

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

**STATES' ASSEMBLY & CONSTITUTION COMMITTEE**

**RULES OF PROCEDURE OF THE STATES OF DELIBERATION:  
'HYBRID' MEETING ON 26<sup>TH</sup> JANUARY 2022**

The States are asked to decide:-

Whether, after consideration of the policy letter entitled "Rules of Procedure of the States of Deliberation: 'Hybrid' Meeting on 26<sup>th</sup> January 2022" dated 12<sup>th</sup> January, 2022, they are of the opinion:-

1. To agree to adopt the 'Rules of Procedure of the States of Deliberation' as attached as Appendix 1 of the policy letter in respect of the Meeting of the States of Deliberation on the 26<sup>th</sup> January 2022 to enable States' Members who wish to attend the Meeting remotely to fully participate.

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RULES OF PROCEDURE OF THE STATES OF DELIBERATION:  
'HYBRID' MEETING ON 26<sup>TH</sup> JANUARY 2022

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

12<sup>th</sup> January 2022

Dear Sir

**1 Executive Summary**

1.1 Appendix 1 contains the 'Rules of Procedure of the States of Deliberation' ("The Rules") for the Meeting on 26<sup>th</sup> January 2022. The proposition, if approved, will enable States' Members who wish to attend the Meeting remotely to fully participate.

**2 Proposal**

2.1 The Committee is submitting this proposition and policy letter with a request that, under the provision of Rule 2(4), the Presiding Officer considers instructing the States' Greffier to include the proposition and policy letter in an additional Billet d'État for the Meeting on 26<sup>th</sup> January 2022.

2.2 The Rules attached as Appendix 1 are identical to those agreed on 24<sup>th</sup> November and 15<sup>th</sup> December 2021. It is important to highlight that the Meeting must be quorate to proceed i.e. at least 21 Members will have to physically attend the Meeting on 26<sup>th</sup> January, and that only those Members physically attending, or who are entitled to arrange for their vote to be cast by another Member acting as a proxy, will be able to vote on the proposition attached to this policy letter.

2.3 A motion will be moved by the President of the Committee at the start of the Meeting requesting the order of business be changed to enable the proposition to be considered as the first item at the Meeting.

2.4 It is also important to highlight that, as is the case with purely physical or remote Meetings of the States, the Roll Call of Members will be called at the commencement of each day of a Meeting, should the Meeting be adjourned from the first day to the following day etc. Under the Rules, the Meeting must be quorate (i.e. at least 21 Members must be physically present) to proceed on each day of the Meeting, in order for a Member who wishes to attend remotely to request to be relev  (e) in line with Rule 7(6).

### **3 Compliance with Rule 4**

3.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

3.2 In accordance with Rule 4(1):

- (a) The proposition does not contribute to States' objectives and policy plans.
- (b) The Committee previously consulted with the Presiding Officer, HM Procureur and the States' Greffier regarding the draft Rules of Procedure for the States of Deliberation at Appendix I and the proposition.
- (c) The proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.
- (d) The cost of the Meeting on 26<sup>th</sup> January 2022 can be accommodated from within the Royal Court budget.

3.3 In accordance with Rule 4.(2):

- (a) The Propositions relate to the duties of the Committee to develop and implement policies in relation to "the procedures and practices of the States of Deliberation and committees of the States".
- (b) It is confirmed that the Proposition accompanying this Policy Letter to introduce Rules that will facilitate a 'hybrid' Meeting on the 26<sup>th</sup> January only are supported unanimously by the States' Assembly & Constitution Committee.

Yours faithfully

Deputy C.P. Meerveld  
President

Deputy L.C. Queripel  
Vice-President

Deputy S.P. Fairclough  
Deputy J.A.B. Gollop  
Deputy L.J. McKenna



**THE RULES OF PROCEDURE  
OF THE STATES OF DELIBERATION  
AND THEIR COMMITTEES**

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**As prescribed by Resolutions of the States of the 27<sup>th</sup> of November, 2015,  
the 17<sup>th</sup> of March, 2016, the 7<sup>th</sup> September, 2016, the 7<sup>th</sup> June, 2017,  
6<sup>th</sup> June, 2018, 20<sup>th</sup> July, 2018, 26<sup>th</sup> October, 2018, 12<sup>th</sup> June, 2019, 27<sup>th</sup> June, 2019,  
18<sup>th</sup> July, 2019, 26<sup>th</sup> September, 2019, 17<sup>th</sup> October, 2019, 27<sup>th</sup> November, 2019,  
26<sup>th</sup> February, 2020, 18<sup>th</sup> March 2020, 22<sup>nd</sup> May, 2020, 25<sup>th</sup> August, 2020, 24<sup>th</sup> March, 2021  
25<sup>th</sup> March, 2021, 15<sup>th</sup> July, 2021 and 23<sup>rd</sup> July, 2021**

**Made under  
The Reform (Guernsey) Law, 1948, as amended,  
and  
The States Committees  
(Constitution and Amendment) (Guernsey) Law, 1991,  
and  
The States Reform (Guernsey) Law, 2015.**

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# THE STATES OF DELIBERATION AND THEIR COMMITTEES

## RULES

**THE STATES**, in pursuance of their Resolutions of 27 November, 2015<sup>1</sup>, and in exercise of the powers conferred on them by Article 7 of the Reform (Guernsey) Law, 1948<sup>2</sup>, the States Committees (Constitution and Amendment) (Guernsey) Law, 1991 and the States Reform (Guernsey) Law, 2015<sup>3</sup>, hereby resolve that the following shall be the Rules of Procedure in and in relation to assemblies of the States of Deliberation.

### Preamble

These States' Rules contain two sections:

- Section 1 – Rules of Procedure (procedures to be followed before and during States' Meetings generally)
- Section 2 – Committee Rules (which govern the operation of Committees of the States)
- Appendix A – The mandates of all the Committees of the States and several non-governmental bodies.

These Rules should also be read in conjunction with the following pieces of legislation:

- The Reform (Guernsey) Law, 1948, as amended
- The States (Reform) (Guernsey) Law, 2015
- The States Committees (Constitution and Amendment) (Guernsey) Law, 1991

In particular:

The Reform (Guernsey) Law, 1948, as amended, sets out:

- That there shall be 40 Members of the States – 38 People's Deputies in Guernsey and two Alderney Representatives;
- The functions of the Legislation Review Panel and the Policy & Resources Committee when the latter is making urgent Ordinances.

The States (Reform) (Guernsey) Law, 2015 sets out:

The rules for a Committee delegating its functions to a member(s) of the Committee;  
The rules for a Committee assigning functions to another Committee.

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<sup>1</sup> on Article 1 of Billet d'État No. XXII of 2015

<sup>2</sup> Ordres en Conseil Vol. XII, p. 288

<sup>3</sup> on Article 3 of Billet d'État No. XVI of 2015

## General Principles

In Guernsey, parliamentary and governing functions are fused in one body, the States of Deliberation. Guernsey is governed not just through its parliament but by its parliament. In practice, most day-to-day functions are carried out by Committees of the States, each of which is independently responsible to the States of Deliberation. Committees of the States – individually or collectively – are in no way analogous to an executive or government. A Committee is in effect an agent of the States of Guernsey exercising functions conferred on it by resolution of, or legislation approved by, the States of Deliberation.

The States of Deliberation:

- o allocate the functions of government;
- o carry out the functions of government which they have retained – for example, policy determination;
- o debate and vote upon proposals to enact, amend or repeal legislation;
- o debate and vote upon proposals for taxation and expenditure;
- o scrutinise and hold to account the policies, decisions and administration of those functions of government which they have allocated to their Committees.

It is conducive to effective and efficient governance that matters should be dealt with at their appropriate level.

