



X  
2016

# BILLET D'ÉTAT

TUESDAY, 8th MARCH, 2016

STATES' ASSEMBLY & CONSTITUTION  
COMMITTEE – SUBMISSION OF ITEMS  
TO THE STATES

# BILLET D'ÉTAT

---

## TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

---

I hereby give notice pursuant to Rule 1(4) of the Rules of Procedure of the States of Deliberation that the item contained in this Billet d'État which have been submitted for debate will be considered at the Meeting of the States of Deliberation already convened for **TUESDAY, the 8th MARCH, 2016.**

R. J. COLLAS  
Bailiff and Presiding Officer

The Royal Court House  
Guernsey

26<sup>th</sup> February 2016

## STATES' ASSEMBLY & CONSTITUTION COMMITTEE

### SUBMISSION OF ITEMS TO THE STATES

The Presiding Officer,  
The States of Deliberation,  
The Royal Court House,  
St. Peter Port

25<sup>th</sup> February 2016

Dear Sir,

#### EXECUTIVE SUMMARY

On the 27<sup>th</sup> of November, 2015 (Billet d'État XXII of 2015) the States, on the recommendation of the States' Assembly & Constitution Committee, approved a new set of *Rules of Procedure of the States of Deliberation and their Committees* which will come into effect on the 1<sup>st</sup> of May, 2016 – at the same time as the reorganisation of the States' committee structure and other reforms – provided that before then the States agree rules for how items should in future be submitted for consideration by the States. As part of the debate in November the States approved an outline of what the new submission arrangements should be. This policy letter sets them out in greater detail and recommends the rules of procedure necessary to give effect to them.

#### THE NOVEMBER, 2015 POLICY LETTER AND RESOLUTIONS

1. The reasons for the Committee's proposals for reform were set out extensively in paragraphs 13 to 36 of the policy letter in Billet d'État XXII of 2015. Those paragraphs are reproduced in full in italics below:

*In the opinion of the Committee Rules 1 and 2, which set out, inter alia, how the States manage their agenda, how policy letters and other papers are published and submitted to the States, how the senior committee comments on the proposals of other committees, etc. are in considerable need of reform. In recent years it has become increasingly evident that the weaknesses in these Rules are multiple and material.*

*The present arrangements are relatively straightforward: generally speaking the Rules provide for an item – a policy letter from a committee or a requête, for example – to be submitted to the Policy Council and not less than six weeks later for it to be published in a Billet d'État through which a States' meeting is convened not less than five weeks later to debate all the items submitted. This process may be simple to understand, but it is also highly inflexible and bureaucratic and too often it stymies the initiative of the States.*

*The States are normally convened monthly, but the flow of business put before the States is very inconsistent. In 2014 the States met for a day and a half or less in each of three months and for three days or more in each of five months. The hours sat per month varied from less than five in each of February and June to around 15 in each of January, March and September up to 24 in October, 28 in April and 38 in July. In February there were six items submitted for debate and in June there were eight, but in July there were nineteen and in November there were twenty-five. This irregular pattern almost inevitably results in some sittings where relatively minor matters are debated at great length and other sittings where significant items of business are so numerous that some are clearly not afforded the attention they should be.*

*The Policy Council's mandate includes "[t]he preparation of the agenda for meetings of the States of Deliberation and the States of Election." Each year the Policy Council issues a calendar for the submission to it of policy letters, etc. In 2015 the calendar provided for a policy letter submitted on, say, the 6th of January to be published not until the 20th of March, ten-and-a-half weeks later, and for it to be considered by the States nearly six weeks after that. A calendar which provides even for Committees' relatively minor items not to be considered by the States for very nearly four months after they have been finalised and submitted is hardly likely to instil confidence in the capacity of the States to discharge their business efficiently. In respect of policy letters submitted by the parliamentary committees, the States have laid down no minimum period between their being submitted and their being published and yet the aforementioned calendar which is necessary to support the present process for receiving items, issuing Billets d'État etc. provided for a policy letter submitted by a parliamentary committee on, say, the 27th of April to be published not until the 19th of June, nearly eight weeks later, and for it to be considered by the States six weeks after that.*

*There is relatively little scope to expedite the submission to the States of relatively minor matters, but there is also relatively little scope to defer significant matters. A minor matter and a significant matter due to be considered by the States on the same day are published simultaneously – thus before a States' Meeting more time than is needed is set aside to scrutinise the minor matter but potentially less time than is needed is set aside to scrutinise the significant matter. Even the Rules of Procedure relating to the submission of amendments, sursis, etc. envisage that not all such motions are equally significant and therefore the required period for submitting them differs depending on their content. The Rules of Procedure provide for no such distinction in the submission of policy letters, requêtes, etc.*

*The day-to-day burden of administering this process on behalf of the Council falls to officers at the Government Business Unit. It must be recorded that they are often very accommodating and try to assist other committees by offering concessions to the published timetable – this Committee must*

*acknowledge that it has on occasion taken advantage of these concessions, most recently in the submission of this policy letter. Equally, negotiating arbitrary concessions is no doubt time-consuming both to the Unit and to the submitting Committee. The underlying problem is not the way in which the current arrangements are administered by the Unit – the underlying problem is that the process itself is deeply flawed.*

*It is plain that the present arrangements lack transparency. For example, based on the schedule for the present calendar year, in the second week of March a Committee of the States may finalise and submit far-reaching proposals which are bound to provoke considerable public interest and the present arrangements would provide for them to be published not until the third week of May and then considered by the States in the last week of June. This would be a period of around fifteen weeks from finalising and submitting the proposals to their consideration by the States and yet for around ten of those fifteen weeks the proposals would have remained unpublished. For those ten weeks or so they would be known about in full detail by around 19 States' Members (five on the committee submitting the proposals, ten on the Council and four on the Treasury and Resources Department, which also receives policy letters at the time of their submission to the Council), but quite possibly not at all by the other 28 States' Members nor, of course, by the public.*

*The Council is in an almost impossible position. It is frequently criticised by other Members for the irregular flow of business to the States but it has very few means of influencing the agenda for States' Meetings. It can defer an item but for one States' Meeting only and otherwise is obliged to include every item submitted on the next available Billet d'État irrespective of both how many and which other items are already on that Billet d'État. In any event exercising even its limited facility to defer, which it seldom does, may well provoke considerable disquiet in the Council from the Committee submitting the item, which not unreasonably believes that as a Committee of the States it should be able to report its proposals directly to the States without having to provide those proposals to the Council at more than 11 weeks' notice. On the other hand the Council can shorten the standard period of approximately six weeks between receiving, say, a policy letter and it being published in a Billet d'État, but doing so, on significant items at least, also shortens the time available to the Council to compile a letter of comment which it uses to advise the States of its opinion on the submitting Committee's recommendations.*

*Generally the present arrangements do nothing to assist the Council, nor indeed the Treasury and Resources Department, in fulfilling responsibilities to advise the States on other Committees' proposals. This was recognised in the second policy letter of the States' Review Committee, in which it was stated: "The practice of commenting on other committees' policy letters should...be reformed. At present this policy advisory function...is entangled with, and greatly influenced by, the purely administrative function of submitting and*

*publishing items for the States, and in the opinion of the Committee they should be decoupled.” The Council’s comments, which it appends to policy letters and requêtes published in a Billet d’État, seldom aid debate in the States, but this must partly be because the Rules of Procedure relating to the publication of Billets d’État appear to place as much emphasis on the Council’s role as a vehicle to promulgate other Committees’ proposals to the States as on the Council’s role to advise the States on those proposals.*

*It is true that strengthening policy co-ordination depends on much more besides. For example, many of the reforms led by the States’ Review Committee, including radically changing the structure and responsibilities of the States’ senior Committee, have in mind the need to improve co-ordination in the work of the States. In addition, the process for submitting policy letters, requêtes etc. is not made any easier by States’ Meetings being on a fairly rigid monthly rota and proposals to alter the meetings schedule are included elsewhere in this policy letter. Nonetheless, these reforms are unlikely to yield all the benefits they could without also making significant changes to the process for submitting items to the States and arranging debate on them.*

*This policy letter does not set out detailed rule changes in this area of States’ business. Rather, in view of the substantial nature of the reforms the Committee is promoting, the proposals are explained in general terms together with a recommendation to approve them in principle and to direct the Committee to report back to the January, 2016 States’ Meeting laying out in full the Rules of Procedure which would be necessary to give effect to the changes.*

*The very different arrangements proposed by the Committee would, if approved by the States, provide for greater flexibility and transparency and strengthen the prospects for co-ordination in how the States manage their agenda, how policy letters and other papers are published and submitted to the States, how the senior committee comments on the proposals of other committees, etc.*

*A proposition or set of propositions to be laid before the States – whether what are known today as recommendations of Committees of the States or requêtes from any seven members or amendments from any two members – would be submitted to Her Majesty’s Greffier (in whatever form is laid down in directives issued from time to time) and published more or less immediately on the States’ website and a notice would be posted in the Greffe foyer of the title of items submitted. Propositions may be – and in the case of propositions emanating from Committees invariably would be – accompanied by policy letters setting out the case in support of the propositions. The submitting Committee or requérants would identify its or their preferred date, if there is one, for the States to consider the item.*

