involved in the Executive will be greater than those who are." At the time, the States Assembly included 53 elected States Members. The principle of 'minority government' in the way proposed could be traced back to the work of the Clothier Review; the rationale for it was the maintenance of sufficient independent scrutiny of the work of Government by the Assembly.

During the debate on P.122/2001, the proposition was revised following the adoption of an amendment lodged by Deputy Peter Troy. The wording of that part of the proposition was changed in order that "the revised structure will be designed to ensure that the number of members of the States who are not involved in the Executive will be greater than those who are by a margin equivalent to at least ten per cent of the total membership of the States, with any resulting fraction of one being regarded as one." Deputy Troy brought his amendment because, although he was in agreement with the principle that the executive should be in the minority, he wished the calculation of the differential to be determined by the States (rather than by the executive itself).

It was the adoption of this amendment that led to the requirement now known as the 'Troy Rule'. The rule was included in the States of Jersey Law 2005 when it was adopted by the Assembly in November 2004. At that time, it was prescribed that the Government (the total number of Chief Minister, Ministers and Assistant Ministers) could not exceed 23 individuals (43% of the total number of elected States Members). This number reduced as the total number of elected States Members was lowered, first to 51 and then to the current level of 49.

In 2014, the Law was amended so that the limit itself would be prescribed in Standing Orders. The current legal and procedural provisions read as follows –

[States of Jersey Law 2005](#)

"25A Limit on number of Ministers and Assistant Ministers

- (1) The aggregate of the Chief Minister, Ministers and Assistant Ministers shall not exceed the limit set out in standing orders.

- (2) An appointment of a Minister or Assistant Minister that would cause the limit set out in standing orders to be exceeded shall be of no effect.”

Standing Order 112A Limit on number of Ministers and Assistant Ministers

“The number of individuals prescribed for the purposes of Article 25A(1) of the Law is 21.”

It is not clear from Deputy Scott’s proposition exactly what problem an increase in the Troy Rule would be expected to resolve. The Deputy has stated that an increase would make it easier for Government to maintain budgetary control and prioritisation within its work. However, PPC is not aware that this has been a significant and unmanageable problem during Ministerial Government. It is a part of politics that ‘backbench’ Members seek to influence Government policy (and the Assembly’s decisions) through amendments to the Government Plan and Budget. Not all such amendments are adopted: through debate (and potentially compromise and consensus), amendments are considered – some are adopted, some are rejected. The Committee is not aware that this process has been problematic, albeit that Members individually may at times be unhappy with specific decisions.

As the Committee has described, it is a role of parliaments like the Assembly to hold governments to account; that was the rationale of the Clothier Review for recommending a Government that would be in a minority in the Assembly. That principle would be affected by increasing the total number of Ministers and Assistant Ministers to 25. Furthermore, it would reduce the number of elected States Members available to serve on Scrutiny Panels and impact on the Assembly’s capacity to scrutinise the work of Ministers.

In conclusion, the Committee does not support either part of the proposition.