

STATES OF JERSEY



Jersey

DRAFT AMENDMENT (No. 48) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Lodged au Greffe on 13th October 2020
by the Privileges and Procedures Committee

STATES GREFFE

REPORT

Introduction

The Privileges and Procedures Committee (PPC) is bringing forward this amendment to update the [Standing Orders of the States of Jersey](#) to reflect how the Assembly has adapted to work in practice through remote sittings.

The existing Standing Order 55A, which was adopted by the States Assembly on 18th March 2020 through '[Amendment \(No.46\) of the Standing Orders of the States of Jersey \(P.20/2020\)](#)' was done in anticipation of the effects of the Covid-19 pandemic and the possibility that the States Assembly would be unable to function without a quorum (25 Members) to gather together in one place.

At the time the Assembly approved P.20/2020 it was envisaged that the Assembly would continue to meet physically during the Covid-19 pandemic but might sometimes struggle to achieve a quorum and a way needed to be found to permit absent Members to contribute to meetings using remote technology. It was not known at that stage that Microsoft Teams would be utilised as the technological solution for this.

In practice, some provisions of the Standing Order 55A, particularly in respect of voting have been superseded or only partially implemented. The Bailiff has used Standing Order 167 (Decisions on matters not provided for) to cover any procedural gaps.

PPC considers it to be sensible to update Standing Order 55A to better fit with how the Assembly works in practice and so that it can cover both fully remote sittings and hybrid sittings, should the latter be introduced.

How would the changes impact the Standing Order in practice?

The replacement Standing Order 55A would –

- (a) clarify that the Standing Order permits fully remote sittings;
- (b) delete the special roll call procedure because, in practice, the normal roll call works well for remote sittings;
- (c) delete the provision that permits anyone present online at the start of the day to count towards the quorum all day. In practice, it is possible for participants to tell who is in the meeting and who isn't and in case of doubt it would be possible for the Bailiff (or a Member) to ask for the roll to be called. The current rule also means that someone joining a meeting after the roll call does not count towards the quorum (unless there is a roll call);
- (d) permit standing votes, where practical, with the Bailiff determining how a standing vote can be arranged for Members online. In practice, this will mean that the Teams chat function (the 'chat') could be used to register votes for unanimous or near-unanimous votes, although any Member can, as now, call for the *appel* if they wish;
- (e) conversion of secret ballots to open ballots, as there are difficulties in conducting a secret ballot involving Members online; and
- (f) minor changes to ensure that recorded votes and the declaration of interests can be done verbally or via other means, such as the chat, where necessary so that there is sufficient flexibility for the smooth management of meetings.

Financial and manpower implications

There are no financial or manpower implications arising from the adoption of this Amendment to Standing Orders.

Re-issue Note

This publication is re-issued because the proposition that was initially issued as P.131/2020 was subsequently identified as an amendment to an earlier proposition (P.78/2020) and was therefore itself re-distributed as P.78/2020 Amd.(4).

EXPLANATORY NOTE

This amendment would replace standing order 55A of the Standing Orders of the States of Jersey with a new standing order which is different in that –

- (a) it requires the Greffier to make arrangements to enable elected members not present at the start of a sitting day to participate electronically;
- (b) those arrangements may include the entire meeting being conducted by electronic means;
- (c) it enables standing votes to take place where practicable, with the Bailiff ensuring that elected members participating electronically can vote; and
- (d) secret ballots may take place as open ballots.



Jersey

DRAFT AMENDMENT (No. 48) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES make the following Amendment to the Standing Orders of the States of Jersey¹ under Article 48 of the States of Jersey Law 2005² –

1 Standing order 55A substituted

For standing order 55A of the Standing Orders of the States of Jersey³ there is substituted –

“55A Members present and able to vote by means of electronic communication in exceptional circumstances

- (1) This standing order applies during the period of a state of emergency, as defined by the Emergency Powers and Planning (Jersey) Law 1990⁴, and at any other time when the Bailiff considers that it might not be possible to convene or maintain a quorate meeting of the States in view of substantial risk to the health of members of the States or any other person.
- (2) The Greffier must make arrangements to enable elected members who are absent at the start of a day on which the States is meeting to participate in the meeting by means of electronic communication. The arrangements may include the meeting being conducted entirely by means of electronic communication.
- (3) Elected members participating in the meeting by means of electronic communication –
 - (a) are entitled to vote, under this standing order; and
 - (b) are entitled to ask a question, speak in a debate, propose a proposition or amendment, and otherwise contribute to the proceedings of the States in the same manner as members present in the Chamber, subject to any modifications to procedure and practice directed by the Bailiff.
- (4) When this standing order applies, the provisions of these Standing Orders relating to voting are varied as follows –

- (a) standing votes are permitted, where practicable, with the Bailiff making any provision that the Bailiff considers necessary to enable elected members participating in the meeting by means of electronic communication to vote;
 - (b) where there are members participating in the meeting by means of electronic communication, any reference in these Standing Orders to a “secret ballot” is read as a reference to an “open ballot”;
 - (c) where a recorded vote using the electronic voting system is taken, elected members participating in the meeting by means of electronic communication must inform the Greffier of their vote by means of electronic communication no later than the end of the time allowed for votes to be cast and, if necessary, the Greffier must inform the presiding officer of the numbers of those members voting “Pour”, “Contre” or abstaining, so that the presiding officer can combine those votes with the votes cast using the electronic voting system and declare the result;
 - (d) standing order 92(8) to (10) apply as if the votes cast under this paragraph were cast using the electronic voting system;
 - (e) where a recorded vote is taken by open ballot, elected members participating in the meeting by means of electronic communication must inform the Greffier of their vote, or the name of the candidate for whom they are voting, by means of electronic communication no later than the end of the time allowed for the ballot and the votes so taken are treated as if they were written on ballot papers in accordance with standing order 94;
 - (f) where a recorded vote is taken by roll call vote, elected members participating in the meeting by means of electronic communication must vote by saying “Pour”, “Contre” or abstain or inform the Greffier of their vote by means of electronic communication no later than the time allowed for the roll call and, if necessary, the Greffier must inform the presiding officer of the numbers of those members voting “Pour”, “Contre” or abstaining, so that the presiding officer can combine those votes with the votes cast by members in the Chamber.
- (5) Elected members participating in the meeting by means of electronic communication may declare an interest under standing order 106 by means of electronic communication to the Greffier. The Greffier must inform the presiding officer of any interests so declared and the presiding officer must read out the member’s name and the nature of the interest.”.

2 Citation and commencement

This Amendment may be cited as Amendment (No. 48) of the Standing Orders of the States of Jersey and comes into force on the day after it is made.

ENDNOTES

Table of Endnote References

<u>1</u>	<i>chapter 16.800.15</i>
<u>2</u>	<i>chapter 16.800</i>
<u>3</u>	<i>chapter 16.800.15</i>
<u>4</u>	<i>chapter 23.100</i>