*All propositions submitted within a set period of time before a States' Meeting would then be laid before that States' Meeting as part of a new, separate category of business: in effect, arranging the agendas for future States' Meetings. The Committee suggests a timetable as follows. The deadline for submission of an item would be 3.00 pm on the day preceding the seventh clear working day before the States' Meeting (Friday in week one). The order paper would be published before 5.00 pm on the day before the second clear working day (the following Friday – that is Friday in week two). The States' Meeting would begin on Wednesday of week three.*

*For each newly-submitted proposition or set of propositions, the Policy & Resources Committee would state the date of a future States' Meeting at which it proposed that the item should be debated, having first taken into account the nature and significance of the item and the volume of other business already arranged for future Meetings. Any opinions to the contrary, i.e. alternative dates to debate the item, could be put to the States. The Committee wishes to emphasise that it has no intention of proposing a set of rules which would provide for long debates on arranging future agendas: if any debate were permitted at all, contributions could be restricted to, say, the Presidents of the Committees directly concerned with the item and a time limit of perhaps two or three minutes imposed upon them, or alternatively no debate could be allowed but Committees directly concerned with the item could be permitted to circulate a memorandum explaining any dissent from the date of debate proposed by the Policy & Resources Committee. At this stage, and pending further consideration, the SACC's preference would be for no debate to be permitted. The Policy & Resources Committee would set out the date when it proposed that a newly-submitted proposition or set of propositions would be debated; the President of the Committee submitting the propositions, or the lead requérant in the case of a requête, could, if unable to accept the date proposed by the Policy & Resources Committee, briefly lay an amendment; and the States would swiftly decide which date they preferred and set the date for the item to be debated. Arranging future business is a perfectly legitimate and normal activity for a parliament.*

*A Billet d'État could still be issued a certain number of days before a States' Meeting: in effect it would become an order paper listing all of the items to be considered at that meeting. At the conclusion of a States' Meeting the Billet d'État could be expanded to become a permanent public record of all propositions and supporting policy letters or papers considered at that meeting, amendments laid (whether successful or not), votes taken, including recorded votes, resolutions made, etc.*

*There are many advantages to be obtained by introducing these reforms to coincide with the reorganisation of States' affairs in May, 2016.*

*The Committee's proposed procedure would be a considerably more flexible and responsive way to set the agenda for future States' Meetings. It would be*

*possible to establish a more consistent flow of business going before the States. Less significant items could be slotted in more swiftly or where there appears to be space for them. More significant items could be provided with longer periods from submission / setting a date to the debate itself.*

*The Committee's proposed procedure would provide for greater transparency for the public and Members of the States and assist Members in preparing for debates, especially on items of significance in which they have a particular policy interest. For example, instead of policy letters spending two-thirds of the period between submission and debate unavailable to, and probably unknown by, the public and just over half the States, as can be the case with the present arrangements, they would be published more or less immediately. For significant items, this could increase the period for which they were in the public domain, and consequently the period of preparation for States' Members too, by anything up to two months without the time between submission and the States' debate being shortened at all.*

*The Committee's proposed procedure would assist the Policy & Resources Committee in fulfilling its duty to advise the States, where necessary, on the proposals of other Committees, especially in relation to whether the proposals are consistent with the States' overall objectives and policy plans. The Policy & Resources Committee's advice to the States would be circulated during the period between the item having been submitted for debate and the debate itself. The States' Review Committee has set down an expectation that the Policy & Resources Committee should issue letters of comment in respect of significant items only: the procedures proposed in the foregoing paragraphs would provide the Policy & Resources Committee with considerably more time than the Policy Council and the Treasury and Resources Department have today to formulate meaningful and informed letters of comment. It is true that the proposals of other Committees would be published without letters of comment, but it would be far more constructive and useful to the States, and indeed to the public, for meaningful and informed letters of comment to be issued subsequent to publication of the original proposals than it is for insipid letters of comment to be issued at the same time as the original proposals. In any event, the States have directed that there should be a requirement set down in the Rules of Procedure for Committees' policy letters to explain clearly any joint working or consultation with other Committees, including the Policy & Resources Committee, and there has to be a degree of trust in other Committees not to publish far-reaching proposals in the absence of at least some dialogue with the Policy & Resources Committee.*

*The SACC is minded to propose that draft legislation should be treated slightly differently and be submitted for a guaranteed States' Meeting rather than being considered at a date decided by the States.*

*The Committee's proposed procedure is not wholly dissimilar from the procedure for laying matters before the States' Assembly in Jersey, which the*



*Committee has found certainly helps to regulate the flow of business going before that island's States. It should also be noted that the States' Assembly in Jersey arranges future business, as proposed in the foregoing paragraphs, but it does not consume very much of the Assembly's time, as it would not need to in Guernsey.*

*The Committee cannot conceive of the present arrangements and their multiple and material weaknesses being carried into the new Committee structure after the reorganisation of States' affairs next May. The proposed procedure would be a considerable improvement in almost every respect.*

*The Committee hopes that the States will approve its proposed procedure in principle and sanction the drafting of the detailed Rules of Procedure necessary to give effect to the changes with a view to laying those Rules of Procedure before the January, 2016 meeting of the States. These proposals in January, 2016 would include any transitional provisions necessary during the period immediately before and immediately after the 2016 General Election. In the meantime, in the proposed set of Rules in Appendix 1, the SACC has copied exactly the present Rules on the submission of items, etc. and has underlined them. The intention is that the underlined parts will be replaced by the detailed rules proposed in the January, 2016 policy letter.*

2. After consideration of the Committee's November policy letter, the States resolved that the present arrangements regarding the submission to the States of policy letters and related items should be reformed along the lines which were proposed by the Committee. The detailed changes necessary are set out in the following paragraphs. Members' attention is drawn to the grid in the appendices to this policy letter which captures some of the advantages to be obtained from the new process already agreed in principle by the States. The Committee apologises that this policy letter was submitted later than anticipated.

## DETAILS OF PROPOSED REFORMS

3. A proposition or set of propositions (an "original proposition") to be laid before the States would be submitted to the Greffier in whatever style is laid down in directives issued by him or her from time to time. The following are "original propositions": propositions from the Presiding Officer; propositions from a Committee of the States; propositions from a requête; propositions proposing the approval or adoption of legislation; motions of no confidence; motions of censure; and urgent propositions. They will be defined in the Rules. It would be published more or less immediately on the States' website; and a notice would be displayed in the vestibule of the Royal Court of the title of items submitted. The Greffier would also notify all Members that the item had been posted on the States' website and send it to them by the method which the Member had chosen. The Greffier would allocate to the original proposition an identification number which would be attached to it in all documentation. The numbering system would start in May, 2016 and the Committee proposes that the identification

number for an original proposition would be in the form P. year / serial number of proposition (e.g. for the first original proposition submitted in 2016 under the new system the number will be P. 2016/1). The serial number would be reset to “1” at the start of each calendar year. Any other matter relating to the item, for example a letter of comment, amendment or sursis, would be published under the same identification number with a distinguishing code so that its connection to the main item was clear (e.g. P. 2016/1 Amdt 1). (N.B. Every proposition or other matter relating to a proposition would be given a unique number upon submission but that would not necessarily be the order in which the matters were debated.) Original propositions may be – and in the case of propositions emanating from Committees or any seven Members invariably would be – accompanied by policy letters or requêtes, as the case may be, setting out the case in support of the propositions. The submitting Committee or group of Members would identify its or their preferred date, if there is one, for the States to consider the item.

4. The Committee is proposing that in future all original propositions must be not only seen by the Law Officers but also legally and constitutionally reviewed by them before they can be sent to the Greffier for submission to the States. This will ensure that there has been legal advice on the wording that is proposed by the submitting Committee or group of Members. It is for the submitting Committee or group of Members to consider that advice and to take it into account before the proposition is submitted to the Greffier. This is achieved best by adding a subparagraph to the new Rule 4 entitled “Information to include in motions laid before the States”.
5. The Committee is proposing that in future propositions in respect of elections to fill vacant positions on Committees of the States should be submitted to the Greffier by the Presiding Officer as he is the person to whom Members must submit their resignations. It is proposing also that the Presiding Officer alone should be able to determine the Meeting at which they are considered. This is the most efficient procedure to adopt and also avoids political considerations interfering in the matter. This would be achieved by the proposed Rule 3(2). The terms of Rule 18 (Urgent propositions) also need to be amended to reflect the fact that the Presiding Officer will have the right to submit those propositions in his or her own right.
6. All propositions, with their accompanying policy letters or requêtes as the case may be, submitted before a certain day and time before an ordinary Meeting of the States would then be laid before that States’ Meeting as part of a new, separate category of business: in effect, arranging the agendas for future States’ Meetings. The Committee suggests a timetable as follows. The deadline for submission of an item to the Greffier in order for it to be included on the Schedule for future States’ business (“the Schedule”) considered at the next ordinary Meeting would be 15.00 on the week day preceding the seventh clear week day before the ordinary Meeting (by way of example, Friday in week one). The Schedule which would be considered at the ordinary Meeting would be

published before 15.00 on the week day before the second clear week day before the States' Meeting (the following Friday – that is Friday in week two). The States' Meeting would begin on Wednesday of week three. It should be emphasised that the Schedule is the means of allowing future business to be arranged; it is not the debate of that business.