The States should concern themselves with debating legislation, broad policies and priorities, items of significant expenditure and matters of major public interest, and setting the framework in which the rest of the administration should operate.

The Policy & Resources Committee is the senior Committee of the States. It should concentrate on leadership and co-ordination of the work of the States, fiscal policy and economic affairs, and representing the Island in external relations.

Most policy-making, regulatory and public service functions are delegated to one of six Principal Committees. They should focus on developing policy, advising the States on policy, reviewing performance and budgets, and delivering, or overseeing the delivery of, services with a view to securing improved outcomes for the community.

There are other Committees of the States, which may be designated Authority, Board, Commission or Committee, with responsibilities, *inter alia*, for scrutinising policy, financial affairs and legislation, for specific regulatory functions, for the procedures of the States and their Committees, and for the commercial and trading interests of the States.

The civil service should run public services in accordance with policies set down by the States and their Committees.

Generally the principle of subsidiarity should apply: as far as possible matters ought to be handled by the smallest, lowest or least centralised competent authority.

## Section 1: The Rules of Procedure of the States of Deliberation

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## **Dates of Meetings**

1. (1) The States' Assembly & Constitution Committee shall submit, in the six months prior to a General Election, a policy letter setting out the dates on which it proposes that States' Meetings should be convened during the States' term immediately following that General Election, having first taken into account the dates of school terms and any other information which it considers relevant. The policy letter referred to above shall also include proposals setting out the Committee or Committees whose President or Presidents will be obliged to make statements, and for the States of Alderney statement to be made by one of the Alderney Representatives, under the provisions of Rules 10(4) and (5) at each ordinary Meeting during the said period.
- (2) Ordinarily the first day of a Meeting shall be a Wednesday, except for the Meetings held to consider the annual Budget of the States and the policy letter of the Committee *for* Employment & Social Security on the uprating of non-contributory benefits which shall begin on the first Tuesday in November, and the Government Work Plan and States' Accounts which shall be considered at the same dedicated Meeting in June which shall begin on a Tuesday except in general election years when they will be considered at a later date in that year.
- (3) The dates on which States' Meetings shall be convened, in respect of the relevant period set out in paragraph 1, subject to the other provisions of these Rules, shall be as set out in Schedule 1 to these Rules.

## **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 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.

- (5) 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 within one working day on the States' website, or as soon as possible thereafter, 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. 20XX/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. 20XX/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 Government Work 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) any proposals in the annual policy letter of the Committee *for* Employment & Social Security concerning contributory benefit and contribution rates,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 and the policy letter of the Committee *for* Employment & Social Security on the uprating of non-contributory benefits 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. 20XX/1 PRC Lett Com or P. 20XX/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.

#### **Information to include in motions laid before the States**

4. (1) Every proposition laid before the States shall, other than in the case of a proposition of a type described in paragraph (4), have appended to it a statement explaining or asserting:
- a) whether the proposition contributes to the States' objectives and policy plans and, where it is asserted that it so does, how;
  - b) what joint working or consultation (if any) has taken place with other Committees or relevant stakeholders in the preparation of the propositions;
  - c) that it has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications; and
  - d) where there are financial implications to the States, the 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.

- (2) A policy letter accompanying an original proposition shall also include a statement explaining or asserting:
  - a) how the propositions relate to the Committee's purpose and policy responsibilities (Principal Committees) or duties and powers (other Committees); and
  - b) 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.
- (3) 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 and an explanation, if required, when the item should be considered by the States.
- (4) For the purposes of paragraph (1) the types of proposition that do not need to have a statement appended to them are:
  - propositions from the Presiding Officer
  - propositions proposing the approval or adoption of legislation
  - motions of no confidence
  - motions of censure
  - propositions in relation to the adoption of the Schedule for future States' business
  - motions to debate an appendix report.

### **Seating arrangements**

5. The Presiding Officer shall determine the seating arrangements in the States' Chamber. Before doing so he or she shall consult the States' Assembly & Constitution Committee on the matter.

### **Hours of sittings, extensions and adjournments**

6. (1) Unless the convening notice specifies otherwise, a Meeting shall ordinarily commence at 09.30.
- (2) Unless the business of a Meeting is previously concluded ordinarily the Meeting shall on each day thereof:

- (a) be adjourned by the Presiding Officer as near as may be to 12.30;
- (b) resume at 14.30;
- (c) be adjourned by the Presiding Officer, in accordance with paragraph (3) or (4), as near as may be to 17.30;

Provided that:

the Presiding Officer may propose at any time that the Meeting continues outside those times or is adjourned to another day.

- (3) When a meeting falls to be adjourned under sub-paragraph (2) (c) (or the proviso thereto) the adjournment shall normally be:
  - (a) from the first day of the Meeting, until 09.30 on the following day;
  - (b) from the second day of the Meeting, until 09.30 on the next following day;
  - (c) from the third day of the Meeting, until 09.30 on the next scheduled date of a Meeting.
- (4) If, when an adjournment to a subsequent day is announced, a Member proposes a different date or time for the adjourned Meeting, that proposition may at the discretion of the Presiding Officer be briefly debated, and, if approved, the Meeting shall be adjourned accordingly.

#### **Opening of Meetings, etc.**

- 7. (1) If His Excellency the Lieutenant Governor decides to attend a Meeting, the Sheriff shall escort him into the States' Chamber and announce him.
- (2) The Greffier shall recite the Lord's Prayer in French at the commencement of each day of a Meeting, and shall pronounce the Grace in French at its close.
- (3) The Greffier shall, immediately after the opening prayer, call the roll of Members; and Members present when their names are called shall reply: "Présent(e)".
- (4) The Greffier shall then read the convening notice contained in the Billet d'État.
- (5) A Member who is absent when his or her name is called shall not be entitled to speak or vote until he or she has been relevé(e) by the Presiding Officer and his or her presence has been recorded.
- (6) A Member who wishes to be relevé(e) without attending in person in the States' Chamber may, by means of electronic communications or telecommunications, request that the Presiding Officer record his or her presence and, in similar fashion to paragraph (5), he or she may thereafter be relevé(e) by the Presiding Officer.



- (7) A Member who was present when the Greffier called the roll of Members or who has been relev (e) by the Presiding Officer, including a Member not attending in person in the States' Chamber, is thereafter permitted to participate in the Meeting otherwise than through being physically present in the Chamber provided that the Presiding Officer is satisfied that a Member not physically present in the Chamber is shown as attending as a participant remotely using the MS Teams platform through which such remote attendance at the Meeting is being facilitated.
- (8) A Member attending the Meeting remotely in accordance with paragraph (7) shall be treated as being counted as a Member who is present for the purposes of the Quorum required by Article 3 of the Reform (Guernsey) Law, 1948.
- (9) Without prejudice to any other modification made to the Rules of Procedure of the States of Deliberation and Their Committees, a Member attending a Meeting in accordance with paragraph (7) shall be permitted, by means of the MS Teams platform being used at the Meeting to:
  - (a) make a statement in accordance with Rule 10;
  - (b) ask or to answer a question, including a supplementary question, pursuant to rule 10, 11 or 12, as the case may be;
  - (c) speak in respect of any proposition; and
  - (d) vote on any proposition.

## **Order**

8. (1) The Presiding Officer shall be responsible for maintaining order at a Meeting and, subject to the provisions of these Rules, shall regulate the conduct of business therein.
- (2) While the States are in session Members shall not have any communication with a person in the public gallery.
- (3) The Presiding Officer may issue directives relating to the presentation and conduct of Members during meetings.
- (4) The Presiding Officer shall be assisted in the preservation of order by the Sheriff and the Sergeant.
- (5) It shall be the duty of every Member to observe due decorum in a Meeting and, in particular, to observe the rulings of the Presiding Officer.

