

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

STATES' ASSEMBLY & CONSTITUTION COMMITTEE

STATEMENTS AND QUESTIONS – RULES 10-15

The States are asked to decide:-

Whether, after consideration of the policy letter entitled 'Statements and Questions' dated 9th January 2023, they are of the opinion:-

1. To amend Rule 10(2) to read:

“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 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. To amend Rule 10(3) to read:

“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 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 (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.

3. To amend Rule 10(5) to read:

“Any statement made under the provisions of paragraph (4) shall not exceed 15 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 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. Each individual question shall not exceed one minute in duration and the answer thereto shall not exceed one and a half minutes in duration.”

4. To create a new Rule 10(5)(a) to read:

“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 her 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.”

5. To amend Rule 11(2)(c) to read as follows:

“shall not relate to the business of the day, with the exception of general update statements made during the meeting in question;”

6. To amend Rule 12(2)(d) to read as follows:

“shall not relate to the business of the day, with the exception of general update statements made during the meeting in question;”

7. To amend the first sentence of Rule 14(1) to read as follows:

“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, His Majesty’s Procureur, the States’ Greffier and to the official postal or email address of the relevant Committee.”

8. To amend Rule 14(3) to read as follows:

“The States’ Greffier shall cause to be published within one working day, or as soon as possible thereafter, on the States’ website and in such other form as he or she may determine, a copy of every question and of the reply thereto deposited in accordance with this Rule.”

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STATEMENTS AND QUESTIONS – RULES 10-15

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

9th January 2023

Dear Sir

1 Executive Summary

- 1.1 The propositions and policy letter suggest minor amendments to the Rules of Procedure of the States of Deliberation and their Committees (“the Rules”) further to a review of Rules 10 – 15 relating to statements and questions.

2 Introduction

- 2.1 In January 2022, the States’ Assembly & Constitution Committee (“the Committee”) agreed to review specific Rules during 2022. The first review focused on Rules 10 to 15, ‘Statements and Questions’.
- 2.2 Statements in the States of Deliberation have evolved over the last ten years. The ability for Members to ask questions after what are now known as Rule 10(3) statements was introduced in 2012. In 2017, the States introduced Rule 10(4), commonly known as ‘General Update Statements’, followed by a period of questions.
- 2.3 Parliamentary questions – oral and written - have been a longstanding feature of the proceedings of the States of Deliberation. Such questions have an important role in the States in enabling Members to hold Committees to account: asking questions after statements delivered; oral questions to Presidents or a nominated Member of Committees during Meetings (Rule 11 or 12); or written questions (Rule 14).
- 2.4 Statements and parliamentary questions play an important role in parliamentary proceedings to enable scrutiny from Members on the work of

Committees and for specific matters to be raised in a public forum. They also provide an opportunity for Presidents to explain publicly the work of their Committees. The purpose of the review has been to consider – from Committees’ and Members’ experiences – whether improvements can be made to Rules 10 to 15.

- 2.5 A consultation document was issued to all Committees and Members on 15th February in respect of suggestions put forward this political term regarding Rules 10 – 15. Members were also invited to raise any further matters they wished the Committee to consider. The consultation closed on 15th March. The following sections will address the points raised as part of the consultation and other matters that the Committee has identified when reviewing the Rules.

3 Rule 10: Statements

- 3.1 Rule 10(1) to (4) sets out the provisions relating to the types of statements which can be delivered in the States of Deliberation and the questions that can be asked after certain statements. This is summarised in the table below:

Rule	Type of statement	Length of statement (maximum)	Time period for questions after statements
10(1)	Personal Nature/Correction	15 minutes	<i>Not permitted</i>
10(2)	Resignation	15 minutes	<i>Not permitted</i>
10(3)	States’ business	15 minutes*	15 Minutes**
10(4)	General Update	10 minutes	20 minutes**

* *the time period for this statement can be extended at the discretion of the Presiding Officer in exceptional circumstances.*

** *the time period for questions can be extended at the discretion of the Presiding Officer.*

- 3.2 The Committee was asked to consider proposing an increase in the time allowed for ‘General Update Statements’ to 15 minutes to allow sufficient time for a comprehensive statement to be given, in line with the other statement lengths permitted under Rule 10. The consultation responses showed a slight majority of respondents were in favour of this change, and the Committee is proposing changing the Rule accordingly. In proposing this change, it is important to note that the time allowed is the maximum length permitted, and there is no obligation to deliver a statement of that length.

