

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

27th June, 2018

Proposition No. P.2018/50

STATES ASSEMBLY & CONSTITUTION COMMITTEE

AMENDMENTS TO THE CODE OF CONDUCT FOR
MEMBERS OF THE STATES OF DELIBERATION

AMENDMENT

Proposed by: Deputy R G Prow
Seconded by: Deputy G A St Pier

To insert the following Proposition immediately after Proposition 3 –

- "4. To amend the Rules of Procedure of the States of Deliberation and their Committees with immediate effect by inserting in the appropriate places in Rules 30(1) and 33 the following definition –

"**special interest**" means an interest from which the Member or other person concerned could derive benefit;""

Explanatory note

Rules 11(7), 17(15) and 49(1) of the Rules of Procedure of the States of Deliberation and their Committees ("the Rules") provide for the circumstances in which Members must declare whether they (or certain persons connected to them, such as spouses) have a "direct or special interest" in a particular subject matter or business under consideration. If the obligation arises when a Member is asking or replying to a question (R 11(7)) or before speaking or voting on a proposition (R 17(15)) during the course of proceedings of the States, the obligation is simply to declare the interest. However, if the obligation arises during the course of business being considered by a committee of the States (R49(1)), a Member must not participate in discussion or voting and must declare the interest and withdraw from the meeting during discussion and voting on the particular matter. In addition the Member is not entitled to receive any committee papers relating to the matter.

The phrase "special interest" is open to different interpretations and in practice the phrase is interpreted as having a wide application. In some instances some Members are effectively excluded from participating in some matters of committee business about or concerning which they have particular knowledge or expertise. This is the case even where their participation could not provide, or reasonably be seen to provide, any benefit to them or any person connected to them. Access to that knowledge and expertise might in some circumstances be of value in the decision making process. Consequently in some instances committees are deprived of often valuable sources of information, experience and expertise without good cause.

The Amendment is intended to provide the States with an opportunity to debate the issue and, if thought fit, to approve an amendment to the Rules by insertion of a written definition of the phrase "special interest" as follows:

"an interest from which the Member or other person concerned could derive benefit"

The definition would narrow the meaning of "special interest" to those circumstances where the interest arises purely in terms of "benefit" (whether financial or otherwise) to the individual Member concerned (or his or her spouse, co-habiting partner, infant child or any company in which he or she has a controlling interest).

The issue was raised with SACC earlier this year by several Members. The President of SACC has recently reconfirmed that SACC would not be suggesting changes to the Rules relating to special interest as part of its review of the Rules as announced by the former President of SACC in February this year.