



**XIV
2012**

BILLET D'ÉTAT

TUESDAY 1st MAY 2012

STATES ASSEMBLY AND CONSTITUTION COMMITTEE

QUALIFICATION FOR THE
OFFICE OF CHIEF MINISTER

B I L L E T D ' É T A T

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE, on TUESDAY, the 1st MAY, 2012**, immediately after the sitting of the Royal Court convened for 9.30 a.m., pursuant to Rule 1(4) of the Rules of Procedure of the States of Deliberation, to consider the item contained in this Billet d'État which has been submitted for debate.

R. J. COLLAS
Bailiff and Presiding Officer

The Royal Court House
Guernsey
23rd April 2012

STATES ASSEMBLY AND CONSTITUTION COMMITTEE

QUALIFICATION FOR THE OFFICE OF CHIEF MINISTER

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

23rd April 2012

Dear Sir

EXECUTIVE SUMMARY

This report proposes that –

- ❖ the requirement in the Rules of Procedure of the States of Deliberation that candidates for the office of Chief Minister shall have held office as a People's Deputy for not less than four years in the eight years preceding the date set for the election be rescinded;
- ❖ consequential amendments be made to the Rules relating to the election of a Chief Minister, in respect of the election to that office to be held on the 1st May 2012.

REPORT

1. On the 15th April 2011 the States rejected a proposition that Rule 20(2A) of the Rules of Procedure be rescinded¹.
2. The States Assembly and Constitution Committee had reported to the States in the following terms.

Rule 20 (2A) of the Rules of Procedure is in the following terms:

“Any Member of the States shall be eligible to hold the office of Chief Minister provided that he shall have held the office of People's Deputy for a period of not less than four years in the

¹ Billet d'État VIII of 2011

eight years immediately preceding the date set for election of a Chief Minister.”

This Rule was approved by the States on the 27th April 2006 following consideration of a Report from the then House Committee. At that time the Committee considered that whilst the introduction of a ‘previous experience’ rule was unnecessary in respect of other offices, a majority supported the introduction of such a rule with regard to the office of Chief Minister.

The present Committee has again considered whether or not such a constraint should be applied only to the office of Chief Minister, or to all offices or to none and has concluded that no office should be subject to a ‘previous experience’ rule. The Committee, by a majority, believes that Members of the States should be free to choose the person to hold any particular office and should not be constrained by a requirement to select someone with at least four years’ service in the past eight years, and so recommends.

3. A majority of the States Assembly and Constitution Committee has never wavered from its view that Rule 20(2A) should be rescinded and intended to recommend to its successor committee that the matter be brought back before the Assembly for reconsideration later this year.
4. However, in the brief period immediately following the General Election held on the 18th April 2012 the Committee has become aware of the disquiet both amongst those newly-elected and those who have previously held office – regarding the effect of that Rule. The Committee is also aware that some Members feel so strongly about this matter that they have contemplated proposing that the Rules be suspended to allow non-qualifying Members to seek election to the office of Chief Minister.
5. The Committee considers that a procedural motion would be unsatisfactory for two reasons. Firstly, Rule 20(2A) is not confined to the election of a Chief Minister: it also relates to the tenure of that office. Thus suspending the Rule would not allow a Member who has held office as a People’s Deputy for less than four years to hold the office of Chief Minister – that can only be achieved by rescinding rather than suspending the Rule. Therefore the Committee proposes that Rule 20(2A) be revoked permanently. Secondly, it is not good parliamentary practice to amend Rules by way of a procedural motion.
6. In all the circumstances, therefore, the Committee is of the opinion that the States should be given the opportunity to consider the matter in the course of a proper debate. We are grateful to you, Sir, for agreeing to issue a

Billet d'État pursuant to Rule 1(4) of the Rules of Procedure for debate on the 1st May 2012, immediately before the election of a Chief Minister.

7. If the States agree to the rescission of Rule 20(2A) consequential amendments to Rule 20(3) will be required. The Committee is of the view that if Rule 20(2A) is rescinded all Members with less than four years service should be given the opportunity to stand for election for the office of Chief Minister if they so desire.
8. It is therefore proposed that Rule 20(3) be suspended only in respect of the election of Chief Minister to be held on 1st May 2012 and that it be replaced, for that election only, with the following paragraph:
“On a proposition to elect a Chief Minister the Presiding Officer shall invite Members to propose eligible candidates; and, whether or not there is more than one candidate, shall invite the proposer(s) and the candidate(s) to speak for not more than 5 minutes each before voting takes place; and no Member other than a proposer or candidate shall be entitled to speak.”.
9. For the avoidance of doubt, any nomination made in accordance with the provisions currently in force will be null and void and those candidates will need to be proposed and seconded again in accordance with the new provisions set out in the previous paragraph.

CONSULTATION / RESOURCES / NEED FOR LEGISLATION

10. The Presiding Officer and H. M. Greffier have been consulted pursuant to Rule 14(6) of the Rules relating to the Constitution and Operation of States Departments and Committees. The Law Officers have not identified any reason in law why the proposals set out in this Report cannot be implemented.
11. The approval of the recommendations would have no implications for the manpower resources of the States nor do they require any legislation.

RECOMMENDATIONS

12. The States Assembly and Constitution Committee recommends the States to agree –

that amendments be made, with immediate effect, to Rule 20 of the Rules of Procedure of the States of Deliberation as follows:

- (a) rescind paragraph (2A);
- (b) suspend paragraph (3) and replace that paragraph, for the purposes of the election of a Chief Minister in May 2012 only, with the following paragraph:
 - “(3) On a proposition to elect a Chief Minister the Presiding Officer shall invite Members to propose eligible candidates; and, whether or not there is more than one candidate, shall invite the proposer(s) and the candidate(s) to speak for not more than 5 minutes each before voting takes place; and no Member other than a proposer or candidate shall be entitled to speak.”.

Yours faithfully

M. M. LOWE

Vice-Chairman
States Assembly and Constitution Committee

Members of the Committee are
Deputy I. F. Rihoy (Chairman)
Deputy M. M. Lowe (Vice-Chairman)
Deputy T. M. Le Pelley
Deputy S. L. Langlois
Deputy M. J. Fallaize

The States are asked to decide:-

I.- Whether, after consideration of the Report dated 23rd April, 2012, of the States Assembly and Constitution Committee, they are of the opinion:-

1. that amendments be made, with immediate effect, to Rule 20 of the Rules of Procedure of the States of Deliberation as follows:
 - (a) rescind paragraph (2A);
 - (b) suspend paragraph (3) and replace that paragraph, for the purposes of the election of a Chief Minister in May 2012 only, with the following paragraph:
 - “(3) On a proposition to elect a Chief Minister the Presiding Officer shall invite Members to propose eligible candidates; and, whether or not there is more than one candidate, shall invite the

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proposer(s) and the candidate(s) to speak for not more than 5 minutes each before voting takes place; and no Member other than a proposer or candidate shall be entitled to speak.”.