7. The Committee is proposing that States' Meetings be categorised as “ordinary” or “special” which will be defined as follows. A special Meeting of the States will be one whose sole purpose is the consideration of the Annual Budget of the States, the Accounts of the States or the Policy & Resource Plan. These are items which the States have already decided should be debated in separate, stand-alone Meetings. An ordinary Meeting of the States is any other one. Slightly different Rules, as set out below, will apply to the different categories.
8. In summary, an item submitted by Friday in the first week would be listed in the Schedule published on the Friday of the second week and the Schedule would be considered at the ordinary Meeting of the States which started on Wednesday in the third week. Schedules of Future Business will not be considered at special Meetings.
9. The Schedule for future States' business would contain for each newly-submitted proposition the date of the future States' Meeting at which the Policy & Resources Committee proposed that the item should be debated by the States, having first taken into account the preferred date provided by the submitting Committee or group of Members, the nature and significance of the item, and the volume of other business already arranged for future Meetings. It would also propose the order in which the items for a particular Meeting (other than those with places allocated in Rule 9) should be debated. The Committee suggests that the proposed Schedule for each future Meeting should be set out in the same order as in Rule 9. It also proposes that those items where the date of the Meeting and place within it when the item would be considered are subject to approval by the States, as set out above, be marked with an asterisk to distinguish them from the items where the date could not be amended by the States (i.e. items with places already allocated in Rule 9, such as election propositions and items deferred from a previous Meeting).
10. The Committee proposes that any items at a Meeting which had not been debated and were therefore adjourned, or had been deferred, to the next ordinary Meeting of the States would automatically be included as items to be considered under Rule 9(1)(f) (articles adjourned or deferred from previous Meetings of the States) in the part of the Schedule in respect of the next Meeting. That would give them a guaranteed place at the next Meeting in order to ensure that they were not repeatedly adjourned.
11. The Committee proposes that, with certain exceptions, any Member of the States should be permitted to lay an amendment to the Schedule to alter the Meeting at which an item is to be debated or its place in the order for a particular Meeting.

The provisions of Rule 24(2) which impose deadlines on the submission of certain types of amendments would not apply. The only Members who would be permitted to speak in the debate on such an amendment would be the proposer of the amendment, the President of the Committee submitting the original proposition, or the lead signatory of a requête or motion, and the President of the Policy & Resources Committee. In addition, the Committee proposes that their speeches should be limited to two minutes each. The States would then vote on the amendment in the normal way. Once the States had dealt with any such amendment they would vote on the Schedule in its entirety. The Meeting and when within each Meeting an item was to be debated would thus have been determined. Once approved, the part of the Schedule which related to the next States' Meeting only would become the basis of the Billet d'État for that next Meeting. The proposed contents of Billets d'État for Meetings further in the future would also begin to be known.

12. For ordinary Meetings the Billet d'État would be issued as soon as possible after its contents had been agreed. This would most likely be two or three working days later. It would continue to be the convening notice and "order paper" listing all of the items to be considered at that Meeting. That would reflect its historic meaning, which is a "convening notice". Each of the propositions, with accompanying policy letters or requêtes as appropriate, would already have been published and circulated, as set out in paragraph 3, and therefore their title only and not their full contents would be produced in the Billet d'État.
13. Billets d'État in respect of special Meetings of the States would be published immediately after the item which they contain has been submitted. As set out in paragraph 8, Schedules for future States' business will not be considered at the end of special Meetings.
14. After a States' Meeting the Billet d'État and all associated documents would be assembled and published as a permanent public record of all the propositions and supporting policy letters or papers considered at that meeting, amendments laid (whether successful or not), votes taken, including recorded votes, resolutions made, etc. The Committee proposes that this consolidated set of documents for each States' Meeting should be known by the title of "Actes des États" (acts of the States), historic copies of which can be found in the Royal Court library.
15. There needs to be a date when the new system replaces the present system. The intention is that all the election Meetings in May, 2016 will be convened before the end of April under the present Rules. Therefore, other than the Billets d'État issued in respect of the elections or any item which needs to be put to the States under the provisions for emergency items, no Billets will be issued between the ones in respect of the 8<sup>th</sup> of March Meeting and the one for the 8<sup>th</sup> of June Meeting. The Committee suggests that the first proposed Schedule for future States' business should be issued by the newly-elected Policy & Resources Committee on the 13<sup>th</sup> of May for consideration by the States at the end of the

election Meeting held on the 18<sup>th</sup> of May. The first deadlines will therefore be as follows:

- 6<sup>th</sup> May, 15.00 - deadline for submission of items to the Greffier
- 13<sup>th</sup> May, 15.00 - proposed Schedule for future States' business issued by the Greffier, having been provided by the Policy & Resources Committee
- 18<sup>th</sup> May - Schedule considered by the States and resolution made on it
- 8<sup>th</sup> June - first Meeting at which items listed in the Schedule could be considered by the States.

16. The Policy & Resources Committee, or potentially a quorate meeting of that Committee in accordance with Rule 40(6), will need to determine whether any items should be formally submitted for publication by the Greffier by 15.00 on the 6<sup>th</sup> of May. The following week the members of the Policy & Resources Committee will need to determine where those items should go on the first proposed Schedule for future States' business so that the first proposed Schedule can be provided to the Greffier and published by the 13<sup>th</sup> of May. This proposed Schedule will be considered by the States at the end of their Meeting on the 18<sup>th</sup> of May. Although it is likely at that stage that there will be very little business to show on it for future Meetings (i.e. from the 29<sup>th</sup> of June onwards) the new system will have been launched and the process begun. If any matter has to be considered urgently either before or after the 1<sup>st</sup> of May then the provisions for urgent business in either the present or forthcoming Rules can be used.
17. The following are "secondary propositions", in that they relate to an original proposition and cannot stand in their own right: amendments; sursis; motions to withdraw; motions to annul an Ordinance or Statutory Instrument; Motions to debate an appendix report. They will be defined in the Rules. In respect of these secondary propositions the process would need to be slightly different to that set out above. For these motions the process of submission should remain as set out in Rule 24 which was approved by the States in November with changes to state that they too will be submitted to the Greffier. The proposed new wording of Rule 24(1) is set out in the Recommendations.
18. At present, the senior committee of the States, Policy Council, and arguably the most influential committee of the States, the Treasury and Resources Department, have the right to issue letters of comment to requêtes and the policy letters of most other committees. They are included in the Billet d'État immediately after the item to which they relate. The numerous disadvantages of this approach were set out extensively in the Committee's November 2015 policy letter (see para. 1 of this policy letter).
19. It is proposed that in future any letter of comment which the Policy & Resources Committee wishes to have published would be submitted to the Greffier when that Committee chooses. If a letter of comment is submitted it would be published under the reference number of the proposition or set of propositions to which it relates (e.g. P.2016/1 PRC Lett Com). This will afford the Policy & Resources Committee greater flexibility than its predecessors in determining how

to fulfil its duty “to advise the States..., when necessary, on the implications of other committees’ proposals, policies and activities and in particular whether they accord with the States’ objectives and policy plans”. This proposal also has in mind the following words from the November policy letter: “...it would be far more constructive and useful to the States, and indeed to the public, for meaningful and informed letters of comment to be issued subsequent to publication of the original proposals than it is for insipid letters of comment to be issued at the same time as the original proposals.”

20. It is proposed that the Rules should afford the Scrutiny Management Committee the right, should it so wish, to submit a letter of comment on any Committee’s proposals. The Scrutiny Management Committee should choose whether, and if so when, to submit a letter of comment. It, too, would need to be published under the reference number of the proposition or set of propositions to which it relates (e.g. P.2016/1 SMC Lett Com).
21. The States have already agreed that the present system whereby the Policy Council consults Departments and Committees which appear to have an interest in the subject matter of a requête continue in the new Rules. However, in this policy letter the Committee is proposing that there be no deadline for the submission of letters of comment. Therefore, Rule 28(2)(b) needs to be amended as that paragraph presently implies that the Policy & Resources Committee’s letter of comment on a requête must be submitted before the Billet d’État is published.
22. At present, some Billets d’État include one or more appendices which are generally reports submitted in accordance with States’ Resolutions by States’ committees for the information of the States and not intended for debate. However, the Rules enable a Member to bring a motion that the contents of such an appendix be debated. The Committee is proposing that a Committee which is required or wishes to have a matter included as an appendix to a Billet d’État should submit it to the Greffier in the same way as for any other item. However, the submitting Committee would be able to state the Meeting at which it should be included in a Billet d’État. It would be listed in the Schedule for future States’ business but its place could not be amended. The Greffier would publish and circulate the report in the same way as any other item. The title would appear in the Billet d’État for the relevant Meeting. When the Billet d’État in which it was included is considered by the States the provisions of the new Rule 20 would apply.
23. In order to give effect to the above the Committee proposes that Rules 2 and 3 of the new Rules, which the States approved conditionally in November and which consisted essentially of the text of the present Rules 1 and 2 respectively inserted on a provisional basis in the new Rules, be replaced with the text set out in Recommendation 1.

