

STATES OF JERSEY



BREACHES OF THE CODE OF CONDUCT: REVIEW OF STANDING ORDERS

Lodged au Greffe on 4th November 2025
by Deputy R.S. Kovacs of St. Saviour
Earliest date for debate: 25th November 2025

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to request the Privileges and Procedures Committee to review, with a view to amending, all Standing Orders in relation to breaches of the Code of Conduct, such review to include, but not be limited to, consideration of disqualification mechanisms and varying lengths of suspension (paid and unpaid), and to present a report to the Assembly no later than 31st December 2026 with its findings and recommendations.

DEPUTY R.S. KOVACS OF ST. SAVIOUR

REPORT

Summary

This proposition asks the Assembly to request the Privileges and Procedures Committee (PPC) to review, and where appropriate amend, Standing Orders relating to breaches of the Code of Conduct. PPC are asked to present their report, findings, and recommendations no later than 31st December 2026.

Recent events have highlighted the importance of re-examining sanctions to ensure that the sanctions framework is fair, flexible and proportionate for minor and serious breaches. The aim is to establish a framework to include a better definition in relation to the nature of a breach, to determine whether it is minor or serious, and to consider recall mechanisms and graduated suspension options (paid and unpaid).

This is a timely opportunity as the Code of Conduct is under review, with a revised form to be lodged for debate in due course, as referenced in [Oral Question 193/2025](#). It therefore makes sense to address the Standing Orders governing sanctions at the same time and ensure that they are modernised and fit for purpose.

Within my [Oral Question 193/2025](#), asked in September 2025, I asked the Chair of PPC whether PPC were currently considering the accountability of States Members whose conduct falls below expected standards or breaches the law. His response was that they were looking to consider this. This proposition is therefore intended to formalise the process, asking PPC to commit to the work and to fully include the Assembly in the decision-making process.

Background

Under Standing Order 128(f) ([PPC Terms of Reference](#)), PPC is responsible for promoting and enforcing high standards among States Members. Breaches are investigated by the Commissioner for Standards, who reports findings and recommendations to PPC.

The current range of sanctions is limited, and the relevant Standing Orders are referred to below –

- 21A: Proposition to suspend a member as a sanction (lodged by any member, max 28 days with or without pay)
- 21AA: Neutral suspension (lodged by PPC only) and introduced by [P.1/2022](#)
- 21B: Proposition for censure
- 164: Suspension from the States (includes paid/unpaid provisions)

It is of note that [P.1/2022](#) deleted references in Standing Orders to propositions to expel members stating that –

“It is questionable whether the States has the power to expel a Member, given that Members swear their oaths of office in front of the Royal Court, which orders their elections. Although these references to expulsion exist, Standing Orders provide no procedural requirements for an expulsion proposition, such as a certain number of signatories, and there are no modern precedents for such an action. The Committee’s view is that Members are elected by the people and should be expelled by the people, if

they so wish, and not expelled by their colleagues. Consequently, the rules should be tidied up to remove the references to expulsion.”

Key Issues for Review

1. Scope and Variety of Sanctions

Current Standing Orders, enforced by the Presiding Officer in the Assembly provide limited enforcement options (as seen above). Consideration should be given to –

- graduated levels of sanctions that match the seriousness of breaches;
- suspension periods, including unpaid options for serious misconduct; and
- the relevance of any outdated sanctions or exemptions that may no longer be applicable or relevant to our modern society.

2. Recall Mechanisms

A recall mechanism would allow voters to remove a Member in specific, serious circumstances, reinforcing accountability ([UK Recall of MPs Act 2015](#)). There is merit to exploring both the benefits and consequences of having such a mechanism for the public, including how any misuse could be countered. Comparative frameworks exist in other jurisdictions that can assist in developing a bespoke mechanism for Jersey.

3. Appeals and Procedural Fairness

PPC would need to determine whether Members should have access to a formal appeal process and balance fairness with the need for decisive disciplinary action. Appeal mechanisms, rescindment, or other fairness checks may be appropriate to ensure sanctions remain relevant and exemptions are properly considered.

4. Definition of “Serious” vs “Minor” Breach

Clear criteria are needed to distinguish minor breaches (potentially dealt with more informally) from serious ones requiring formal sanctions. For example, Guernsey’s Code of Conduct allows cautioning for minor breaches ([Guernsey Code](#) para 39).

It is to be noted that a standalone Risk-Based Exclusion Policy ([Draft Exclusion Policy](#)) outlining procedures should a Member faces serious violent or sexual charges is under consideration with finalisation anticipated by the end of 2025.

5. Alignment with Other Jurisdictions

Other parliaments use broader sanctions: warnings, mandatory apologies, suspension of privileges, and recall. Jersey could benefit from comparative analysis to ensure best practice (see [CPA Codes of Conduct 2024](#)).

