

1.

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 17th DAY OF MARCH, 2016**

**The States resolved as follows concerning Billet d'État No X
dated 26th February 2016**

(adjourned from 8th March 2016)

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

SUBMISSION OF ITEMS TO THE STATES

I.- After consideration of the Policy Letter dated 25th February, 2016, of the States' Assembly & Constitution Committee:-

1. To approve that the Rules of Procedure of the States of Deliberation and their Committees which were approved conditionally on the 27th of November, 2015 come into effect on the 1st 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 within 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 eleventh 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”.
- (xix) in Rule 19(5)(b) after “any business” delete the remaining text and instead substitute “which would be debated in category 9(1)(g).”
- (xx) insert the word “to” at the beginning of Rule 24(2)(f) and of Rule 24(2)(g).
- (xxi) in Rule 24(10)(a) and (b) for “2(e)” substitute “2(g)”.
- (xxii) in Rule 28(1) after “therein” delete the comma and the rest of the sentence.

2. To rescind resolution 3 of the resolutions of the States of the 27th November 2015 on Article I of Billet d'État XXII and to agree that States' Meetings between the 1st May 2016 and the 31st 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)*

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

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

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| January | 11 th |
| February | 1 st 15 th |
| March | 8 th 29 th |
| April | 26 th |

May 17th

June 7th
20th (Tuesday) (States' Accounts Meeting only)
21st
27th (Tuesday) (Policy & Resource Plan Phase 2 debate only)

3. To agree that the first Schedule for future States' business be issued on the 13th of May, 2016 for consideration by the States at the end of the Meeting on the 18th 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 6th 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 will be convened by means of Billets d'État issued under the present Rules of Procedure of the States of Deliberation.

J. TORODE

HER MAJESTY'S GREFFIER