24. In addition, Rule 1 needs to be amended to reflect the fact that certain special Meetings of the States will begin on a Tuesday. Rule 4 also needs to be amended for the reasons set out in paragraph 4 of this policy letter and to enable the submitting Committee or group of States' Members to propose its or their preferred date of consideration. Rule 4 and three other Rules need to be amended to reflect that only propositions and not recommendations as well will be put to the States. Parts of Rules 24 and 28 need to be amended to make the submission process for amendments and requêtes respectively more closely aligned with the new process for other types of propositions.
25. In addition, Rule 9(1), which sets out the standard order in which the States will consider particular types of business, needs to be amended to include when the arrangement of future items of business will be considered. The Committee believes that the most logical time at which to consider when future items will be debated is at the very end of each States' Meeting.
26. In addition, much of Rule 9(1) will be redundant as it sets out when different types of items will be considered. The Committee proposes that the first four items (communications by the Presiding Officer, statements, questions, elections and appointments) should retain that order. The Committee also proposes that any motions to debate an appendix report still have set places in the order of business as well as items adjourned or deferred from a Meeting. The remainder of the items should be debated as decided by the States according to the other proposals in this policy letter. The Committee therefore proposes that items (e) to (i), (k) to (m) and (o) to (r) inclusive in the new Rule 9(1) be deleted and replaced with a single new category 9(1)(g) called "all other types of business not named".
27. Rule 9(1)(f) would be "articles adjourned or deferred from previous Meetings of the States" and Rule 9(1)(h) would be "motions to debate an appendix report (2nd stage)". There would then be a new Rule 9(1)(i) "Schedule for future States' business."
28. The Committee proposes that there should be a new Rule 9(2) stating that: "An ordinary Meeting of the States shall not be closed until any matters to be considered under paragraph 9(1)(i) have been resolved" otherwise it will not be possible to finalise the Billet d'État for the next Meeting. It also proposes that there should be a new Rule 9(3) to deal with the provisions for special Meetings of the States.

#### DATES OF STATES' MEETINGS

29. At their November, 2015 Meeting the States also agreed to the Committee's proposals for when States' Meetings should be held in the period May, 2016 to August, 2017 inclusive. Since then the Committee has received representations from Deputy Dorey and also from the Policy Council and the Treasury and Resources Department. Deputy Dorey noted that in 2016 the States' Budget would be debated only one week (in practice quite possibly four or five days)

after the debate on the Policy & Resource Plan Phase 1 and he considered that unsatisfactory. In any event the Council strongly believed that its successor would need more time to prepare the Policy & Resource Plan Phase 1. The Department requested more time for its successor to prepare the annual Budget. On reflection the Committee felt that these representations were entirely valid and therefore is proposing amendments to some of the dates.

30. In addition, at the request of the Treasury and Resources Department, the Committee is proposing that the Rules be amended so that the Meeting to consider the Annual Budget of the States is always held on the first Tuesday in November in future. The Committee is proposing that the Meetings to consider the States' Accounts be set in the Rules as a Tuesday in June and that all the Meetings which consider the Policy & Resource Plan begin on a Tuesday.
31. In order to accommodate the above changes and try to have an even spread of Meetings through the year, a number of consequential changes are also being proposed. They are set out in Schedule 1, which contains dates of future States' Meetings.

#### THE NEW RULES

32. The States need to agree to new rules regarding the submission of items to the States as their approval of the new *Rules of Procedure of the States and their Committees* to take effect from the 1<sup>st</sup> of May (as per Resolution 1 on the November, 2015 Billet d'État) was conditional upon that.
33. In advance of the debate on these Rules, but separately from this policy letter, the Committee will circulate the full set of new *Rules of Procedure of the States and their Committees* as they would be if the States approved the Committee's recommendations in this current policy letter so that Members can see them in their complete form.
34. Attached to this policy letter are a diagrammatic representation of the proposed submission process and a draft skeleton Schedule for future States' business.

#### CONSULTATION / RESOURCES / NEED FOR LEGISLATION

35. The Law Officers have not identified any reason in law why the proposals set out in this policy letter cannot be implemented.
36. The approval of the recommendations would have no financial or other resource implications for the States.
37. The Committee's Principal Officer has discussed the proposals in this policy letter with the Law Officers and senior civil servants and following that consultation various amendments have been made to improve the process being proposed.



## RECOMMENDATIONS

38. The States' Assembly & Constitution Committee unanimously recommends the States to resolve:

1. That the Rules of Procedure of the States of Deliberation and their Committees which were approved conditionally on the 27<sup>th</sup> of November, 2015 shall come into effect on the 1<sup>st</sup> of May, 2016 subject to the following amendments:

replace the provisional Rules 2 and 3 with:

“Convening of Meetings

- 2.(1) A Meeting of the States shall be convened by the Presiding Officer for each of the dates agreed by the States after consideration of a policy letter submitted under the terms of Rule 1. Each Meeting shall be convened by means of a Billet d'État containing, as determined by the provisions of Rule 3, the titles of original propositions designed to enable the States to make resolutions thereon after being debated at the Meeting.
- (2) Subject to paragraph (3) below, a Billet d'État shall be issued by the Greffier on behalf of the Presiding Officer as soon as possible after the States' Meeting at which its contents were decided.
- (3) The Billet d'État for a special Meeting shall be issued by the Greffier on behalf of the Presiding Officer as soon as possible after the original propositions which it will contain have been published.
- (4) Notwithstanding the provisions of Rule 1 and the foregoing provisions of this Rule the Presiding Officer may, if in his or her opinion circumstances so require, convene a Meeting in such manner and at such notice for such date as he or she shall decide. Before convening a Meeting under the provisions of this paragraph, the Presiding Officer shall inform His Excellency the Lieutenant Governor and Commander-in-Chief of the date proposed for the Meeting.”

“Submission of items to the States

3. (1) Any supporting policy letter or requête or motion must be attached to the original proposition at the time of submission.

- (2) Any proposition in respect of an election to a vacant office shall be submitted by the Presiding Officer who alone shall have the right to determine the Billet d'État in which the proposition shall appear.
- (3) A Committee of the States may submit a report for inclusion as an appendix to a Billet d'État which Committee alone shall have the right to determine the Billet d'État in which the appendix shall appear. The Greffier shall circulate and publish it as set out in paragraph (5) as if it were an original proposition.
- (4) The submission of secondary propositions shall be subject to the provisions of Rule 24(1).
- (5) On receipt of an original proposition submitted for consideration by the States the Greffier shall cause it to be published as soon as possible on the States' website and in such other form as he or she may determine. The Greffier shall also notify all Members that the item is on the website and send it to them by the method which the Member has chosen. The Greffier shall simultaneously transmit the item to the Presiding Officer and the Policy & Resources Committee and shall also cause a notice of its title to be posted on the noticeboard in the Royal Court building.
- (6) On receipt of an original proposition or set of original propositions the Greffier shall allocate it an identification number which shall be used in all official references to it. This shall be in the form "P. year / serial number of proposition" (e.g. P. 2016/1). Any matter relating to the original proposition or set of original propositions, that is to say an amendment, sursis, letter of comment or other motion on it, shall have the same identification number as the principal item with a distinguishing code (e.g. P.2016/1 Amdt 1).
- (7) On receipt of a new matter for consideration by the States, the Policy & Resources Committee shall determine the future States' Meeting at which it proposes that the item should be debated and the order of the debate, having taken into account the nature and significance of the item, the volume of the other business already arranged for future Meetings, and any preferred date which might have been expressed by the Committee or group of Members, as the case may be, under the provisions of Rule 4(2).
- (8) The Policy & Resources Committee shall have the right to propose the Meeting and the order of debate with each Meeting in respect of the following categories of business only as listed in Rule 9: Rule 9(1)(g). Amendments under the provisions of paragraph (16) are permitted only in respect of those categories of business or items

within them. Those categories of business shall be marked in the Schedule with an asterisk (“\*”).