- (6) The Presiding Officer, after having called the attention of the States to the conduct of a Member who persists in irrelevance or tedious repetition of his or her own or other Members' arguments in the debate, shall direct the said Member to discontinue his or her speech.
- (7) If on any occasion the Presiding Officer considers that the conduct of a Member is grossly disorderly or offensive he or she shall forthwith put the following proposition in relation to the said Member, namely –
 

“That ..... (naming the said Member) be suspended from the service of the States”, and no debate on or amendment to any such proposition shall be permitted. If the proposition is carried, the Member suspended shall be directed forthwith by the Presiding Officer to withdraw from the Meeting and leave the precincts of the States' Chamber, and any such suspension shall continue to have effect until the close of the business of the Meeting on the day on which such suspension was imposed.
- (8) Where a case of grave disorder arises in a Meeting the Presiding Officer may, if he or she thinks it necessary, adjourn the Meeting without putting a proposition.

### **The Business of the Meeting**

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.
- (2) An ordinary Meeting shall not be closed until any matters to be considered under Rule 9(1)(i) have been resolved.
- (3) The only business at a special Meeting shall be:
  - a) the Annual Budget of the States and the policy letter of the Committee for Employment & Social Security on the uprating of non-contributory benefits; or
  - b) the States' Accounts and the Government Work Plan, as the case may be.

- (4) In the case of a proposition to which Rule 18 applies, the Presiding Officer may, in his or her discretion, permit such proposition to be submitted to the States at any convenient time.

## Statements

10. (1) Any Member who has obtained permission from the Presiding Officer to make a statement on a matter of a personal nature, or to correct information previously provided by that Member, which, in the opinion of the Presiding Officer, should be made may make that statement:

- (a) at the time prescribed in Rule 9; or
- (b) at such other time as the Presiding Officer may direct;

Provided that the Member has supplied the Presiding Officer with the text of the statement in advance and that the statement shall not exceed 15 minutes in duration.

- (2) Any Member holding the office of President or member of a Committee who has tendered a resignation from that office who wishes to make a statement regarding that resignation may do so at the next Meeting after tendering the resignation or during the meeting at which a successor to the vacated office is to be elected:

- a) at the time prescribed in Rule 9; or
- b) at such other time as the Presiding Officer may direct.

Provided that the statement shall not exceed 15 minutes in duration.

- (3) Any Member who has obtained permission from the Presiding Officer to make a statement on behalf of, and approved by, a Committee or otherwise relating to States' business which, in the opinion of the Presiding Officer, should be made may make that statement:

- a) at the time prescribed in Rule 9; or
- b) at such other time as the Presiding Officer may direct.

Provided that the statement shall not exceed 15 minutes in duration (which may be extended at the discretion of the Presiding Officer in exceptional circumstances). In respect of (3) only, after the Member has made the statement, the Presiding Officer shall allow a period not exceeding 15 minutes (which period may be extended at the discretion of the Presiding Officer) for questions to be asked within the context of the statement;

- (4) In addition to the right to make a statement set out in paragraph (3) above, the President of the Policy & Resources Committee and the President of each Principal Committee shall be obliged twice every twelve months and the President of the following other Committees of the States, namely the Development & Planning Authority, Overseas Aid & Development Commission, Scrutiny Management Committee, States' Assembly & Constitution Committee, States' Trading Supervisory Board, and Transport Licensing Authority, and the nominated Alderney Representative on behalf of the States of Alderney, shall be obliged once every twelve months (or in the case of the absence of a Committee President, the Vice President of the Committee or in the case of the absence of the nominated Alderney Representative, the other Alderney Representative) to make a statement setting out his or her Committee's, or in the case of the nominated Alderney Representative the States of Alderney's, recent activities, forthcoming work and the like at an ordinary Meeting.
- (5) Any statement made under the provisions of paragraph (4) shall not exceed 10 minutes in duration and shall be approved by the Committee. In respect of statements made under the provisions of paragraph (4) only, after the statement has been made, the Presiding Officer shall allow a period not exceeding 20 minutes (which period may be extended at the discretion of the Presiding Officer) for questions to be asked on any matter within the mandate of the Committee, or in the case of any statement made on behalf of the States of Alderney any matter for which the States of Alderney has responsibility, except any topic which is part of another item of business at the Meeting in question.

Provided that:

after any question asked further to a statement made under Rule 10, the Member to whom questions are addressed may decline to answer a question if, in his or her opinion, any answer given might be inaccurate or misleading. Each individual question shall not exceed one minute in duration and the answer thereto shall not exceed one and a half minutes in duration.

- (6) For the purpose of paragraph (4) above the "nominated Alderney Representative" means the Alderney Representative nominated for the purpose of Rule 10 by the States of Alderney.

### **Question time**

- 11.** (1) At the time prescribed in Rule 9, unless the Presiding Officer otherwise directs, and subject to Rule 15 and the conditions set out in paragraph (2), a question may be addressed to the President of a Committee of the States.
- (2) The conditions referred to in paragraph (1) are that the question:
- (a) shall not seek information which is readily accessible in the public domain;

- (b) shall be on a matter which falls within the mandate of that Committee;
- (c) shall not relate to the business of the day;
- (d) shall not relate to more than one topic and shall not exceed one minute in duration; and
- (e) shall be furnished, either in writing or electronic format, to the person to whom it is addressed, the Presiding Officer, Her Majesty's Procureur, the Greffier and to the official postal or e mail address of the relevant Committee not later than 15.00 on the day preceding the fifth clear day before the day of the Meeting, excluding Saturdays, Sundays and Public Holidays;

Provided that:

the time limit prescribed in sub-paragraph (e) may be shortened with the consent of the person to whom the question is addressed.

- (3) The Member replying to the question shall furnish, either in writing or electronic format, the proposed answer approved by the Committee to the Presiding Officer, to Her Majesty's Procureur and the Greffier not later than noon on the day (excluding Saturdays, Sundays and Public Holidays) preceding the Meeting of the States and by 17.00 of that same day to the Member asking the question. The answer, when given in the Assembly, shall not exceed one and a half minutes in duration.
- (4) Supplementary questions arising out of the reply to a question may be addressed to the Member answering the question, by any Member, as may be allowed by the Presiding Officer;

Provided that:

- (a) no Member may ask more than two supplementary questions in respect of each principal question;
- (b) each supplementary question shall not exceed one minute in duration and the answer thereto shall not exceed one and a half minutes in duration;
- (c) such supplementary questions are put before the next question of which notice has been given, or the business of the day is proceeded with, as the case may be; and
- (d) a Member answering a supplementary question may decline to answer the question if, in his or her opinion, any answer given might be inaccurate or misleading but shall provide the answer to the said question in writing not later than five clear days (excluding Saturdays, Sundays and Public Holidays) following the date of the Meeting;

Provided also that:

the period of five clear days referred to in sub paragraph (d) may be extended to a period not exceeding ten clear days if in any particular case the Presiding Officer, on application of the President of the Committee, in the interests of good government so directs, and the President of the Committee advises the questioner of the Presiding Officer's direction as soon as reasonably practicable.

- (5) When more than one question is asked at any Meeting the order in which questions are put shall be determined in accordance with the order of voting prescribed in Rule 26(8);

Provided that:

any Member who asks a question which is on the same topic as one asked by a Member earlier in the order shall immediately follow the earlier Member. It shall be for the Presiding Officer to determine whether the questions are on the same topic.

- (6) If, at the conclusion of one hour after the commencement of question time, all the questions have not been disposed of, the Presiding Officer may, in his or her discretion, postpone dealing with questions not then disposed of to no later than the conclusion of the meeting.

