

# **STATES OF JERSEY**

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## **DRAFT AMENDMENT (No. 3) OF THE STANDING ORDERS OF THE STATES OF JERSEY (P.245/2005): COMMENTS**

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**Presented to the States on 1st November 2005  
by the Privileges and Procedures Committee**

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**STATES GREFFE**

## COMMENTS

This amendment being proposed by Deputy Baudains would re-introduce into the new Standing Orders the requirement that a proposition that the States 'move to the next item' would not be adopted unless at least 20 members voted in favour.

The requirement, which exists in the 1966 Standing Orders, was considered by the Privileges and Procedures Committee to be something of an anomaly as it was the only matter in the old Standing Orders that could not be decided by a simple majority of those present and voting. In drafting the new Standing Orders the Privileges and Procedures Committee therefore saw no reason to preserve the requirement when all other procedural propositions such as references back or closures are decided by a simple majority of those voting.

Having researched the history of the 1966 Standing Orders the Committee has discovered that the requirement for at least 20 votes in favour was introduced into early versions of those draft Standing Orders as part of a new closure motion being considered by the Legislation Committee of the day which promoted the Standing Orders. The early drafts considered by that Committee referred to a closure motion which could have been proposed at any time after the start of the debate and where, if the closure was adopted, the vote would have been taken immediately without even any summing up. The draftsman's note to the Committee in the early 1960s stated that because of the nature of the closure motion being proposed it would be wise to include a requirement that at least 20 members should vote in favour before it could be adopted. The file does not show why the Legislation Committee decided not to proceed with the suggested closure procedure but in the draft that was eventually approved by the States in 1966 it was replaced by the 'move to the next item' procedure which, for some reason, retained the requirement of 20 votes in favour.

Although it is, of course, the case as pointed out by Deputy Baudains that a debate could be curtailed by a move to the next item supported by only 14 members, the same argument could be used in relation to any major policy issue or piece of legislation if these were approved by the States by the narrowest possible majority when only 27 members were present. If Deputy Baudains' amendment is accepted a 'move to the next item' when the quorum of only 27 members is present will require a 74% majority which is considerably more than the 2/3rds majority proposed by Senator Syvret for a closure motion rejected by the States during the recent debate on the new Standing Orders.

The Privileges and Procedures Committee is willing to consider the whole area of qualified majorities if members wish it to do so but it does not support this amendment in isolation which, it considers, would simply re-introduce an anomaly into the new Standing Orders.