- 3.3 The majority of respondents to the consultation favoured retaining the current time allowed for questions, and the Committee could see no reason to change the status quo; consequently, it is not recommending any changes to the Rules in this respect.
- 3.4 It was suggested to the Committee that the Policy & Resources Committee and Principal Committees should only be required to provide one 'General Update statement' annually, rather than biannually. The Committee is of the view that those Committees providing such statements biannually is useful in providing Members and the public with timely updates on the breadth of work being undertaken by those Committees, and to enable scrutiny of the work of Committees. The Committee strongly supports the continuation of biannual statements by those Committees and this position was supported by the majority of consultation respondents, with only two Committees in favour of changing the arrangements. The Committee is therefore not proposing any change to the Rules.
- 3.5 It was suggested the Committee consider whether general update statements should be scheduled in the first six months of the political term. The Committee agreed it was useful to have statements in this period, and this was supported by the vast majority of respondents, and therefore the Committee is not proposing any change to the Rules.
- 3.6 At present, the Rules require Members to provide advance copies of their statements to the Presiding Officer under Rule 10(1). It is convention for Members and Committees also to provide the advance text of statements under Rules 10(2) to (4) to the Presiding Officer. This also assists the Parliamentary Team, who publish the statements online immediately after they are delivered, on the 'Statements made in States Meetings'¹ webpage. There were no objections to the suggestion to amend the Rules requiring all statements to be sent to the Presiding Officer in advance of delivery and the Committee is therefore proposing the Rules are changed to accommodate this.
- 3.7 In January 2022, the Presiding Officer requested that any Member making a Rule 10(3) statement at a future States' Meeting circulate a copy to Members prior to the Meeting at which it is to be made to assist in ensuring that any questions asked in the period following the statement can be formulated in the context of the statement.
- 3.8 The Committee considered whether this request should be formalised in the Rules. It noted it could assist Members in formulating questions that are 'within the context of the statement'.

¹ www.gov.gg/statementsandspeeches

- 3.9 Out of the five Committees which responded to this question, four did not support circulating Rule 10(3) statements in advance with one not expressing strong feelings. Likewise, individual Members did not support the proposal, and consequently the Committee is not proposing any change.
- 3.10 The provision under Rule 10(5) states 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”*.
- 3.11 This does not include a requirement that the Member to whom the questions are addressed must provide the answer to the question in writing within a set timeframe, unlike Rule 11(4)(d), which reads as above but goes on to say that any Member declining to answer a question on the above grounds *“...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”*.
- 3.12 The Committee is of the view that this is a helpful addition to the Rule and, for the sake of consistency, is recommending that Rule 10(5) be amended to mirror the wording of Rule 11(4)(d) in this respect.
- 3.13 A Member asking or replying to a question after a statement is delivered is not required to declare whether they have an interest in the subject matter of the question, whereas they are under Rules 11 and 12 by virtue of Rule 11(7).
- 3.14 This requirement does not exist for questions asked or replied to further to a statement being delivered, or for questions submitted under Rule 14. In the interests of transparency and consistency, the Committee is proposing the introduction of this requirement with regard to questions asked further to statements.

4 Rules 11 - 15: Parliamentary Questions

- 4.1 A question to be answered orally at a Meeting of the States of Deliberation, may be addressed to the President of a Committee of the States, subject to Rule 15 and the conditions set out in Rule 11(2) and 12(2). One of these conditions are that the question ‘shall not relate to the business of the day’.
- 4.2 The business at an ordinary Meeting includes ‘statements’. It has been ruled that oral questions cannot be asked of a Committee if it is scheduled to deliver a General Update Statement under Rule 10(4), given the period of questions permitted after the statement enables a Member to ask questions on any matter within the mandate of the Committee.