- (9) The Policy & Resources Committee shall propose at an ordinary Meeting only of the States the future Meeting at which it proposes that an item be considered, by means of the inclusion of the item (that is to say the title only of the original propositions concerned) in a Schedule for future States’ business.
- (10) Any original proposition which has been submitted to the Greffier before 15.00 on the working day preceding the seventh clear day (excluding Saturdays, Sundays and public holidays) before an ordinary Meeting shall be included in the Schedule for future States’ business considered at that Meeting.
- (11) Any original proposition which proposes the approval of any of:
  - (a) a Projet de Loi or draft Ordinance; or
  - (b) a Policy & Resource Plan; or
  - (c) a draft Strategic Land Use Plan, or any amendment to such a Plan, which is laid before the States pursuant to section 5(3) of the Land Planning and Development (Guernsey) Law, 2005; or
  - (d) any proposals for a Development Plan, Subject Plan or Local Planning Brief or any amendment to such a Plan or Brief, which is laid before the States pursuant to section 9(4) of the Land Planning and Development (Plans) Ordinance, 2007; or
  - (e) the annual policy letter proposing social insurance rates of contribution and benefits;

shall be published not later than five weeks before the States’ Meeting at which they are debated.
- (12) Original propositions in respect of the States’ Accounts shall be published not later than three weeks before the States’ Meeting at which they are debated.
- (13) Original propositions in respect of the annual Budget of the States shall be published not later than four weeks before the States’ Meeting at which they are debated.
- (14) A Schedule for future States’ business shall be provided by the Policy & Resources Committee to the Greffier before 15.00 on the day before the second clear day (excluding Saturdays, Sundays and public holidays) before the ordinary Meeting at which its contents will be

debated as an item under Rule 9(1)(i) and shall be issued by the Greffier as soon as it is received.

- (15) Any item which was listed for consideration at the Meeting but consideration of which, either in part or in whole, was adjourned or deferred to the next Meeting under the provisions of Rule 6(3)(c) shall be treated as automatically included in the part of the Schedule for future States' business in respect of the next Meeting as an item under Rule 9(1)(f).
- (16) Subject to the provisions of paragraph (8), when the proposal in paragraph (9) is considered, any Member may propose by means of an amendment an alternative Meeting or a different order of business within a Meeting at which the item will be listed for consideration.
- (17) The provisions of Rule 24(2) shall not apply in respect of an amendment laid under the provisions of paragraph (16).
- (18) In respect of an amendment laid under the provisions of paragraph (16), speeches shall be permitted only by the proposer of the amendment, the President of the Committee concerned, or the lead requérant in the case of a requête or the lead Member of the seven Members who have brought a motion under the terms of Rules 21 or 22, and the President of the Policy & Resources Committee and shall be restricted to a maximum of two minutes each and no other debate shall be permitted on the amendment.
- (19) The Policy & Resources Committee shall have the right to submit letters of comment on items submitted for consideration by the States. The Scrutiny Management Committee shall also have the right to submit letters of comment on items submitted for consideration by the States. Any letter of comment shall be submitted to the Greffier for publication and he or she shall cause it to be circulated as if it was an original proposition under the terms of paragraph (5) and it shall be given the same identification number as the principal item with a distinguishing code (e.g. P.2016/1 PRC Lett Com or P.2016/1 SMC Lett Com).
- (20) The dates and purpose of special Meetings of the States shall be listed in Schedules for future States' business as soon as the dates on which they will be held have been determined by the States in accordance with the provisions of Rule 1(1). No amendment to their proposed place in the Schedules shall be permitted except by the President of the Policy & Resources Committee.
- (21) Every original proposition for the approval of a Projet de Loi or a draft Ordinance, and every Ordinance or Statutory Instrument laid

before the States, shall be accompanied by a brief explanatory memorandum approved by H.M. Procureur.

- (22) Any States' Member of a Committee who dissents from all or some of the original propositions submitted by that Committee may deliver to the Committee a minority report which shall be published as an annex to the policy letter.
- (23) The Greffier, in consultation with the Presiding Officer, shall issue directives setting out the conditions with which the submission of a proposition and any accompanying policy letter or requête or motion must comply, including, but not restricted to, template, font, font size, margins, layout, etc.
- (24) Any proposition the effect of which is to note the contents of an accompanying policy letter shall be construed as a neutral motion, neither implying assent for, nor disapproval of, the contents of the policy letter concerned.
- (25) Any proposition which contains the words "the States" shall be construed (unless defined to the contrary) as meaning the States of Deliberation of the Island of Guernsey."

- 2. That the Rules of Procedure of the States of Deliberation and their Committees which were approved conditionally on the 27<sup>th</sup> of November, 2015 shall be amended as follows:

replace the text of Rule 1(2) with:

"Ordinarily the first day of a Meeting shall be a Wednesday, except for the Meetings held to consider the annual Budget of the States which shall begin on the first Tuesday in November, the States' Accounts which shall begin on a Tuesday before a Meeting in June, and a Policy & Resource Plan which shall begin on a Tuesday."

and

delete Rule 1(3) then renumber Rule 1(4) as Rule 1(3)

and

replace the existing Rule 4 with the following:

- "4. (1) Every original proposition laid before the States shall have appended to it a statement that it has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.

- (2) Every original proposition laid before the States may be accompanied by a statement from the Committee or group of Members, as the case may be, expressing its or their preferred date when the item should be considered by the States.
- (3) Every proposition laid before the States which has financial implications to the States shall include or have appended to it in a policy letter or requête or otherwise an estimate of the financial implications to the States of carrying the proposal into effect;

Provided that:

the proposer(s) of such a proposition may request from any Committee any information required to enable such an estimate to be included or appended and the Committee shall thereupon provide complete and accurate information to enable the proposer(s) to set out the estimate.

- (4) A policy letter accompanying an original proposition shall include a statement clarifying whether each of the propositions is supported unanimously or by a majority of the Committee and, if the latter, which member or members are not in support of which propositions should be identified.
- (5) A policy letter accompanying an original proposition shall include a statement setting out how the propositions contained therein relate to the Committee's purpose and policy responsibilities (in the case of a Principal Committee) or to the Committee's duties and powers (in the case of any other Committee), how they contribute to the States' objectives and policy plans, and what joint working or consultation has taken place with other Committees in the preparation of the propositions."

and

replace Rule 9(1) with:

"9(1) Unless the States resolve otherwise, the business at an ordinary Meeting shall be taken in the following order:

- (a) communications by the Presiding Officer including *in memoriam* tributes;
- (b) statements;
- (c) questions;
- (d) elections and appointments;

- (e) motions to debate an appendix report (1st stage);
- (f) items adjourned or deferred from previous Meetings of the States;
- (g) all other types of business not otherwise named;
- (h) motions to debate an appendix report (2nd stage);
- (i) Schedule for future States' business."

and

renumber Rule 9(2) as Rule 9(4) and insert a new Rule 9(2) in the following terms:

"An ordinary Meeting shall not be closed until any matters to be considered under Rule 9(1)(i) have been resolved."

and

insert a new Rule 9(3) in the following terms:

"The only business at a special Meeting shall be the Annual Budget of the States or the States' Accounts or the Policy & Resource Plan, as the case may be."

and

in Rule 18 insert after the first "Committee" "or by the Presiding Officer in his or her own right" and after the second "Committee" "/ Presiding Officer"

and

in Rule 23(4)(b) replace "October" with "November";

and

rename Rule 24 as "Secondary propositions – amendments, sursis, etc."

and

replace Rule 24(1) with the following:

“Any Member who intends to lay before the States a secondary proposition shall submit it to the Greffier and it must state the names of the proposer and seconder. As soon as possible thereafter, the Greffier shall cause it to be published on the States’ website and in such other form as he or she shall determine and shall circulate it simultaneously to the Presiding Officer and all Members of the States. If the secondary proposition was submitted to the Greffier by 15.00 on the day preceding the seventh clear day before the Meeting (excluding Saturdays, Sundays and public holidays), the Greffier shall circulate it in the way the Member has requested. If the secondary proposition was submitted between that time and the day of the Meeting the Greffier shall circulate it by electronic means. The Greffier shall provide a paper copy of each secondary proposition, whenever it may have been submitted to him or her, at the start of each Meeting or as soon as practicable if he or she receives it during the Meeting.”

and

in the paragraph following Rule 24(2)(h) delete the words from "the Presiding Officer..." to "H.M. Procureur; and" inclusive;

and

in Rule 28(1), delete all the words after "Meeting" in the first sentence and replace them with:

“they shall submit it to the Greffier who shall treat it as an item to be put to the States for consideration in accordance with the provisions of Rule 3.”

and

replace Rule 28(2) with

“Upon notification of a requête the Policy & Resources Committee shall:

- (a) consult any Committees appearing to that Committee to have a particular interest in the subject matter of the requête; and
- (b) if considered necessary, set out its opinion in a letter of comment, appending thereto the views of all Committees so consulted.”

and

in Rule 30(1) add the following definitions:

““ordinary Meeting” means any Meeting of the States which is not a special Meeting;”



““original proposition” means any of the following: propositions from the Presiding Officer; propositions from a Committee of the States; propositions arising from a requête; propositions proposing the approval or adoption of legislation; motions of no confidence; motions of censure; urgent propositions; and propositions in relation to the adoption of the Schedule for future States’ business”;

““secondary proposition” means any of the following: amendments; sursis; motions to withdraw; motions to annul an Ordinance or Statutory Instrument; motions to debate an appendix report”;

““special Meeting” means any Meeting of the States convened to consider the Annual Budget of the States or the States’ Accounts or the Policy & Resource Plan;”

and

in Rule 37(7) replace “recommendation” with “proposition”;

and

in Rules 17(9) and 53(2) replace “recommendations” with “propositions”;

3. to replace Schedule 1 to Article 1 of Billet d’État XXII of November, 2015 with Schedule 1 attached hereto.
4. to agree that the first Schedule for future States’ business will be issued on the 13<sup>th</sup> of May, 2016 for consideration by the States at the end of the Meeting on the 18<sup>th</sup> of May and that the deadline for submission of original propositions or sets of original propositions for inclusion in that Schedule shall be 15.00 on the 6<sup>th</sup> of May.
5. to note that the Meetings of the States held in May, 2016 to elect Members and others to positions on Committees of the States will be convened by means of Billets d’État issued under the present Rules of Procedure.