- (7) A Member asking or replying to a question or a supplementary question who:

- (a) has a direct or special interest in the subject matter of the question; or
- (b) is aware that his or her spouse, co-habiting partner, infant child or any company in which he or she has a controlling interest on his or her, or their, behalf has such an interest

shall, without prejudice to the requirements of Rule 29, before he or she asks or replies to the question declare the said interest by disclosing it to the Meeting.

### **Urgent questions**

- 12.** (1) A Member may, not less than half an hour before a meeting commences, seek the leave of the Presiding Officer, subject to Rule 15 and to the conditions set out in paragraph (2), to address a question to the President of a Committee of the States.
- (2) The conditions referred to in paragraph (1) are that no Member may ask more than one question pursuant to this Rule at any meeting and that the question:
- (a) shall not seek information which is readily accessible in the public domain;
  - (b) shall be on a matter which falls within the mandate of that Committee;

- (c) shall relate to a matter of public importance and shall be of an urgent character or relate to a matter which has become known or been announced only in the preceding seven days;
  - (d) shall not relate to the business of the day;
  - (e) shall not relate to more than one topic and shall not exceed one minute in duration; and
  - (f) shall be supplied in writing to the Presiding Officer, Her Majesty's Procureur and the Member to whom it is addressed.
- (3) If the Presiding Officer considers that the proposed question complies with the conditions set out in paragraph (2) he or she shall determine when the question shall be put.
- (4) The Member replying to the question shall furnish in writing a copy of the proposed answer to the Presiding Officer and to Her Majesty's Procureur as soon as possible before the time determined by the Presiding Officer in accordance with paragraph (3). The answer, when given in the Assembly, shall not exceed one and a half minutes in duration.
- (5) Supplementary questions arising out of the reply to a question may be addressed to the Member answering the question, by any Member, as may be allowed by the Presiding Officer;

Provided that:

- (a) no Member may ask more than two supplementary questions in respect of each principal question;
- (b) each supplementary question shall not exceed one minute in duration and the answer thereto shall not exceed one and a half minutes in duration;
- (c) such supplementary questions are put before the business of the day is resumed; and
- (d) a Member answering a supplementary question may decline to answer the question if, in his or her opinion, any answer given might be inaccurate or misleading but shall provide the answer to the said question in writing not later than five clear days (excluding Saturdays, Sundays and Public Holidays) following the date of the meeting;

Provided also that:

the period of five clear days referred to in sub paragraph (d) may be extended to a period not exceeding ten clear days if in any particular case the Presiding Officer, on

application of the President of the Committee, in the interests of good government so directs, and the President of the Committee advises the questioner of the Presiding Officer's direction as soon as reasonably practicable.

- (6) If, at the conclusion of one half hour after the question is asked, any supplementary questions have not been disposed of, the Presiding Officer may, in his or her discretion, postpone dealing with questions not then disposed of to no later than the conclusion of ordinary business that day.
- (7) Paragraph (7) of Rule 11 shall apply to questions asked pursuant to this Rule.

### **Questions where information sought is in the public domain**

- 13.** (1) When, pursuant to Rule 11(2) or Rule 12(2), the President of the Committee is of the opinion that the answer is publicly and easily accessible he or she shall request the Presiding Officer to determine that the question is inadmissible on that ground.
- (2) If the Presiding Officer so determines he or she shall forthwith advise the Member asking the question and the President of the Committee that the question is inadmissible on that ground.
- (3) The President of the Committee shall reply to the questioner, in writing, advising where the information sought may be obtained.

### **Questions for written reply**

- 14.** (1) A Member may at any time place a question on any subject in accordance with this Rule for written reply by addressing the same to the President of a Committee and by furnishing a copy thereof to the Presiding Officer, Her Majesty's Procureur and to the official postal or email address of the relevant Committee. The recipient of the question shall acknowledge receipt in writing to the questioner by letter or e mail within three clear days (excluding Saturdays, Sundays and public holidays) of receipt. The subject matter of the question must relate to the mandate of the Committee to which it is addressed.
- (2) Where a question is placed in accordance with this Rule the President of the Committee shall, subject to Rule 15, furnish a written reply approved by the Committee thereto to the Member who placed the question within 15 clear days of the receipt of the question; and the President of the Committee shall furnish a copy of the reply to the Presiding Officer and the Greffier;

Provided that:

the President of the Committee shall furnish a copy of the proposed answer to the Presiding Officer and to Her Majesty's Procureur not later than noon on the day



(excluding Saturdays, Sundays and Public Holidays) preceding the day on which it is proposed to reply to the Member who placed the question;

Provided also that:

the period of 15 clear days referred to in this paragraph may be extended to a period not exceeding 30 clear days if in any particular case the Presiding Officer, on application of the President of the Committee, determines that it would be unreasonable to expect the question to be answered within 15 clear days, and the President of the Committee advises the questioner of the Presiding Officer's direction as soon as reasonably practicable.

- (3) A copy of every question and of the reply thereto deposited in accordance with this Rule shall be available at the Greffe for public inspection whenever the Greffe is open for normal business.
- (4) The Greffier shall, subject to Rule 15, cause a copy of every question placed in accordance with this Rule and of the reply thereto to be sent as soon as reasonably practicable in electronic format to every Member who has furnished the Greffier with an e-mail address or, when no such address has been furnished, by such other means as shall be determined by the Greffier.
- (5) The placing of a question in accordance with this Rule or the receipt of a reply thereto shall not preclude the Member who placed the question or any other Member from addressing a question on the same subject at any Meeting in accordance with Rules 11 and 12.

### **Questions not in the public interest**

15. The Presiding Officer may, on the ground of public interest, decline to allow a question to be put, or rule that a question need not be answered.

### **Elections**

16. (1) When at any time there are vacancies in two or more of the following offices, the elections to fill those vacancies shall be held in the following order:
  - (a) President, Policy & Resources Committee;
  - (b) Members of the Policy & Resources Committee;
  - (c) Presidents of the Principal Committees;
  - (d) President, Scrutiny Management Committee;
  - (e) Presidents of other Committees;

- (f) Members of the Scrutiny Management Committee;
  - (g) Members of Principal Committees;
  - (h) Members of other Committees;
  - (i) Chairmen and Members of Non-Governmental Bodies.
- (2) Where the Presidents and / or members of more than one Committee are elected at the same Meeting then the elections shall be held in the order in paragraph (1) and within each category in alphabetical order by the name of the Committee.
- (3) Where, in any election by the States, the number of candidates exceeds the number of vacancies:
- (a) voting shall be carried out by secret ballot of those Members present in the States' Chamber and by electronic ballot, via an e-mail to the Greffier, of those Members attending remotely in accordance with Rule 7(7);
  - (b) if two or more candidates secure an equal number of votes and the addition of one vote to his or her poll would have entitled any such candidate to be declared elected, a second ballot shall be held in respect of such candidates only; and where in such a second ballot the addition of one vote to his or her poll would have entitled a candidate to be declared elected, the Presiding Officer shall allow Members to question the candidates for a period of not more than fifteen minutes. Following conclusion of the period of questions, a further ballot shall be held, and, where in such a third ballot the addition of one vote to his or her poll would have entitled a candidate to be declared elected, the Presiding Officer shall either rule that a further ballot, shall be held, or direct that the candidates shall draw lots to determine the matter;
  - (c) if there are more than two candidates for the office of President of a Committee and the candidate receiving the most votes does not receive a majority of the votes cast (disregarding any abstentions or spoilt papers), a further ballot, or ballots as required, shall be held, excluding every candidate who received fewer than six votes in the previous ballot or, when there are no such candidates, the candidate who received the fewest votes in the previous ballot;
  - (d) if two or more candidates having secured six votes or more are tied in polling the fewest votes, or if the process set out in sub-paragraph (c) would result in the elimination of all but one of the candidates, a further ballot shall be held in respect of such candidates only to determine which of them shall be eliminated from further ballots.