- 4.3 Representations were made to the Committee to consider amending the Rules so that Members were not precluded from asking a question under Rule 11 or 12 by virtue of a Committee being scheduled to deliver a General Update Statement. It was highlighted that questions further to such statements did not allow a Member the same scope to scrutinise a specific topic and reduced the opportunity for supplementary questions to be asked by Members on the topic.
- 4.4 The Committee believes it is appropriate for the Rule to exist to prevent questions being asked relevant to propositions due to be considered, where Members are able to raise their questions and points in debate for response from the sponsoring Committee. It concluded Members should not be prevented from asking Rule 11 or 12 questions on matters because a general update statement was scheduled to be delivered at the same Meeting, given the limited nature of questions after a statement. It therefore proposes amending both Rule 11(2)(c) and 12(2)(d) to exclude 'statements' for the purpose of oral questions.
- 4.5 In December 2021, the Policy & Resources Committee requested that the Committee consider the suggestion arising from the Presidents' Meeting that the staff resource associated with drafting written responses to Rule 11, 12 and 14 questions be calculated for all Committees going forward. It was noted that a similar initiative was undertaken in the 2012 - 2016 term but was discontinued given it had no discernible impact on the number and type of questions submitted.
- 4.6 The Committee sought clarification as to the objective of such a proposal. The Policy & Resources Committee stated that it believed the provision of such information might help States' Members to make informed decisions when they were determining how best to obtain information. It stated that it considered that sometimes parliamentary questions were asked when an informal question or enquiry to Committee Members or staff would achieve the same result.
- 4.7 The Policy & Resources Committee considered that if States' Members were made more aware of the time and resources used to answer parliamentary questions, it might help ensure that they were better informed when deciding the approach they wished to take.
- 4.8 The Committee was not convinced that the objective of the proposal – to encourage different approaches to obtain information – would be met. If the question was asked and answered informally, it questioned why the staff resources and costs of providing the answer would differ significantly if the same information was being provided. It also questioned the benefits of bringing in an administrative process to cost staff time which would, in itself, have its own cost.

- 4.9 Responses to questions asked informally at staff or Member level will normally not be provided to all Members, or the public. A key motivation for asking a parliamentary question is that the question and the response will be in the public domain by being published in the 'Hansard' Report (Rule 11 & 12) or online (Rule 14) and then permanently recorded.
- 4.10 The Committee consulted on the suggestion. The majority of individual Members and Committees who responded were against the suggestion. The responses from Committees were mixed: the majority of Committees that responded did not consider this should be compulsory in the Rules of Procedure.
- 4.11 The Committee does not support the suggestion and is not proposing any change to the Rules. It is important to note that the Committees who wish to produce such information can – as some Departments did in the 2012 – 2016 political term – include the cost of responding to questions as part of their response without this being required by the Rules. It recommended that Committees minded to do so calculate the costs in line with the methodology used to estimate costs of responding to request under the 'Freedom of Information Code'² to ensure consistency across Committees and the States.
- 4.12 At present, in accordance with Rule 14(1), a Member submitting a question for written reply sends it to the President of the Committee in question and also provides copies to the Presiding Officer and His Majesty's Procureur. Given that the Parliamentary Team manages the administration of written questions, the Committee is recommending that Rule 14(1) be amended to require a copy also to be sent to the States' Greffier.
- 4.13 Rule 14(3) provides that *"[a] copy of every question and 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."*
- 4.14 Questions for written answers have been published on the States of Guernsey website since 2012. Consequently, the Rule no longer reflects modern practices and the Committee is therefore proposing that it be revised to be more in line with Rule 3(5), which covers the publication of propositions submitted to the Greffier, as follows: *"On receipt of every question and reply provided in accordance with this Rule, 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."*

² The Freedom of Information Code can be found on www.gov.gg/information. [Guidance on the Freedom of Information code](#) can be found in the downloads section of that page. Pages 8 & 9 set out how to calculate the time and cost spent responding to requests.

5 Compliance with Rule 4

- 5.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be appended to motions laid before the States.
- 5.2 In accordance with Rule 4(1):
- a) The propositions relate to the procedures, practices and practical functions of the States' Assembly, rather than policy and, as such, do not contribute directly to the States' objectives and policy plans.
 - b) In preparing the propositions, all Committees and States' Members were invited to respond to a consultation on the matter.
 - c) The propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
 - d) There are no financial implications to the States of carrying the proposal into effect.
- 5.3 In accordance with Rule 4(2):
- a) The propositions relate to the Committee's duties and powers to advise the States and to develop and implement policies in relation to "the procedures and practices of the States of Deliberation and committees of the States".
 - b) The propositions have the unanimous support of the 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