

Jersey Studies

JERSEY'S POLITICAL SYSTEM

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I. Introduction

Jersey is a British Crown Dependency, fully responsible for its own internal affairs and with considerable responsibility for external relations. It is a parliamentary democracy with a single chamber Parliament, the States Assembly, and a Government comprising a Council of Ministers selected from and by the Assembly. This paper explains Jersey's political system and puts it in the context of political systems generally.

II. Summary

Some national parliaments have a single chamber while others have two chambers. Elections can be by a "first past the post" system, an alternative vote system, proportional representation or any combination of the three. In some countries, the USA and France for example, the political head is elected directly by the people while in others, the UK and Germany for example, the political head is the leader of the party that can command most support in the parliament.

Jersey has a single chamber parliament, the States Assembly, the members of which elect the Chief Minister. Jersey does not have a party system but this is a matter of practice not of law.

The States Assembly currently comprises the constables of each of the Island's 12 parishes and 37 deputies elected in nine constituencies based on the parishes. Prior to the 2022 election there were 12 constables, eight senators elected on an Island-wide basis and 29 deputies in 14 constituencies. The changes for the 2022 election meant that there were there was much less variation in the ratio of population to elected representatives. General elections are held every four years.

The States Assembly has a number of scrutiny panels, a Public Accounts Committee and a Privileges and Procedures Committee. The President of the Scrutiny Liaison Panel holds the most important non-Ministerial political role.

Jersey's government is the Council of Ministers comprising the Chief Minister and at least seven other Ministers all of whom must be members of the Assembly. The Chief Minister nominates Ministers to the Assembly but the Assembly has the power to elect alternative candidates. Ministers can appoint Assistant Ministers but there is an overall limit of 21 on the number of members who can be Ministers and Assistant Ministers.

The 12 parishes play an important role in the political system in Jersey, both in their own right and through representation in the States Assembly.

Legislation is made in a similar way to other jurisdictions with the proposition for a new law being presented to the States Assembly then going through a number of stages before being finalised following which it is submitted to the British Privy Council for formal approval.

The nature of the Jersey political system and the weakness of political parties mean that in practice the States Assembly and individual members of it are in a relatively strong position in relation to the government. In particular, Ministers are not bound by collective responsibility and the standing orders of the Assembly allow any member to bring forward a proposition for a policy or law which then has to be considered.

III. Types of political system

All political systems have two basic features, an elected parliament and a government, but there are significant variations in how the parliament is constituted and elected and how governments are formed.

A key feature is whether there is a single chamber (unicameral) parliament or a two chamber (bicameral) parliament. Out of 190 parliaments in the world, 79 are bicameral and 111 are unicameral. Where there are two chambers, the “lower” chamber is generally elected by popular vote and the “upper” chamber by one or more of popular vote, appointment or patronage. For example –

- The United Kingdom has the House of Commons elected by constituencies based on the number of electors, and the House of Lords most of the members of which are appointed by the government, although including representatives of other parties, independent members, hereditary peers and Bishops. Because the House of Lords is not elected, and the governing party does not have a majority of members, it uses its powers sparingly, recognising the supremacy of the Commons.
- The USA has the House of Representatives, elected by constituencies based on population, and a Senate with two representatives of each state from the smallest to the largest. The two houses have equal power.
- Australia has a House of Representatives, elected by constituencies based on the number of electors, and a Senate with representatives from each of the States and territories.
- France has a National Assembly, elected by constituencies based on population, and a Senate, the members being chosen by an electoral college of local elected officials.

Denmark, Sweden and New Zealand are among the countries with unicameral parliaments.

It will be noted that some countries use population numbers to determine constituencies while others use electors.

A second feature is the nature of elections –

- “First past the post” simply means that however many candidates there are the ones with the most votes win. Take for example this election result for a single member constituency –

▪ Candidate A	25,000
▪ Candidate B	21,000
▪ Candidate C	20,000
▪ Candidate D	18,000
▪ Candidate E	14,000
▪ Candidate F	2,000

Candidate A would win although with just 25% of the votes. If this was a two-member constituency then candidates A and B would be elected.