- (4) On a proposition to elect a President of a Committee the Presiding Officer shall:
- (a) first invite Members to propose eligible candidates; provided that where the proposition is to elect a President of the States' Trading Supervisory Board, he shall first invite the President of the Policy & Resources Committee to propose an eligible candidate, and thereafter other Members to propose eligible candidates. Candidates must be proposed and seconded. Nobody shall speak about a candidate at that stage;
  - (b) invite, in respect of each candidate in turn (or the candidate if there is only one), first the proposer to speak for not more than five minutes and then the candidate to speak for not more than ten minutes and thereafter, if there are two or more candidates, allow Members to question the candidates;

Provided that:

- i. the question shall relate to areas of policy included in the mandate of the Committee;
  - ii. no Member may ask more than one question, save that if before the expiration of the period prescribed in sub-paragraph vi there are no further questions, Members who have already asked a question may be permitted to ask further questions;
  - iii. the questioner may not speak for more than 30 seconds;
  - iv. each candidate shall be entitled to respond to each question, but no response shall exceed 1 minute;
  - v. candidates shall answer the first question in the order in which they are nominated and thereafter the order of answering the questions shall, after each question has been answered by the candidates, be rotated by moving the name of the candidate at the top of the list to the bottom of that list;
  - vi. the session shall conclude at the expiration of the period calculated by multiplying 15 minutes by the number of candidates; and
  - vii. no Member shall be entitled to speak other than in accordance with the provisions of this sub-paragraph.
- (5) On a proposition to elect members of the Policy & Resources Committee the Presiding Officer shall first invite the President of the Committee, and thereafter other Members, to propose eligible candidates. Candidates must be proposed and

seconded. Nobody shall speak about a candidate at that stage; and if no more candidates are proposed and seconded than there are vacancies the Presiding Officer shall put the election of the candidate(s) to the vote without speeches. If there are more candidates than vacancies the Presiding Officer shall invite each proposer to speak for not more than five minutes in respect of each candidate proposed by that person and then each candidate to speak for not more than ten minutes, before voting takes place.

- (6) On a proposition to elect members of a Committee (other than members of the States' Trading Supervisory Board who are not sitting members of the States), the Presiding Officer shall first invite the President of the Committee concerned, and thereafter other Members, to propose eligible candidates. Candidates must be proposed and seconded. Nobody shall speak about a candidate at that stage; and if no more candidates are proposed and seconded than there are vacancies the Presiding Officer shall put the election of the candidate(s) to the vote without speeches. If there are more candidates than vacancies the Presiding Officer shall:
  - (a) first propose that the election be deferred to the next Meeting of the States and, only if that deferral of the election is not supported
  - (b) invite each proposer to speak, for not more than three minutes in respect of each candidate proposed by that person; and each candidate to speak, for not more than three minutes, before voting takes place. No other member shall be entitled to speak.
- (7) On a Proposition to elect members of the States' Trading Supervisory Board who are not sitting Members of the States, the President of the States' Trading Supervisory Board shall have the exclusive right to propose eligible candidates and the Presiding Officer shall invite the President of the States' Trading Supervisory Board and no other Member to propose eligible candidates (who must then be seconded) and to speak, for not more than three minutes in respect of each such candidate. The Presiding Officer shall thereafter put the election of the candidate(s) to the vote without further speeches.
- (8) On a proposition to elect a Chairman or members of a non-governmental body, the Presiding Officer shall invite Members to propose eligible candidates. Candidates must be proposed and seconded. Nobody shall speak about a candidate at that stage; and if no more candidates are proposed and seconded than there are vacancies the Presiding Officer shall put the election of the candidate(s) to the vote without speeches. If there are more candidates than vacancies the Presiding Officer shall invite each proposer to speak, for not more than five minutes in respect of each candidate proposed by that person, before voting takes place; and neither the candidates nor any other member shall be entitled to speak.

## Rules of debate

17. (1) When speaking in the States a Member shall always address the Presiding Officer and must not address another Member.
- (2) A debate on any matter before a Meeting (including any requête, amendment or sursis) shall be opened by a representative of the Committee or of those Members from whom the matter originated and that or some other representative of the Committee or of those Members shall be entitled to reply on the debate. The Member who replies on the debate may also have spoken during the course of ordinary debate. If the same Member opens and replies to the debate, he or she shall not be permitted to speak again during the course of ordinary debate.
- (3) Immediately before opening or replying on a debate, the representative referred to in paragraph (2) may propose an adjournment of not more than 15 minutes. Such a proposal shall be put to the States by the Presiding Officer without debate.
- (4) The Member who replies on the debate shall respond to the points made during the debate only and shall not rehearse any new or further arguments.
- (5) When a Member wishes to be called to speak in the course of ordinary debate the Member shall stand in his or her place **or, if attending the Meeting remotely in accordance with Rule 7(7), notify the Presiding Officer via electronic communications or telecommunications**, and wait to be called to speak by the Presiding Officer. A Member who is not standing shall not be called to speak, except in the circumstances described in paragraph (7).
- (6) Debate must be relevant to the matter before a Meeting.
- (7) Before calling the next Member to speak the Presiding Officer may ask if any Member wishes to express a contrary view to the generality of the views expressed up to that point in the debate. If such a wish is expressed then the Presiding Officer may call the Member to speak at that point.
- (8) Other than in the specific circumstances prescribed elsewhere in these Rules, no Member may speak more than once on the same motion without the leave of the Presiding Officer;  
  
Provided that:  
when a particular matter is to be or is being debated the States may suspend the operation of this paragraph as regards that matter if it appears that the matter can be more effectively dealt with by reason of such suspension.
- (9) Where a Committee originating a matter for debate before the States is of the opinion that the proposals it is submitting to the States are of general policy, and

where it is desirable that the principles of that policy should be considered, the Committee may have its propositions considered by the States without amendment on the understanding that if the propositions are accepted the Committee would return with detailed proposals which could be accepted or rejected with or without amendments. Where a Committee invokes the provisions of this paragraph it shall make express reference to it in its propositions.

- (10) A point of order may be raised only for the purpose of drawing attention to a breach of a Rule of Procedure.
- (11) A Member may interrupt another Member who is addressing a Meeting only:
  - (a) on a point of order; or
  - (b) on a point of correction, in respect of an inaccurate or misleading statement made by that other Member;

and shall do so by standing and calling "Point of Order" or "Point of Correction", or, if attending the Meeting remotely in accordance with Rule 7(7), by notifying the Presiding Officer via electronic communications or telecommunications using the same words or a recognisable abbreviation, as the case may be, and waiting to be invited to speak further by the Presiding Officer.

~~(12) A Member who wishes to make an interjection relevant to the point being made by the Member speaking may do so if the Member speaking agrees to give way. The Member speaking should at all times be aware that another Member may wish to interject. The Member speaking may, in his or her discretion, refuse to give way. A Member wishing to make the interjection shall so signify by standing and remaining silent until the Member speaking either gives way or refuses to give way. When a request to give way has been refused the Member standing shall resume his or her seat immediately.~~

- (12) An interruption or interjection in accordance with paragraphs (11) ~~or (12)~~ shall be permissible notwithstanding that the Member concerned has already spoken on the matter then under debate, and shall not prejudice the right of a Member who has not exhausted his or her right to speak in that debate to speak therein.
- (13) Where a Member is speaking in accordance with paragraphs (11) ~~or (12)~~, the Member who had been speaking until the interruption or interjection shall resume his seat and shall not stand again until the Member making the interruption or interjection has resumed his seat.
- (14) A Member who has a direct or special interest in the subject matter of a proposition submitted to a Meeting at which he or she is present, or who is aware that his or her spouse, co-habiting partner, infant child or any company in which he or she has

a controlling interest on his or her, or their, behalf has such an interest, shall, without prejudice to the requirements of Rule 29:

- (a) before he or she speaks on the proposition; or
- (b) if he or she does not speak, before a vote is taken on the proposition

declare the said interest by disclosing it to the Meeting.