Conclusion

Jersey’s democratic integrity relies on public confidence in elected representatives. The current sanctions framework, while functional, is both narrow and inflexible and the aim of this proposition is to –

- Request PPC to review and modernise Standing Orders;
- Ensure graduated levels of sanctions and recall mechanisms are considered;
- Promote accountability, fairness, and transparency; and
- Reinforce the Assembly’s ethical standards.

Financial and staffing implications

There are no additional financial or staffing implications arising from this other than the work of PPC.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.

APPENDIX A

Extract from the House of Commons Library -Research Briefing: Recall elections

Published Thursday, 08 May 2025 by Richard Kelly and Neil Johnston

Recall allows voters to remove an elected representative between elections by signing a petition. This briefing explains how UK recall petitions work.

Recall is a term used to describe the process which allows voters to remove an elected representative between elections. In the UK only MPs in the House of Commons can be recalled.

There have been calls to extend recall to other elected officials. The Welsh Government has committed to introducing a new system of recall for Members of the Senedd before the next election, due in May 2026. The Scottish Parliament's Standards, Procedures and Public Appointments Committee is considering evidence as part of its examination of a Member's bill to [introduce recall](#) in the Scottish Parliament.

Conditions to trigger recall in the House of Commons

Under the rules of the [Recall of MPs Act 2015](#) MPs can be recalled under three circumstances:

- If they are convicted in the UK of any offence and have been sentenced or ordered to be imprisoned or detained, after all appeals have been exhausted. Note – a sentence over 12 months in jail automatically disqualifies someone from being an MP.
- If they are suspended from the House following a report and recommended sanction from the Committee on Standards for a specified period (at least 10 sitting days, or at least 14 days if sitting days are not specified).
- If they are convicted of an offence under section 10 of the Parliamentary Standards Act 2009 (making false or misleading parliamentary allowances claims). Note – the sentence does not have to be custodial for this condition.

If one of the conditions is met the Speaker of the House must notify the local returning officer. They are known as a petition officer when dealing with a recall petition.

The recall petition

A recall petition is open for six weeks. Electors may sign in person at a signing station or sign by post or by proxy.

For a recall petition to be successful 10% of eligible registered voters need to sign the petition. If the 10% threshold is not reached the recall fails and the MP retains their seat.

If the 10% threshold is reached the petition officer informs the Speaker of the House of Commons. Once that notice has been given, the seat becomes vacant. A by-election is then required. A recalled MP may stand as a candidate. The timing of a UK parliamentary by-election is determined by custom of the House of Commons: the party that previously held the seat will usually decide when to trigger the by-election.

The Electoral Commission has reviewed the operation of recalls. It has found them to be well run but has called on the government to “review the policy and legislation for recall petitions to identify changes that would improve the experience for electors and the administration of future petitions.” It also noted the secrecy of the process raised concerns, as someone going to the signing place would be in favour of the recall. It has also questioned whether the six-week opening period is too long.

The House of Commons [Committee on Standards has noted](#) the existence of recall procedures had been widely welcomed but noted there is “there is no readily identifiable consensus” on addressing concerns about the operation of the 2015 act. It recommended the 2015 act should be subject to post-legislative scrutiny by a committee of the House.

Recalls to date

Six recall petitions have been held to date. Four were successful, one failed and one was terminated early.

One has been held because of the first trigger. Fiona Onasanya (Peterborough) was sentenced to three months in prison for perverting the course of justice. She was recalled in May 2019.

One has been because of the third trigger. Chris Davies (Brecon and Radnor) was convicted of a section 10 offence under the Parliamentary Standards Act 2009. He was recalled in June 2019. To date he is the only recalled MP to have contested the subsequent by-election.

The other four have been triggered by suspensions from the House:

Ian Paisley (North Antrim), Margaret Ferrier (Hamilton and Rutherglen West), Peter Bone (Wellingborough), and Scott Benton (Blackpool South).

One recall failed, in North Antrim in 2018, as the number of signatures was below the 10% threshold and the MP retained their seat. The recall in Blackpool South in 2024 was terminated early as the MP resigned after the petition had been opened two weeks.

Recall Petitions in England

The following details from the [UK Electoral Commission](#) provides information on Recall petitions in England and concisely summarises a Recall petition as follows –

“A recall petition is the process by which an MP can lose their seat in the House of Commons.

Voters in the relevant constituency will have six weeks to sign the petition. By signing a recall petition, voters are saying they want their MP to lose their seat. Only those who want to see the MP removed need to sign the petition.

If at least 10% of voters in the constituency sign the petition, the MP will lose their seat and it will trigger a by-election. The recalled MP can stand as a candidate at the by-election.

If less than 10% of voters in the constituency sign the petition, the MP remains in post”.