

# STATES OF JERSEY



## DRAFT AMENDMENT (No. 36) OF THE STANDING ORDERS OF THE STATES OF JERSEY

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Lodged au Greffe on 13th August 2018  
by the Privileges and Procedures Committee

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STATES GREFFE





Jersey

## DRAFT AMENDMENT (No. 36) OF THE STANDING ORDERS OF THE STATES OF JERSEY

### REPORT

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On 14th June 2016, the States Assembly unanimously approved an amended proposition of Deputy S.M. Wickenden of St. Helier, entitled “Collective Responsibility Statements: propositions lodged by a Minister” ([P.40/2016](#)). The proposition sought to modify the [Standing Orders of the States of Jersey](#) to require any proposition, lodged by a Minister, to include a statement detailing which Ministers and Assistant Ministers were bound to vote in accordance with collective responsibility in respect of the proposition. The Privileges and Procedures Committee (“PPC”), as previously constituted, was tasked with bringing forward the necessary amendments to Standing Orders to give effect to this decision.

On 24th November 2016, PPC lodged the Draft Amendment (No. 30) of the Standing Orders of the States of Jersey ([P.126/2016](#)). This was adopted by the States on 18th January 2017 ([R&O.1/2017](#)) and inserted paragraph (3A) into Standing Order 21 (**‘How a proposition is lodged’**) –

*“(3A) The draft must be accompanied by a statement –*

- (a) as to whether or not the principle of collective responsibility, as expressed in paragraphs 4 and 5 of the Code of Conduct and Practice for Ministers and Assistant Ministers (R.11/2015, presented to the States on 10th February 2015) has been waived in respect of the whole or any specified part of the proposition; and*
- (b) if and to the extent that the principle has not been waived, setting out the Ministers and Assistant Ministers who are bound by that principle to support the proposition.”.*

It subsequently became apparent that an amendment to the new paragraph (3A) was required in order to clarify that the provision should only apply to propositions lodged by the Council of Ministers, the Chief Minister or another Minister. As originally worded in P.126/2016, the provision could be applied to all propositions, including those lodged by States Members in their own right where collective responsibility did not apply.

On 23rd May 2017, PPC lodged the Draft Amendment (No. 31) of the Standing Orders of the States of Jersey ([P.43/2017](#)). This was adopted by the States on 4th July 2017 ([R&O.71/2017](#)), and it amended the start of Standing Order 21(3A) (*as shown above*) to read as follows –

*“(3A) If the draft is of a proposition that the Council of Ministers, the Chief Minister or any other Minister wishes to lodge, the draft must be accompanied by a statement –”.*

On 20th March 2018, the States debated and adopted the Draft Machinery of Government (Miscellaneous Amendments) (Jersey) Law 201- ([P.1/2018](#)), as amended, which included the removal of the legal requirement for Ministers and Assistant Ministers to be bound by the principle of collective responsibility. With the exception of Part 4, the Law came into force on 8th June 2018 ([L.18/2018](#)).

The Law repealed Article 25(6) of the States of Jersey Law 2005 and amended Article 18(3A) to read –

*“(3A) The Chief Minister and Ministers shall –*

- (a) for the purpose of reaching policy decisions, provide policy direction to officers, having given fair consideration and due weight to informed and impartial advice from such officers; and*
- (b) agree and, within 3 months of being appointed to office under Article 19(7), present to the States a code of conduct and a code of practice for Ministers and Assistant Ministers.”.*

On the basis that Ministers and Assistant Ministers are no longer bound by collective responsibility, the provisions contained within Standing Order 21(3A) have become otiose and this Amendment has the effect of repealing the same.

#### **Financial and manpower implications**

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

## **Explanatory Note**

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This Amendment to the Standing Orders of the States of Jersey is made in consequence of the amendments made by the Machinery of Government (Miscellaneous Amendments) (Jersey) Law 2018 removing the requirement for the Chief Minister, Ministers and Assistant Ministers to adhere to the principle of collective responsibility. This amendment removes the requirement in the Standing Orders for a proposition lodged by the Council of Ministers, Chief Minister or any other Minister to be accompanied by a statement as to whether the principle of collective responsibility has been waived in respect of all or part of the proposition and, if it has not been waived, setting out the Ministers and Assistant Ministers who must support that proposition under that principle.

This Amendment comes into force on the day after the day it is made.





Jersey

## **DRAFT AMENDMENT (No. 36) OF THE STANDING ORDERS OF THE STATES OF JERSEY**

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

**THE STATES**, in pursuance of Article 48 of the States of Jersey Law 2005<sup>1</sup>,  
have made the following Amendment to the Standing Orders of the States of  
Jersey<sup>2</sup> –

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### **1 Standing order 21 amended**

In standing order 21 of the Standing Orders of the States of Jersey<sup>3</sup>,  
paragraph (3A) shall be repealed.

### **2 Citation and commencement**

This Amendment may be cited as Amendment (No. 36) of the Standing Orders  
of the States of Jersey and shall come into force on the day after the day it is  
made.

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- <sup>1</sup> *chapter 16.800*  
<sup>2</sup> *chapter 16.800.15*  
<sup>3</sup> *chapter 16.800.15*