(15) Where a Member declares an interest in accordance with paragraph (15), he or she may declare the extent of the interest.

(16) A Member shall not, by reason only of declaring an interest in accordance with paragraph (15), be precluded from voting on the proposition.

### **Urgent propositions**

**18.** A proposition as regards which an immediate decision is necessary or desirable may, with the permission of the Presiding Officer, be submitted to the States on behalf of a Committee or by the Presiding Officer in his or her own right at any Meeting, and may be debated and decided upon, with or without amendment, at that Meeting. Such proposition shall be in writing and shall be headed "Proposition in pursuance of Rule 18 submitted by the [President of the ... Committee / Presiding Officer]", and copies thereof shall be delivered beforehand to the Presiding Officer, Her Majesty's Procureur and the President of the Policy & Resources Committee;

Provided that:

- (a) if the postponement of the debate, or of the taking of a decision, on the proposition be moved and be supported by not less than one third of the Members voting on the motion, the debate, or the taking of a decision, on the proposition, as the case may be, shall be postponed until a date to be fixed by the Presiding Officer; and
- (b) on any such postponement, a motion for the immediate publication or circulation, in such manner as the Presiding Officer shall decide, of all relevant material shall have effect if supported by not less than one third of the Members voting on the motion.

### **Motion to annul a Statutory Instrument, Ordinance or appointment**

**19. (1)** This rule applies to any Statutory Instrument or appointment laid before the States pursuant to a Law or Ordinance providing that it may be annulled and to any Ordinance laid before States pursuant to Article 66 (3) of the Reform (Guernsey) Law, 1948, as amended.

- (2) Every motion to annul a Statutory Instrument, Ordinance or appointment must be in writing and must state the names of its proposer and seconder.
- (3) A Member who proposes to move a motion of annulment must furnish the proposed motion to the Presiding Officer and copies thereof:
  - (a) to the President, Policy & Resources Committee;
  - (b) to the President of the Committee concerned with the Statutory Instrument, Ordinance or appointment to which the proposed motion relates;
  - (c) to H. M. Procureur; and
  - (d) to the Greffier

not later than five clear days (excluding Saturdays, Sundays and Public Holidays) before the Meeting of the States at which the motion is proposed to be moved. Immediately after the closing date for the receipt of such motions the Greffier shall cause a copy thereof to be delivered to every Member.

- (4) Unless the enactment governing the instrument otherwise provides, a motion to annul may be proposed either at the Meeting at which the Statutory Instrument, Ordinance or appointment is laid before the States or at the next subsequent Meeting.
- (5) When notice of a proposed motion of annulment has been given in accordance with paragraph (3), the Presiding Officer shall invite the President of the Committee which made the Statutory Instrument or proposed the enactment of the Ordinance or agreed the appointment to speak on the matter:
  - (a) if the motion is to be proposed at the Meeting when the Statutory Instrument, Ordinance or appointment is laid before the States, immediately after it has been so laid by the Greffier; or
  - (b) if the motion is to be proposed at the next subsequent Meeting of the States following the Meeting at which the Statutory Instrument, Ordinance or appointment is laid before the States, immediately before consideration of any business which would be debated in category 9(1)(g).
- 6) The motion of annulment shall then be proposed and seconded, following which general debate shall be permitted. After general debate, if any, the President of the Committee concerned shall be entitled to respond to the debate, following which the proposer of the motion shall be entitled to respond to the debate.



## **Motion to debate an appendix report**

- 20.** (1) This rule applies to any report of a Committee published as an appendix to a Billet d'État.
- (2) Every motion to debate an appendix report must be in writing and must state the name of its proposer and seconder.
- (3) A Member who proposes to move a motion to debate an appendix report must furnish the proposed motion to the Presiding Officer and copies thereof to:
- (a) the President, Policy & Resources Committee;
  - (b) the President of the Committee concerned with the appendix report to which the motion relates;
  - (c) H. M. Procureur; and
  - (d) the Greffier

not later than five clear days (excluding Saturdays, Sundays and Public Holidays) before the Meeting of the States at which the motion is proposed to be moved. Immediately after the closing date for the receipt of such a motion the Greffier shall cause a copy thereof to be delivered to every Member.

- (4) When notice of a motion to debate an appendix report has been given in accordance with paragraph (3), the Presiding Officer shall, at the meeting convened to consider the business listed in the Billet d'État containing the appendix report to which the motion relates and at the time prescribed in Rule 9, invite:
- (a) the proposer of the motion to speak thereon;
  - (b) the seconder to second the motion, but not speak thereon;
  - (c) the President of the Committee concerned to speak on the matter

following which, without further debate, the Presiding Officer shall immediately put the said motion to the vote.

- (5) If the motion to debate an appendix report is carried the matter shall stand adjourned to the time prescribed in Rule 9, at which time:
- (a) the President of the Committee concerned shall open the debate on the appendix report and he or she shall reply to the debate;

- (b) the proposer and seconder of the motion to debate an appendix report shall not speak more than once in the debate;
- (c) the proposition shall be “To take note of the Report”; and
- (d) no Member shall propose a sursis of the debate or amendment of the proposition.

### **Motions of no confidence**

- 21.** (1) If any seven Members (but not more than seven) address a request in writing to the Presiding Officer that a motion of no confidence in a Committee be laid before the States, the Presiding Officer shall include that request in a Billet d’État as soon as reasonably practicable.
- (2) For the purposes of this Rule a “motion of no confidence” is one that, if carried, requires the immediate resignation in accordance with this Rule of all the members of a particular Committee, including the President of that Committee.
  - (3) Before submitting the request to the Presiding Officer the seven Members shall invite in writing all the Members of the particular Committee, including the President thereof, to tender their resignations, which invitation shall have attached to it the full text of the proposed request.
  - (4) A motion of no confidence shall include within its petition:
    - (a) a statement that it is a motion of no confidence for the purposes of this Rule, and shall set out the full details of the basis on which the petitioners propose the motion of no confidence; and
    - (b) a statement that all the members of the Committee, including the President thereof, were invited in writing to tender their resignations and that all or some of them had not done so within five days (excluding Saturdays, Sundays and Public Holidays) of that invitation.
  - (5) Where a motion of no confidence in respect of a Committee is approved by the States:
    - (a) all the members of that Committee, including the President thereof, shall thereupon be deemed to have tendered their resignations and those resignations shall be deemed to have been accepted by the States; and
    - (b) the motion shall be deemed to include such propositions to the States as may be appropriate for the election at that Meeting of new members of the

Committee, and a President thereof, to complete the respective unexpired portions of the terms of office of the previous members and President.

### **Motions of censure**

- 22.** (1) If any seven Members (but not more than seven) address a request in writing to the Presiding Officer that a motion of censure of a Committee be laid before the States, the Presiding Officer shall include that request in a Billet d'État as soon as reasonably practicable.
- (2) A motion of censure shall include within its petition a statement that it is a motion of censure for the purposes of this Rule, and shall set out full details of the basis on which the petitioners propose the motion of censure.