Yours faithfully,

Deputy M J Fallaize

Chairman

The other Members of the States’ Assembly & Constitution Committee are:

Deputy R Conder (Vice-Chairman)

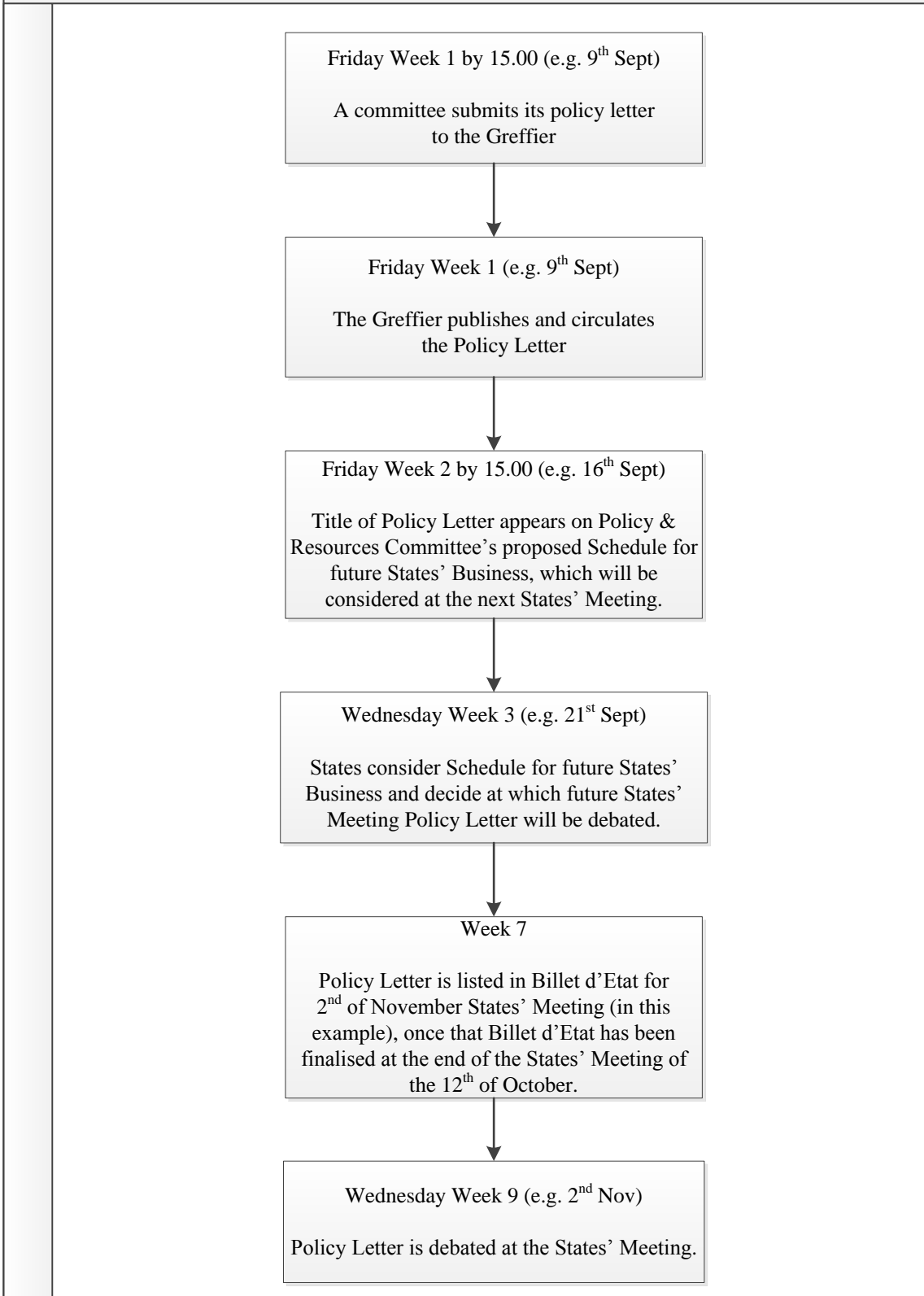
Deputy E G Bebb

Deputy A H Adam

Deputy P A Harwood

## Appendix 1

## Path of a Policy Letter (with example dates)



## Appendix 2

Comparison of lengths of time an item of ordinary business is in the public domain after it must be submitted for debate.

	Current Rules	New Rules from the 1 <sup>st</sup> of May, 2016 (based on the example overleaf)
Time from submission of Policy Letter to its debate by the States	11 weeks	8 weeks
Period of time for which Policy Letter is known to all States' Members and in the public domain	5 weeks	8 weeks

Appendix 3 – Draft example of a Schedule for future States’ business

**STATES OF DELIBERATION**

**SCHEDULE for FUTURE STATES’ BUSINESS**  
(For consideration at the ordinary Meeting of the States  
commencing on the 18<sup>th</sup> May 2016)

Items for Ordinary Meeting of the States commencing on the 8<sup>th</sup> June 2016

- (a) communications by the Presiding Officer including *in memoriam* tributes;
- (b) statements;
- (c) questions;
- (d) elections and appointments;
- (e) motions to debate an appendix report (1st stage);
- (f) articles adjourned or deferred from previous Meetings of the States;
- (g) all other types of business not otherwise named \*;  
List of items proposed for this Meeting, with reference number  
Committee name: name of proposition/s: reference number
- (h) motions to debate an appendix report (2nd stage);
- (i) Schedule for future States’ business.

*Amendments to the proposed Meeting dates and order are permitted only for those items marked with an \*.*

Item for Special Meeting of the States commencing on the 29<sup>th</sup> June 2016

States' Accounts P.2016/xx

*Amendments to the proposed Meeting dates and order are permitted only for those items marked with an \*.*

Items for Ordinary Meeting of the States commencing on the 29<sup>th</sup> June 2016

- (a) communications by the Presiding Officer including *in memoriam* tributes;
- (b) statements;
- (c) questions;
- (d) elections and appointments;
- (e) motions to debate an appendix report (1st stage);
- (f) articles adjourned or deferred from previous Meetings of the States;
- (g) all other types of business not otherwise named \*;  
List of items proposed for this Meeting, with reference number  
Committee name: name of proposition/s: reference number
- (h) motions to debate an appendix report (2nd stage);
- (i) Schedule for future States' business.

*Amendments to the proposed Meeting dates and order are permitted only for those items marked with an \*.*

N.B.

All future Meetings at which the Policy & Resources Committee is proposing that at least one item be considered would be set out in the same format as above.

Reference numbers to be in the following forms:

Original Propositions

P. 2016/1 and so forth

Secondary propositions

Amendments

P. 2016/1 Amdt 1, then Amdt 2 and so forth

Sursis

P. 2016/1 Surs

Motion to withdraw

P. 2016/1 w/draw

Letters of comment

P. 2016/1 PRC Lett Com (from the Policy & Resources Committee)

P. 2016/1 SMC Lett Com (from the Scrutiny Management Committee)

Schedule 1

Proposed dates for the first day of States' Meetings in 2016

(all Wednesdays, except where indicated)

May 4<sup>th</sup> (election of the President of the Policy & Resources Committee only)

6<sup>th</sup> (Friday) (election of the Members of the Policy & Resources Committee only)

11<sup>th</sup> (election of the Presidents of other Committees only)

18<sup>th</sup> (election of the Members of other Committees only)

June 8<sup>th</sup>

28<sup>th</sup> (Tuesday) (States' Accounts Meeting only)

29<sup>th</sup>

September 7<sup>th</sup>

21<sup>st</sup>

October 12<sup>th</sup>

November 1<sup>st</sup> (Tuesday) (Annual Budget Meeting only)

2<sup>nd</sup>

15<sup>th</sup> (Tuesday) (Policy & Resource Plan Phase 1 debate only)

30<sup>th</sup>

December 14<sup>th</sup>

Proposed dates for the first day of States' Meetings in 2017.

