

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

**STATES' ASSEMBLY & CONSTITUTION COMMITTEE**

CHANGES TO  
THE RULES OF PROCEDURE OF THE STATES OF DELIBERATION AND THEIR COMMITTEES

The States are asked to decide whether, after consideration of the attached policy letter, they are of opinion:-

1. To amend the Rules of Procedure of the States of Deliberation and their Committees with immediate effect as follows:

- (a) renumber Rule 2(4) as Rule 2(5) and insert a new Rule 2(4) in the following terms:

“Notwithstanding the provisions of Rule 1 and the other provisions of this Rule the Presiding Officer may, if in his or her opinion circumstances so require, instruct the Greffier to issue an additional Billet d’État in respect of a Meeting for which a Billet d’État has already been issued and any such additional Billet d’État shall contain the titles of original propositions designed to enable the States to make resolutions thereon after being debated at the Meeting.”

- (b) replace the existing Rule 37(3) with:

“If a member elected or appointed by the States to a Committee ceases to be a member of that Committee before the expiration of the term for which he or she was elected or appointed, a successor shall be elected or appointed by the States to complete the unexpired portion of that term of office.”

The above Propositions have been submitted to Her Majesty’s Procureur for advice on any legal or constitutional implications.

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

2<sup>nd</sup> August, 2016

Dear Sir,

**1 Executive Summary**

- 1.1 The States' Assembly & Constitution Committee believes that the Rules of Procedure of the States of Deliberation and their Committees should be amended with immediate effect in two respects. First, a change is proposed to ensure that the States of Deliberation can deal more efficiently with business which is neither routine nor truly urgent but rather where a prompt decision is highly desirable. The second change would enable vacancies on committees of the States to be filled as soon as reasonably practicable. The succeeding paragraphs of this policy letter set out the Committee's case in support of the Propositions to which the policy letter is attached.

**2 Additional Billets d'État / urgent items of business**

- 2.1 As Members will recall, on the 29<sup>th</sup> June, 2016 there were two distinct Meetings of the States because the present Rules require a Billet d'État per Meeting and vice versa. If, as happened on that occasion, a Billet has already been issued in respect of a Meeting then its contents cannot be amended or expanded. Therefore, in order to add another item of business, which the Presiding Officer has the right to do under Rule 2(4), he needs to convene a completely separate Meeting, even if it is on the same day as a previously convened Meeting.
- 2.2 After discussing the matter with the Presiding Officer, the Committee has concluded that a change should be made to the wording of the Rules, as set out below, so that if necessary there can be more than one Billet considered at the same Meeting.

- 2.3 The Committee proposes that the present Rule 2(4) should be renumbered as Rule 2(5). It proposes that a new Rule 2(4) be created in the following terms:

“Notwithstanding the provisions of Rule 1 and the other provisions of this Rule the Presiding Officer may, if in his or her opinion circumstances so require, instruct the Greffier to issue an additional Billet d’État in respect of a Meeting for which a Billet d’État has already been issued and any such additional Billet d’État shall contain the titles of original propositions designed to enable the States to make resolutions thereon after being debated at the Meeting.”

- 2.4 This new provision should assist the submission to the States of matters which require a decision on a prompt, but not immediate, basis. At the moment, the Rules do not adequately deal with matters which fall between those which can follow the normal submission process and those Propositions for which Rule 18 needs to be used. Rule 18 refers to matters for which an “immediate” decision is required and is geared to matters which have arisen a mere day or two previously or even *séance tenante*. The new Rule 2(4) would provide more flexibility for the States to consider matters which are sufficiently urgent that they need to be considered more quickly than allowed by the ordinary submission timetable but which are known days or even several weeks in advance of when they need to be considered. This new Rule should be particularly useful when there is a longer period than normal between Meetings, such as occurs every year during the summer recess.

### **3 Rules for filling vacant offices**

- 3.1 The effect of the present Rule 37(3) is that the election of a President of the States’ Trading Supervisory Board cannot be held until after the by-election which is to be held to fill the seat left vacant by the death of Deputy David Jones. The timing of the by-election and related matters are the subject of other Propositions which the States will be asked to consider in September 2016. Until the States have filled the vacant Presidency any decisions which need to be made by the States’ Trading Supervisory Board necessarily involve members of the Policy & Resources Committee using Rule 40(7) on quoracy.
- 3.2 The provisions of Rule 37(3) are long-standing. They are intended to ensure that all Members have an equal opportunity to contest any vacant seat. They could be seen as more relevant now than previously since, barring resignations from Committee posts, which were admittedly frequent in the last term, in theory no positions on States’ Committees will become vacant during the remainder of this term. A newly-elected Deputy might therefore be unable to sit on any Committee. In addition, the number of Committee seats available has reduced. A counter argument could be put that the Rule was better suited to a previous era when the States maintained 40 committees or more and there were 150 ordinary (i.e. non-Presidency) seats or more to be filled and elections of members to committees occurred much more frequently and there was no opportunity to work on task and finish scrutiny panels as there will be in the new States’ structure.

3.3 The primary consideration is that the Rules must contribute constructively to, and not inhibit, the practical functioning of the States. It is highly undesirable that the States' Trading Supervisory Board should be without a President until November or that a similar set of circumstances should arise in the future.

3.4 The Committee proposes that Rule 37(3) be amended so that the words “, save that where the vacancy occurs by reason of the death or resignation of a People's Deputy it shall not be filled until a new People's Deputy has been elected in his or her place” are removed and it simply reads:

“If a member elected or appointed by the States to a Committee ceases to be a member of that Committee before the expiration of the term for which he or she was elected or appointed, a successor shall be elected or appointed by the States to complete the unexpired portion of that term of office.”

3.5 The opportunity has also been taken to clarify that some positions on Committees are filled by means of appointments ratified by the States rather than elections.

#### **4 Recommendation**

4.1 For the reasons set out above, the Committee recommends the States to approve the Propositions to which this policy letter is attached, namely that a number of minor changes to the Rules should be made with immediate effect.

#### **5. Compliance with Rule 4**

5.1 In accordance with Rule 4(4), it is confirmed that the Proposition to which this policy letter is attached has the support of all members of the Committee.

5.2 In accordance with Rule 4(5), the Committee informs the States that its duties and powers include advising the States on “the procedures and practices of the States of Deliberation ...”. The Committee has consulted the Presiding Officer in proposing these changes.

Yours faithfully,

M. J. Fallaize  
President

P. J. Roffey  
Vice-President

M. H. Dorey  
M. K. Le Clerc  
H. L. de Sausmarez