### **Policy planning and reporting**

- 23.** An annual Special Meeting for the reporting and review of the States' policy planning and its implementation shall include:
- a) commentary on progress and emerging issues;
  - b) identification of States' Resolutions which remain outstanding and updates from responsible Committees; and
  - c) a proposed order of priority for the drafting of significant items of legislation for the year ahead;

and must be included by the States' Assembly & Constitution Committee when setting the Schedule for future States' Meetings.

### **Secondary propositions - amendments, sursis, etc.**

- 24.** (1) 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, and it can include a brief explanatory note. A supporting report may be attached to the secondary proposition at the time of submission. 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.

- (2) A Member who proposes to move an amendment or sursis (other than one proposed on behalf of the Committee submitting the original proposal or one proposed on behalf of requérants in the case of a requête) to a proposition:
- (a) to approve a Projet de Loi or draft Ordinance; or
  - (b) which may have the effect of increasing expenditure; or substituting another contractor; or altering the timing of any works; or
  - (c) relating to the Annual Budget; or
  - (d) relating to taxation, fees or other charges bearing on the revenues of the States; or
  - (e) relating to a Government Work Plan; or
  - (f) relating to 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
  - (g) relating to 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
  - (h) to set or approve social insurance and other related benefit and contribution rates or otherwise relating to the annual policy letter concerning those benefit and contribution rates,

must furnish the proposed amendment or sursis to the Greffier not later than 15.00 on the day preceding the fifth clear day before the meeting (excluding Saturdays, Sundays and Public Holidays) or, in respect of an amendment to propositions which have financial implications and which is proposed to be moved by the President or another representative of the Policy & Resources Committee, not later than 15.00 on the day preceding the second clear day before the meeting (excluding Saturdays, Sundays and Public Holidays).

- (3) A Member who wishes to lay an amendment, sursis or motion to withdraw shall state the name of the proposed seconder and the proposition to which it relates. The Member may then read out the text of the amendment, sursis or motion to withdraw; or that Member or any other Member may ask that the text be read out by the Greffier. After it has been read out, if that right has been exercised, the proposer shall formally propose it and make any speech supporting it.

- (4) Immediately after an amendment or sursis has been proposed and formally seconded (i.e. before any speech by its seconder or further debate) any Member may request the Presiding Officer to invite Members who support debate on the amendment or sursis to stand in their places **or, if attending the Meeting remotely in accordance with Rule 7(7), indicate this via electronic communications or telecommunications**; neither the Member making that request nor any other may address the Meeting about it; and if fewer than seven Members stand **or indicate this via electronic communications or telecommunications** when so invited the amendment or sursis shall not be debated, and no vote thereon shall be taken.
- (5) Subject to paragraph (4), when a sursis of a matter has been proposed and seconded debate shall be limited strictly to the sursis, and no other issues relating to that matter (including proposed amendments) shall be debated until the sursis has been voted upon.
- (6) An amendment which goes further than the original proposition shall not, on that account, be ruled out of order, but a motion that the amendment be not debated and no vote be taken thereon may be laid only immediately after the amendment has been proposed and formally seconded (i.e. before any speech by its seconder or further debate) and shall have effect if supported by a majority of the Members voting on the motion.
- (7) Where an amendment or sursis is debated the President (or a representative) of the Committee from which, or in the case of a requête a representative of those Members from whom, the matter originated shall have the right to speak on the amendment or sursis immediately after its proposer has proposed the amendment or sursis or immediately before its proposer replies to the debate under Rule 17(2) or at any other time during the debate but at one of those points in the debate only.
- (8) If a sursis is carried, which was proposed and seconded after the commencement of general debate on a matter, the person who would otherwise have been entitled to reply on that debate under Rule 17(2) shall be so entitled notwithstanding that sursis.
- (9) If several amendments relating to the same matter are proposed the Presiding Officer shall decide the order in which they are debated and voted upon.
- (10) An amendment within sub-paragraph (2)(g) shall (unless the States, with the agreement of the Development & Planning Authority (“the Authority”), otherwise resolve) be treated as an amendment to defer adoption (but not debate) of the Plan or Brief or amendment thereto, until:
  - (a) the Authority has been given the opportunity to withdraw the proposals to consider any implications of such amendment within paragraph (2)(g) in

accordance with section 10(2) of the Land Planning and Development (Plans) Ordinance, 2007;

- (b) where relevant, the inspector has reported on the amendment within paragraph (2)(g) pursuant to section 10(3) of that Ordinance; and
  - (c) the Authority has caused to be submitted to the States any alterations or additions to the documentation laid before the States pursuant to section 9(4) of that Ordinance as a result of the consideration of the implications of the amendment.
- (11) Where the procedure envisaged by paragraph (10) has been followed, and alterations or additions are accordingly laid before the States:
- (a) that paragraph shall not then apply as respects any matter referred to in any amendment dealt with in those alterations or additions; but
  - (b) no other matter may then be the subject of any further amendment or debate.
- (12) Where a Committee (or in the case of a requête, the requérants) has resolved to request that an article or proposition be withdrawn, a motion to withdraw the said article or proposition shall be in writing and must state the names of its proposer and seconder. Debate on such a motion shall be limited strictly thereto and no other issues relating to the article or proposition shall be debated until the motion to withdraw has been voted upon.

### **Sittings in committee**

- 25.** (1) Before a debate commences or during the debate, the Presiding Officer or any Member may propose a motion that the States sit “in committee” on the grounds that the matter being debated would be better considered subject to the specific provisions of this Rule.
- (2) For the duration of when the States are sitting in committee the following provisions will apply notwithstanding that they may be contrary to specific other provisions of these Rules.
- (3) A Member may be called to speak more than once in the same debate.
- (4) A person who is not a Member may be called to speak. That person shall have no other rights held by Members other than to speak while the States are sitting in committee.
- (5) The Presiding Officer shall determine the rules of debate.

- (6) No vote shall be taken while the States are sitting in committee.

### Closure and voting

26. (1) A Member who has not already spoken in the debate, otherwise than in pursuance of Rule 17(3), (11) or (12), may at any time (but without interrupting another Member who is addressing the Meeting) request the Presiding Officer to close a debate on any matter (including an amendment or a sursis). Neither the Member making that request nor any other may address the Meeting about it. Members who would be entitled to speak and who would intend to speak should the debate continue shall be invited by the Presiding Officer to stand in their places **or, if attending the Meeting remotely in accordance with Rule 7(7), indicate this via electronic communications or telecommunications**, and thereafter the Presiding Officer shall ask the Member making the request to close the debate whether he or she still so requests, and if he or she does still so request the Presiding Officer shall put the said request to the vote and if the majority of the Members voting support it then (except that the President, Policy & Resources Committee shall be entitled to comment on any financial implications, if he or she has not already done so, and subject to Rules 17(2), 24(7) or 28(3)), the debate shall be closed, and (subject to Rule 27) the matter shall be put to the vote.
- (2) A Member may vote only from his or her seat in the States' Chamber **or if attending the Meeting remotely in accordance with Rule 7(7), by means of electronic communications or telecommunications** (except where the Member has been issued with a certificate by the Presiding Officer to vote by proxy). In presidential elections where there are two or more candidates, a Member may vote only from a seat in the States' Chamber. ~~Immediately before announcing his or her vote in a division (appel nominal), a Member must switch on his or her microphone and switch it off again immediately after he or she has voted.~~
- (3) A Member may, by reason only of absence from a Meeting of the States of Deliberation for the purpose of childbirth or care for an infant or newly-adopted child, by written notice in the form set out in Schedule 4 to these Rules arrange for their vote to be cast in accordance with this Rule by another Member acting as a proxy (a proxy vote) for a maximum duration of six continuous months.
- (3A) The Presiding Officer may, from time to time, upon representations from the Civil Contingencies Authority in light of circumstances prevailing in the Island, prescribe certain reasons for absence ('Authorised Absence') from a meeting of the States, which shall entitle a Member to arrange for their vote to be cast by another Member acting as a proxy (a proxy vote) if their circumstances require them to take an Authorised Absence from one or more States Meetings. The manner in which the proxy arrangements between Members will operate in respect of an Authorised Absence will be as directed by the Presiding Officer. Proxy voting arrangements in

respect of an Authorised Absence shall only be valid during the period prescribed by the Presiding Officer.

