

# STATES OF JERSEY



## **PUBLIC ELECTIONS: EXTENSION OF ELIGIBILITY CRITERIA (P.65/2024): AMENDMENT**

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**Lodged au Greffe on 3rd December 2024  
by Deputy M.R. Scott of St. Brelade  
Earliest date for debate: 10th December 2024**

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**STATES GREFFE**

PUBLIC ELECTIONS: EXTENSION OF ELIGIBILITY CRITERIA  
(P.65/2024) – AMENDMENT

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**1 PAGE 2, PARAGRAPH (a) –**

For the words “removed; and” substitute the words –

“amended to allow a person who is not a British citizen to be eligible to stand for, and be elected to, the States, provided that person has –

- (i) passed the Citizenship Test in Jersey before the date of the election in which they intend to stand; and
- (ii) met all other criteria under the relevant Law (other than British citizenship)”.

**2 PAGE 2, PARAGRAPH (b) –**

After the word “Committee” insert the words –

“, in consultation with the Comité des Connétables,”.

DEPUTY M.R. SCOTT OF ST. BRELADE

**Note:** After this amendment, the proposition would read as follows –

**THE STATES are asked to decide whether they are of opinion –**

- (a) that the requirement that Constables and Deputies must be British citizens should be amended to allow a person who is not a British citizen to be eligible to stand for, and be elected to, the States, provided that person has –
  - (i) passed the Citizenship Test in Jersey before the date of the election in which they intend to stand; and
  - (ii) met all other criteria under the relevant Law (other than British citizenship).
- (b) to request the Privileges and Procedures Committee, in consultation with the Comité des Connétables, to bring forward the necessary legislative changes in time for the 2026 elections.

## REPORT

### Paragraph (a)

This amendment seeks to support the lifting of the prohibition on, and to remove a possible financial obstacle to, non-British citizens standing for election to the States Assembly while ensuring certain requirements in the relevant laws are maintained and an alternative to naturalisation or registration as a British citizen is offered.

### Paragraph (a)(i)

This requirement refers to the [Citizenship Test](#) in Jersey which is based on the handbook “Life in the United Kingdom” 3rd Edition and on the Jersey Supplement (October 2022). The fee for sitting the test currently is £56.50.

This requirement aims to ensure that a person wishing to stand for the States has an officially recognised degree of interest in the nation that is responsible for Jersey’s external affairs, as well as Jersey’s own culture and history, without requiring that candidate to pay [a fee of over £1,300](#) to be naturalised or registered as a British citizen before the election.

The amendment builds upon and refines Deputy Gardiner’s proposition [‘Life in Jersey’ Test and Eligibility for Election](#) (P.2/2021) by proposing a simplified version of paragraph (c) of that Proposition.

Paragraph (c) of P.2/2021 garnered support of 50% of the votes cast by States Members when debated, but “as there was an equality of votes, the matter had been determined in the negative in accordance with Article 16(2) of the States of Jersey Law 2005” ([States Assembly | States Minutes 11th February 2021](#)).

### Paragraph (a)(ii)

These requirements are to be of full age and to have completed the period of residence in Jersey set out in whichever is applicable out of sub-paragraphs (i) or (ii) of Article 7(1)(b) of the States of Jersey Law 2005 or Article 4B(i) and (ii) of the Connétables (Jersey) Law 2008, which currently apply to all British citizens:

#### [States of Jersey Law 2005](#)

##### “7 Qualification for election as Deputy

- (1) A person shall, unless disqualified by paragraph (2) or Article 8(1) or any other enactment, be qualified for election as a Deputy if he or she –
  - (a) is of full age; and
  - (b) is a British citizen who has been –
    - (i) ordinarily resident in Jersey for a period of at least 2 years up to and including the day of the election, or
    - (ii) ordinarily resident in Jersey for a period of 6 months up to and including the day of the election, as well as having been ordinarily resident in Jersey at any time for an additional period of, or for additional periods that total, at least 5 years.”

[Connétables \(Jersey\) Law 2008](#)

**“4B Qualification for election as Connétable<sup>[20]</sup>**

- (1) A person shall, unless disqualified by paragraph (2), Article 4C or any other enactment, be qualified for election as a Connétable if he or she –
- (a) is of full age; and
  - (b) is a British citizen who has been ordinarily resident in Jersey –
    - (i) for a period of at least 2 years up to and including the day of the election, or
    - (ii) for a period of at least 6 months up to and including the day of the election, as well as having been so resident at any time for an additional period of (or additional periods totalling) at least 5 years.”

This is to ensure that, while British citizenship may not be required, the age and residence criteria that applies to British citizens still applies to non-British citizens wishing to stand for election.

Paragraph (a) of the amendment does not include the concept of a special oath being given by any candidate to which paragraph (b) of Deputy Gardiner’s proposition referred and paragraph (c) of P.2/2021 cross-referred:

- (b) “to request the Council of Ministers to establish an appropriate Oath or Affirmation for allegiance to the Island of Jersey (including its cultures and traditions) by October 2021, with a view to persons taking the Oath or Affirmation before the Royal Court of Jersey in order to obtain a Certificate in the “Life in Jersey” test”.

My reasoning for the omission is that any person elected to the States Assembly must swear an oath in any event.

In the case of a Deputy, the oath is an oath of allegiance in the form set out in Schedule 2 (Part 1) of the [States of Jersey Law 2005](#):

**FORM OF OATH TO BE TAKEN BY DEPUTIES**

You swear and promise before God that you will well and faithfully discharge the duties of Deputy; that you will be faithful and bear true allegiance to His Majesty King Charles the Third, his heirs and successors, according to Law; that you will uphold and maintain the laws, privileges, liberties and franchises of Jersey, opposing whomsoever may wish to infringe the same; that you will attend the meetings of the States whenever you are called upon to do so; and generally that you will fulfil all the duties imposed upon you by virtue of the said office. All of which you promise to do on your conscience.

While a person elected as a Connétable must swear an oath set in the form set out in the [Code of 1771](#):

### **SERMENT DES CONNETABLES**

Vous jurez et promettez, par la foi et serment que vous devez à Dieu, que bien et fidèlement vous exercerez la charge et l'office de Connétable en la Paroisse de.....; vous ferez garder la paix de Sa Majesté; vous conserverez et procurerez, autant qu'il vous sera possible, les droits qui appartiennent à ladite Paroisse, vous réglant en ce qui concerne le bien public d'icelle par l'avis et le bon conseil des Principaux et des autres Officiers de ladite Paroisse lesquels Officiers vous assemblerez, ou ferez assembler par le moyen de vos Centeniers, régulièrement pour aviser aux choses dont il serait besoin concernant ladite Paroisse; vous exécuterez les mandements de Monsieur le Lieutenant Gouverneur, de Monsieur le Bailli, de Monsieur son Député et des Juges et Jurés-Justiciers de la Cour Royale en ce qui sera de leur charge respectivement, assistant aux Etats lorsque vous en serez requis; et de tout ce, promettez faire votre loyal devoir, sur votre conscience.

### **Paragraph (b)**

The amendment to paragraph (b) seeks for the Comité des Connétables to be consulted in view of the extension of the main Proposition to candidates seeking election as Constable. Members of the Comité may wish to consider whether the oath of Constables should be updated and amended to include a declaration of allegiance to the Crown and to conform with the oath of Deputies in other respects.

### **Financial and staffing implications**

The financial and staffing implications of this amendment should not exceed those set out in the original proposition.

### **Children's Rights Impact Assessment**

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.