

2025.09.08

3.2 Deputy R.S. Kovacs of St. Saviour of the Chair of the Privileges and Procedures Committee regarding the possible introduction of a recall election process for States Members whose conduct falls below expected standards or who breach the law (OQ.193/2025):

Will the chair advise what consideration, whether through any work undertaken or discussions in P.P.C. (Privilege and Procedures Committee) meetings, has been given to the possible introduction of a recall election process for States Members whose conduct falls below expected standards or who breach the law; and what conclusions, if any, have been reached?

Deputy S.M. Ahier of St. Helier North (Chair, Privileges and Procedures Committee):

When the former P.P.C. went out to consultation on the Code of Conduct last year, one of the questions posed was whether Members thought a recall mechanism should be introduced. Only 7 Members indicated some support for introducing a form of recall, with others expressing concerns about it becoming weaponised. The former P.P.C. took the decision not to progress this matter at that time. But I expect that as part of our consideration around the Code of Conduct, which we hope to lodge in a revised form for debate soon, we will discuss broader changes to Standing Orders and the States of Jersey Law, which we may wish to pursue.

[14:30]

3.2.1 Deputy R.S. Kovacs:

Has P.P.C. examined how recall processes operate in other jurisdictions and what relevance or lessons such comparison may hold for Jersey, and has the public been consulted at all in this?

Deputy S.M. Ahier:

Yes, we have had comparisons with other jurisdictions but I do not believe that we have directly consulted with the public. That would be a possibility I suppose in the future, but at the moment we are discussing it within the confines of P.P.C. and we had debates about it on 2 occasions last year. On both of those occasions at the time it was not supported, but obviously times change.

3.2.2 Deputy S.Y. Mézec of St. Helier South:

In the absence of a recall mechanism there are ways that a States Member can be automatically expelled as a Member that do not require a mechanism, either a recall or anything else to initiate that, because it is automatic when they become disqualified. Has P.P.C. looked at that system and determined whether it is adequate or not or whether there is anything that ought to be changed in it, bearing in mind that there are obviously of course democratic ramifications of Members losing their seats automatically without any process that actually formally initiates that?

Deputy S.M. Ahier:

Obviously the Royal Court is permitted to remove a Constable from the Assembly, and that has obviously occurred quite recently, but that is not the case with Deputies. We have not discussed it yet, but I would imagine that it will be raised on our agenda moving forward because there are changes that I believe which we wish to make but will have to be discussed, and of course will have to be brought to the Assembly as well for confirmation.

3.2.3 Deputy S.Y. Mézec:

One of the ways that Members can be automatically expelled from this Chamber is if they are declared bankrupt by the court. Has the committee given any consideration as to whether those kind of things are appropriate in the modern day in a democratic society, bearing in mind not all Parliaments have that as a mechanism to automatically expel Members? Would he and his committee undertake to look at that to see if the framework for continued membership in the Assembly, when the Members are going through things like that, is appropriate for the modern age?

Deputy S.M. Ahier:

Absolutely. A bankruptcy has not been raised as yet but certainly we will add that to the list of agenda items that we need to discuss. Of course the other way I am sure the questioner is aware of for removing a States Member is if the States Member withdraws themselves from the Assembly for 6 months, and again that has happened on a previous occasion.

3.2.4 Deputy M.R. Scott of St. Brelade:

The chair said that 9 Members supported a recall mechanism and I just wondered if he could give the exact number of Members who objected to one, and to explain how the P.P.C. are overcoming the possibility of the Code of Conduct itself being weaponised.

Deputy S.M. Ahier:

In response to the first part, we went out to consultation, obviously to Members, and there were 14 responses at that stage. The question regarding the recall system was the last question on the consultation, so that can have an effect on the amount of people who get down to the last question. But of the 14 responses received, there were 7 responses in favour. Some were firm yeses, some were depending on the gravity of offence, some were most extreme cases of poor behaviour, et cetera, and there were 2 definitive noes, so I think that covers that. On the weaponisation, that has not been discussed as yet.

3.2.5 Deputy M.R. Scott:

I wonder how the P.P.C. can therefore justify, on the basis of what was a majority supporting recall mechanisms, having decided not to pursue that as a measure at this stage? The chair still has not responded to my question about how is he ensuring that the Code of Conduct is not weaponised, bearing in mind that surely it needs to be.

The Bailiff:

The answer to that was that it has not been considered by P.P.C. at this stage.

Deputy M.R. Scott:

I see, sorry, I did not quite hear that.

The Bailiff:

He did answer that part of the question.

Deputy M.R. Scott:

Okay, stick with the first bit then. The first bit was that given that a majority of the Members supported a recall mechanism over a minority, why did the P.P.C. not continue to explore the subject at that stage, rather than indicate to Members they would not be doing so?

Deputy S.M. Ahier:

It was obviously discussed at the previous P.P.C. I was a part of that last conversation but obviously we have a newly formed P.P.C. now and I found the relevant comment on the minutes which said: "The committee did not support the introduction of a recall mechanism in the Jersey context and recognised the potential for misuse." That was the reason that was given at that time.

3.2.6 Deputy K.F. Morel of St. John, St. Lawrence and Trinity:

Continuing on from the theme of misuse of a recall mechanism, would the chair agree or disagree with the idea that a recall mechanism may not be a particularly edifying inclusion to political life in Jersey in terms of the way that it could be used not just within the Assembly but obviously within political discourse in the Island?

Deputy S.M. Ahier:

Yes, I agree with the Deputy's question entirely but we have to accept that even if we bring amendments through the Code of Conduct or otherwise it will be up to the Assembly to determine whether a recall

mechanism is wanted or actually needed. I am sure that it may well be popular within the constituencies but maybe not quite so popular among Members.

3.2.7 Deputy R.S. Kovacs:

What other alternative permanent mechanism, if any, are currently under consideration by P.P.C. to ensure better accountability of States Members whose conduct falls below expected standards or breaches the law, where the public that elects us can have their say?

Deputy S.M. Ahier:

We are, at P.P.C., looking to change some of the Standing Orders in regard to the severity of punishments and sanctions and such like that can be brought. We hope to be able to bring those before the next election, certainly, and obviously it will be for the due consideration of this Assembly as to whether they support them or not.