January 11<sup>th</sup>

February 1<sup>st</sup>

15<sup>th</sup>



March 8<sup>th</sup>

29<sup>th</sup>

April 26<sup>th</sup>

May 17<sup>th</sup>

June 7<sup>th</sup>

20<sup>th</sup> (Tuesday) (States' Accounts Meeting only)

21<sup>st</sup>

27<sup>th</sup> (Tuesday) (Policy & Resource Plan Phase 2 debate only)

N.B. The States' schools' term dates as far as July, 2017 are as follows:

Term starts on the 26<sup>th</sup> of April, 2016 (pupils)

Half term is the 30<sup>th</sup> of May to the 3<sup>rd</sup> of June

Term ends on the 21<sup>st</sup> of July

Term starts on the 6<sup>th</sup> of September (pupils)

Half term is the 24<sup>th</sup> to the 30<sup>th</sup> of October

Term ends on the 20<sup>th</sup> of December

Term starts on the 5<sup>th</sup> of January, 2017 (pupils).

Half term is the 20<sup>th</sup> to 24<sup>th</sup> of February.

Term ends on the 7<sup>th</sup> of April.

Term starts on the 25<sup>th</sup> of April (pupils)

Half term is the 29<sup>th</sup> of May to 2<sup>nd</sup> of June.

Term ends on the 21<sup>st</sup> of July.

**(N.B. As there are no resource implications in this Policy Letter, the Treasury and Resources Department has no comments to make.)**

The States are asked to decide:-

I.- Whether, after consideration of the Policy Letter dated 25<sup>th</sup> February, 2016, of the States' Assembly & Constitution Committee, they are of the opinion:-

1. To approve that the Rules of Procedure of the States of Deliberation and their Committees which were approved conditionally on the 27<sup>th</sup> of November, 2015 come into effect on the 1<sup>st</sup> of May, 2016 subject to the following amendments:

- (i) replace the provisional Rule 2 with:

“Convening of Meetings

- 2.(1) A Meeting of the States shall be convened by the Presiding Officer for each of the dates agreed by the States after consideration of a policy letter submitted under the terms of Rule 1. Each Meeting shall be convened by means of a Billet d'État containing, as determined by the provisions of Rule 3, the titles of original propositions designed to enable the States to make resolutions thereon after being debated at the Meeting.
- (2) Subject to paragraph (3) below, a Billet d'État shall be issued by the Greffier on behalf of the Presiding Officer as soon as possible after the States' Meeting at which its contents were decided.
- (3) The Billet d'État for a special Meeting shall be issued by the Greffier on behalf of the Presiding Officer as soon as possible after the original propositions which it will contain have been published.
- (4) Notwithstanding the provisions of Rule 1 and the foregoing provisions of this Rule the Presiding Officer may, if in his or her opinion circumstances so require, convene a Meeting in such manner and at such notice for such date as he or she shall decide. Before convening a Meeting under the provisions of this paragraph, the Presiding Officer shall inform His Excellency the Lieutenant Governor and Commander-in-Chief of the date proposed for the Meeting.”

- (ii) replace the provisional Rule 3 with:

“Submission of items to the States

3. (1) Any supporting policy letter or requête or motion must be attached to the original proposition at the time of submission.
- (2) Any proposition in respect of an election to a vacant office shall be submitted by the Presiding Officer who alone shall have the right to determine the Billet d’État in which the proposition shall appear.
- (3) A Committee of the States may submit a report for inclusion as an appendix to a Billet d’État which Committee alone shall have the right to determine the Billet d’État in which the appendix shall appear. The Greffier shall circulate and publish it as set out in paragraph (5) as if it were an original proposition.
- (4) The submission of secondary propositions shall be subject to the provisions of Rule 24(1).
- (5) On receipt of an original proposition submitted for consideration by the States the Greffier shall cause it to be published as soon as possible on the States’ website and in such other form as he or she may determine. The Greffier shall also notify all Members that the item is on the website and send it to them by the method which the Member has chosen. The Greffier shall simultaneously transmit the item to the Presiding Officer and the Policy & Resources Committee and shall also cause a notice of its title to be posted on the noticeboard in the Royal Court building.
- (6) On receipt of an original proposition or set of original propositions the Greffier shall allocate it an identification number which shall be used in all official references to it. This shall be in the form “P. year / serial number of proposition” (e.g. P. 2016/1). Any matter relating to the original proposition or set of original propositions, that is to say an amendment, sursis, letter of comment or other motion on it, shall have the same identification number as the principal item with a distinguishing code (e.g. P.2016/1 Amdt 1).
- (7) On receipt of a new matter for consideration by the States, the Policy & Resources Committee shall determine the

future States' Meeting at which it proposes that the item should be debated and the order of the debate, having taken into account the nature and significance of the item, the volume of the other business already arranged for future Meetings, and any preferred date which might have been expressed by the Committee or group of Members, as the case may be, under the provisions of Rule 4(2).

- (8) The Policy & Resources Committee shall have the right to propose the Meeting and the order of debate with each Meeting in respect of the following categories of business only as listed in Rule 9: Rule 9(1)(g). Amendments under the provisions of paragraph (16) are permitted only in respect of those categories of business or items within them. Those categories of business shall be marked in the Schedule with an asterisk (“\*”).
- (9) The Policy & Resources Committee shall propose at an ordinary Meeting only of the States the future Meeting at which it proposes that an item be considered, by means of the inclusion of the item (that is to say the title only of the original propositions concerned) in a Schedule for future States' business.
- (10) Any original proposition which has been submitted to the Greffier before 15.00 on the working day preceding the seventh clear day (excluding Saturdays, Sundays and public holidays) before an ordinary Meeting shall be included in the Schedule for future States' business considered at that Meeting.
- (11) Any original proposition which proposes the approval of any of:
  - (a) a Projet de Loi or draft Ordinance; or
  - (b) a Policy & Resource Plan; or
  - (c) a draft Strategic Land Use Plan, or any amendment to such a Plan, which is laid before the States pursuant to section 5(3) of the Land Planning and Development (Guernsey) Law, 2005; or
  - (d) any proposals for a Development Plan, Subject Plan or Local Planning Brief or any amendment to such a Plan or Brief, which is laid before the States pursuant to section

9(4) of the Land Planning and Development (Plans) Ordinance, 2007; or

- (e) the annual policy letter proposing social insurance rates of contribution and benefits;

shall be published not later than five weeks before the States' Meeting at which they are debated.

- (12) Original propositions in respect of the States' Accounts shall be published not later than three weeks before the States' Meeting at which they are debated.
- (13) Original propositions in respect of the annual Budget of the States shall be published not later than four weeks before the States' Meeting at which they are debated.
- (14) A Schedule for future States' business shall be provided by the Policy & Resources Committee to the Greffier before 15.00 on the day before the second clear day (excluding Saturdays, Sundays and public holidays) before the ordinary Meeting at which its contents will be debated as an item under Rule 9(1)(i) and shall be issued by the Greffier as soon as it is received.
- (15) Any item which was listed for consideration at the Meeting but consideration of which, either in part or in whole, was adjourned or deferred to the next Meeting under the provisions of Rule 6(3)(c) shall be treated as automatically included in the part of the Schedule for future States' business in respect of the next Meeting as an item under Rule 9(1)(f).
- (16) Subject to the provisions of paragraph (8), when the proposal in paragraph (9) is considered, any Member may propose by means of an amendment an alternative Meeting or a different order of business within a Meeting at which the item will be listed for consideration.
- (17) The provisions of Rule 24(2) shall not apply in respect of an amendment laid under the provisions of paragraph (16).
- (18) In respect of an amendment laid under the provisions of paragraph (16), speeches shall be permitted only by the proposer of the amendment, the President of the Committee concerned, or the lead requérant in the case of a requête or the lead Member of the seven Members who

have brought a motion under the terms of Rules 21 or 22, and the President of the Policy & Resources Committee and shall be restricted to a maximum of two minutes each and no other debate shall be permitted on the amendment.

- (19) The Policy & Resources Committee shall have the right to submit letters of comment on items submitted for consideration by the States. The Scrutiny Management Committee shall also have the right to submit letters of comment on items submitted for consideration by the States. Any letter of comment shall be submitted to the Greffier for publication and he or she shall cause it to be circulated as if it was an original proposition under the terms of paragraph (5) and it shall be given the same identification number as the principal item with a distinguishing code (e.g. P.2016/1 PRC Lett Com or P.2016/1 SMC Lett Com).
- (20) The dates and purpose of special Meetings of the States shall be listed in Schedules for future States' business as soon as the dates on which they will be held have been determined by the States in accordance with the provisions of Rule 1(1). No amendment to their proposed place in the Schedules shall be permitted except by the President of the Policy & Resources Committee.
- (21) Every original proposition for the approval of a *Projet de Loi* or a draft Ordinance, and every Ordinance or Statutory Instrument laid before the States, shall be accompanied by a brief explanatory memorandum approved by H.M. Procureur.
- (22) Any States' Member of a Committee who dissents from all or some of the original propositions submitted by that Committee may deliver to the Committee a minority report which shall be published as an annex to the policy letter.
- (23) The Greffier, in consultation with the Presiding Officer, shall issue directives setting out the conditions with which the submission of a proposition and any accompanying policy letter or requête or motion must comply, including, but not restricted to, template, font, font size, margins, layout, etc.
- (24) Any proposition the effect of which is to note the contents of an accompanying policy letter shall be construed as a

neutral motion, neither implying assent for, nor disapproval of, the contents of the policy letter concerned.