- (4) A proxy vote may be cast on the following propositions:
  - a) original propositions (excluding any propositions from the Presiding Officer);
  - b) secondary propositions; and
  - c) amended propositions.
- (5) A proxy vote, other than one being cast pursuant to Authorised Absence, may be cast only if the Presiding Officer has first certified that the Member for whom the vote is to be cast is eligible under the terms of this Rule and if that certificate, including the name of the Member nominated as a proxy, has been submitted to HM Greffier before the commencement of the States Meeting in question.
- (6) A vote cast by a proxy shall be clearly indicated as such in the Official Report and voting records published.
- (7) Where voting on any matter is carried out otherwise than by a division or by ballot, any Member may, before the Presiding Officer rules that the matter was carried or was lost, or immediately after such a ruling, claim a division.
- (8) The order of voting on a division at any Meeting of the States shall be the same for each division taken at that Meeting (including a Meeting adjourned in accordance with Rule 6, and including a division on a matter adjourned from a previous meeting) but shall be rotated by groups of five members, listed alphabetically, between each Meeting and the next.
- (9) On the announcement of the result of a division, any Member may challenge the accuracy thereof and thereupon a fresh division shall take place. Such further division cannot be challenged.
- (10) Unless otherwise stated, in order for a proposition to be carried it needs to be supported by the nearest whole number above one-half of the Members voting on the proposition.
- (11) Where a Proposition is rejected which had proposed that a particular action not be taken, such rejection is not a positive instruction for the action to be undertaken.
- (12) A vote recorded by electronic equipment authorised for that purpose by the States of Deliberation shall have the same status as a vote by appel nominal.
- (13) The provisions of paragraph (3) that enable a Member to vote by proxy do not apply



to the Alderney Representatives;

Provided that:

an Alderney Representative may act as a proxy for another Member, other than a Member who is an Alderney Representative.

### **Proposals relating to taxation and the financial implications of proposals**

27. Where, in relation to taxation, any alteration is moved and is opposed or is not assented to by the Policy & Resources Committee, the Presiding Officer, if he or she considers that more mature consideration should be given to the advisability of passing or rejecting the proposed alteration, shall rule that a vote thereon shall be postponed until the views of the Policy & Resources Committee have been laid before a Meeting.

### **Requêtes**

28. (1) If any seven Members (but not more than seven) desire that a requête be laid before a Meeting 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. The Greffier shall also provide a copy to the Policy & Resources Committee, for that Committee's opinion on the matters referred to therein.

(2) 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.

(3) When a requête is laid before the States, the President, Policy & Resources Committee and the President of each of the Committees referred to in the preceding paragraph shall be entitled to speak

- (a) immediately after a representative of the requérants has opened the debate; and
- (b) immediately before a representative of the requérants replies to the debate.

### **Register of Members' Interests and Register of Members' Unspent Convictions**

29. (1) The Greffier shall maintain (whether electronically or otherwise) a Register to be known as the Register of Members' Interests in which shall be kept all Declarations of Interest lodged in accordance with paragraph (3).

- (2) The Register of Members' Interests shall be available at the Greffe for public inspection whenever the Greffe is open for normal business. Current entries in the Register of Members' Interests shall also be published on the States' website.
- (3) All persons elected shall within seven days of being elected or re-elected and subsequently during the month of July annually make and lodge with the Greffier a Declaration of Interest.
- (4) All Declarations of Interest required to be lodged with the Greffier under paragraph (3) shall be in the form set out in Schedule 2 to these Rules.
- (5) The Greffier shall maintain (in paper form only) a Register to be known as the Register of Members' Unspent Convictions in which shall be kept all Declarations of Unspent Convictions lodged in accordance with paragraph (7).
- (6) The Register of Members' Unspent Convictions shall be available at the Greffe for public inspection whenever the Greffe is open for normal business.
- (7) All persons elected shall within seven days of being elected or re-elected and subsequently during the month of July annually make and lodge with the Greffier a Declaration of Unspent Convictions.
- (8) All Declarations of Unspent Convictions required to be lodged with the Greffier under paragraph (7) shall be in the form set out in Schedule 3 to these Rules.
- (9) The unspent convictions which must be declared are any criminal convictions in a court in any jurisdiction which resulted in sentences of imprisonment which are not to be treated as spent pursuant to the provisions of the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002, unless they were in respect of conduct which would not constitute an offence if committed in Guernsey at the time the declaration is made.
- (10) A Member in whose case a conviction becomes spent may immediately provide a revised Declaration to the Greffier. The Greffier shall remove from the Register and immediately destroy any Declaration which has been superseded by another.
- (11) The Greffier shall remove from the Register and immediately destroy any Declaration which relates to a person who is no longer a Member.

### **Interpretation**

- 30. (1)** In this section:

**“clear days”** means the number of consecutive whole days referred to, regardless (unless otherwise indicated) of whether or not any such day falls on a weekend or public holiday;

**“Her Majesty’s Procureur”** includes Her Majesty’s Comptroller;

**“Meeting”** means a meeting of the States convened in accordance with these Rules;

**“Member”** means any Member of the States other than (except in Rule 10) Her Majesty’s Procureur (and note qualification in Rule 26 (13) for purposes of proxy voting);

**“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;

**“Presiding Officer”** means the Presiding Officer of the States, and includes the Deputy Presiding Officer of the States and any Acting Presiding Officer of the States;

**“requête”** means a request to the Presiding Officer, made in writing and signed by any seven Members (but not more than seven), that a matter other than a motion of no confidence be laid before a Meeting;

**“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 and the policy letter of the Committee *for* Employment & Social Security on the uprating of non-contributory benefits or the States’ Accounts and the Government Work Plan;

**“sursis”** means a motion the effect of which is to defer debate on an article or proposition and includes a **“sursis motivé”** which has the same effect but which also directs a course of action during the period of deferral;

**“the Greffier”** means Her Majesty’s Greffier, and includes the States’ Greffier and any Deputy Greffier;

**“the Sergeant”** means Her Majesty’s Sergeant, and includes any Deputy Sergeant;

**“the Sheriff”** means Her Majesty’s Sheriff, and includes any Deputy Sheriff;

**“the States”** means the States of Deliberation.

- (2) In these Rules, unless the context otherwise requires:
- (a) a reference to a provision by number or letter is to the provision of that number or letter in these Rules;
  - (b) a reference within a provision to a subdivision by a number or letter is to the subdivision of that number or letter within that provision;
  - (c) a reference to an enactment is to that enactment as amended, extended, applied or replaced from time to time by or under any other enactment.

**Revocations in respect of this section**

- 31.** The States' Resolutions relating to the Rules of Procedure in and in relation to assemblies of the States of Deliberation of the Island of Guernsey of 30th October 2003, 30th March 2005, 27th April 2006, 28th September 2006, 28th February 2008, 30th September 2009, 25th February 2010, 29th April 2010, 29th July 2010, 27th May 2011, 26th October 2011, 9th February 2012, 1st, 8th, 11th and 30th May 2012, 29th and 31st May 2013, 24th September 2013, 12th November 2014 and 29th April 2015 are revoked with effect from 1st May 2016.