- (25) Any proposition which contains the words “the States” shall be construed (unless defined to the contrary) as meaning the States of Deliberation of the Island of Guernsey.”

- (iii) replace the text of Rule 1(2) with:

“Ordinarily the first day of a Meeting shall be a Wednesday, except for the Meetings held to consider the annual Budget of the States which shall begin on the first Tuesday in November, the States’ Accounts which shall begin on a Tuesday before a Meeting in June, and a Policy & Resource Plan which shall begin on a Tuesday.”

- (iv) delete Rule 1(3) then renumber Rule 1(4) as Rule 1(3)

- (v) replace the existing Rule 4 with the following:

“4. (1) Every original proposition laid before the States shall have appended to it a statement that it has been submitted to Her Majesty’s Procureur for advice on any legal or constitutional implications.

- (2) Every original proposition laid before the States may be accompanied by a statement from the Committee or group of Members, as the case may be, expressing its or their preferred date when the item should be considered by the States.

- (3) Every proposition laid before the States which has financial implications to the States shall include or have appended to it in a policy letter or requête or otherwise an estimate of the financial implications to the States of carrying the proposal into effect;

Provided that:

the proposer(s) of such a proposition may request from any Committee any information required to enable such an estimate to be included or appended and the Committee shall thereupon provide complete and accurate information to enable the proposer(s) to set out the estimate.

- (4) A policy letter accompanying an original proposition shall include a statement clarifying whether each of the propositions is supported unanimously or by a majority of the Committee and, if the latter, which member or members are not in support of which propositions should be identified.

- (5) A policy letter accompanying an original proposition shall include a statement setting out how the propositions contained therein relate to the Committee's purpose and policy responsibilities (in the case of a Principal Committee) or to the Committee's duties and powers (in the case of any other Committee), how they contribute to the States' objectives and policy plans, and what joint working or consultation has taken place with other Committees in the preparation of the propositions."

- (vi) replace Rule 9(1) with:

"9(1) Unless the States resolve otherwise, the business at an ordinary Meeting shall be taken in the following order:

- (a) communications by the Presiding Officer including *in memoriam* tributes;
- (b) statements;
- (c) questions;
- (d) elections and appointments;
- (e) motions to debate an appendix report (1st stage);
- (f) items adjourned or deferred from previous Meetings of the States;
- (g) all other types of business not otherwise named;
- (h) motions to debate an appendix report (2nd stage);
- (i) Schedule for future States' business."

- (vii) renumber Rule 9(2) as Rule 9(4) and insert a new Rule 9(2) in the following terms:

"An ordinary Meeting shall not be closed until any matters to be considered under Rule 9(1)(i) have been resolved."

- (viii) insert a new Rule 9(3) in the following terms:

"The only business at a special Meeting shall be the Annual Budget of the States or the States' Accounts or the Policy & Resource Plan, as the case may be."

- (ix) in Rule 18 insert after the first "Committee" "or by the Presiding Officer in his or her own right" and after the second "Committee" "/ Presiding Officer"

- (x) in Rule 23(4)(b) replace "October" with "November";



- (xi) rename Rule 24 as “Secondary propositions – amendments, sursis, etc.”

- (xii) replace Rule 24(1) with the following:

“Any Member who intends to lay before the States a secondary proposition shall submit it to the Greffier and it must state the names of the proposer and seconder. As soon as possible thereafter, the Greffier shall cause it to be published on the States’ website and in such other form as he or she shall determine and shall circulate it simultaneously to the Presiding Officer and all Members of the States. If the secondary proposition was submitted to the Greffier by 15.00 on the day preceding the seventh clear day before the Meeting (excluding Saturdays, Sundays and public holidays), the Greffier shall circulate it in the way the Member has requested. If the secondary proposition was submitted between that time and the day of the Meeting the Greffier shall circulate it by electronic means. The Greffier shall provide a paper copy of each secondary proposition, whenever it may have been submitted to him or her, at the start of each Meeting or as soon as practicable if he or she receives it during the Meeting.”

- (xiii) in the paragraph following Rule 24(2)(h) delete the words from "the Presiding Officer..." to "H.M. Procureur; and" inclusive;

- (xiv) in Rule 28(1), delete all the words after "Meeting" in the first sentence and replace them with:

“they shall submit it to the Greffier who shall treat it as an item to be put to the States for consideration in accordance with the provisions of Rule 3.”

- (xv) replace Rule 28(2) with

“Upon notification of a requête the Policy & Resources Committee shall:

- (a) consult any Committees appearing to that Committee to have a particular interest in the subject matter of the requête; and
- (b) if considered necessary, set out its opinion in a letter of comment, appending thereto the views of all Committees so consulted.”

- (xvi) in Rule 30(1) add the following definitions:

““ordinary Meeting” means any Meeting of the States which is not a special Meeting;”

““original proposition” means any of the following: propositions from the Presiding Officer; propositions from a Committee of the States; propositions arising from a requête; propositions proposing the

approval or adoption of legislation; motions of no confidence; motions of censure; urgent propositions; and propositions in relation to the adoption of the Schedule for future States' business";

““secondary proposition” means any of the following: amendments; sursis; motions to withdraw; motions to annul an Ordinance or Statutory Instrument; motions to debate an appendix report”;

““special Meeting” means any Meeting of the States convened to consider the Annual Budget of the States or the States' Accounts or the Policy & Resource Plan;”

(xvii) in Rule 37(7) replace “recommendation” with “proposition”;

(xviii) in Rules 17(9) and 53(2) replace “recommendations” with “propositions”.

2. To rescind resolution 3 of the resolution of the States of the 27<sup>th</sup> November 2015 on Article I of Billet d'État XXII and to agree that States' Meetings between the 1<sup>st</sup> May 2016 and the 31<sup>st</sup> August 2017 shall begin on the dates set out in the following Schedule.

### Schedule

#### Proposed dates for the first day of States' Meetings in 2016 (all Wednesdays, except where indicated)

May	4 <sup>th</sup> (election of the President of the Policy & Resources Committee only) 6 <sup>th</sup> (Friday) (election of the Members of the Policy & Resources Committee only) 11 <sup>th</sup> (election of the Presidents of other Committees only) 18 <sup>th</sup> (election of the Members of other Committees only)
June	8 <sup>th</sup> 28 <sup>th</sup> (Tuesday) (States' Accounts Meeting only) 29 <sup>th</sup>
September	7 <sup>th</sup> 21 <sup>st</sup>
October	12 <sup>th</sup>
November	1 <sup>st</sup> (Tuesday) (Annual Budget Meeting only) 2 <sup>nd</sup> 15 <sup>th</sup> (Tuesday) (Policy & Resource Plan Phase 1 debate only) 30 <sup>th</sup>
December	14 <sup>th</sup>

Proposed dates for the first day of States' Meetings in 2017

January	11 <sup>th</sup>
February	1 <sup>st</sup> 15 <sup>th</sup>
March	8 <sup>th</sup> 29 <sup>th</sup>
April	26 <sup>th</sup>
May	17 <sup>th</sup>
June	7 <sup>th</sup> 20 <sup>th</sup> (Tuesday) (States' Accounts Meeting only) 21 <sup>st</sup> 27 <sup>th</sup> (Tuesday) (Policy & Resource Plan Phase 2 debate only)

*N.B. The States' schools' term dates as far as July, 2017 are as follows:*

Term starts - 26 <sup>th</sup> April, 2016 (pupils) Half term - 30 <sup>th</sup> May to 3 <sup>rd</sup> June Term ends - 21 <sup>st</sup> July	Term starts - 5 <sup>th</sup> January, 2017 (pupils) Half term - 20 <sup>th</sup> to 24 <sup>th</sup> February Term ends - 7 <sup>th</sup> April
Term starts - 6 <sup>th</sup> September (pupils) Half term - 24 <sup>th</sup> to 30 <sup>th</sup> October Term ends on 20 <sup>th</sup> December	Term starts - 25 <sup>th</sup> April (pupils) Half term - 29 <sup>th</sup> May to 2 <sup>nd</sup> June. Term ends - 21 <sup>st</sup> July

3. To agree that the first Schedule for future States' business be issued on the 13<sup>th</sup> of May, 2016 for consideration by the States at the end of the Meeting on the 18<sup>th</sup> of May 2016 and that the deadline for submission of original propositions or sets of original propositions for inclusion in that Schedule be 15.00 on the 6<sup>th</sup> of May 2016.
4. To note that the Meetings of the States held in May, 2016 to elect Members and others to positions on Committees of the States be convened by means of Billets d'État issued under the present Rules of Procedure of the States of Deliberation.