- “Alternative vote”. The “first past the post” system is deficient as many votes are “wasted”, electors knowing that their preferred candidate cannot be elected. Under the alternative vote system electors rank candidates in order. The first preference votes of the candidate who has fewest votes are reallocated to the second preference of the

those voters. The process continues until one candidate has more than 50% of the votes. So in the above example Candidate F's votes would be reallocated to the second preference of the voters and so on. The result could be a win for any of the other candidates. A variation, used in France for example, is for an election to have two rounds. If no candidate has 50% of the votes in the first election then the two candidates with the most votes have a run off.

- "Proportional representation" seeks to ensure that the composition of the parliament reflects the share of the votes taken by each party and therefore can work only in a party-based system. Proportional representation works though large multimember constituencies. For example -

▪ Conservative	200,000
▪ Labour	160,000
▪ Liberal democrat	80,000
▪ Green	24,000

If there are ten seats Conservatives would have 4, Labour 3, Liberal Democrats 2 and Green 1. With this system people vote for parties not candidates and parties have to rank their candidates so the first on their list is very likely to be elected and the last almost certain not to be.

An alternative form of proportional representation is electing single members in constituencies but then using a "topping up system" to reward the parties whose share of the total vote exceeds its share of elected members. The Scottish Parliament uses this system.

In the same way as there are different ways that a parliament can be constituted, there are different ways by which a government is formed and the relationship between that government and the parliament. There are two basic models -

- A presidential system in which the head of government is also the head of state and is elected directly by the people. This can be through a simple majority of votes cast as is the case in France or it can be based on an electoral college where it is possible that the winning candidate does not have a majority of the votes. This is the case in the USA where the electoral college depends on the results of elections in each state. With this system the president appoints ministers who generally are not also members of the parliament, thus effecting a distinct separation between the powers of the legislature (the parliament) and the executive (the government).
- A parliamentary system in which the leader of the party in the parliament that commands a majority becomes the prime minister and where most, if not all, of the ministers are also members of the parliament. This is the case in the UK. However, it is not necessarily the case that the party that can command a majority is the largest party. In a system where multiple parties have seats the issue is which combination of parties can be secured. In these cases it may be the third or fourth largest party that determines who will form the government. For example, in the 2010 British election it was the third largest party, the Liberal Democrats, that determined that there would be a Conservative-led coalition rather than a Labour-led coalition.

IV. Jersey's system in context

Jersey's political system does not fall into any of the simple categories noted in the previous section. It has some distinctive features which are shared only by other relatively small states. The key features are –

- A single chamber parliament – the States Assembly, but with, very unusually, two different types of members: deputies elected for constituencies based on population and the constables of each of the 12 parishes whose main responsibilities relate to their parishes. Until the 2022 election there were three categories of member, with eight senators elected on an island-wide basis as well as constables and deputies.
- The Chief Minister is elected by the members of the Assembly. As most members are elected as independents the Chief Minister is the person who can command most support from all the members of the Assembly. So unlike in British elections the electors are voting for individuals rather than a party whose leader wishes to be Chief Minister. The Chief Minister nominates Ministers but it is open to the Assembly to reject those nominations and has done so in the past.

It is the absence of political parties that is the key feature of the Jersey system. This is not enshrined in law or effectively required by the electoral system, which has a “first past the post” system. The law specifically provides for parties and four political parties had candidates in the 2022 election. The legal position is no different from that in Britain but there the custom is for people to vote for parties not individuals and campaigns are fought between parties. In countries where there is proportional representation, for example Scotland, then in effect there has to be political parties.

It is worth noting the position in the other two crown dependencies –

- Guernsey has a single chamber parliament, the States of Deliberation. Until the general election in 2020, 45 members were elected in seven constituencies based on the number of electors. Following a referendum, the system was changed such that in 2020 there was a single constituency. 119 candidates stood for 38 seats (in addition Alderney elected two representatives). So each elector had 38 votes but there was no transferable vote system so the 38 candidates with the most votes were elected. Like Jersey, Guernsey had previously elected independents rather than parties. However, partly because of the change in the political system 40 of the candidates stood for one of three parties. 16 of the successful candidates were from parties, the remaining 22 being independents. The Guernsey Partnership of Independents was the largest party with ten seats and its leader topped the poll with support of 57% of the electorate. However, the States elected as Chief Minister the person who came fifth in the poll with 45% support. A special feature of Guernsey's system is that the government is through committees rather than Ministers.
- The Isle of Man has a bicameral system. The Tynwald has two chambers – the House of Keys with 24 members for twelve two-seat constituencies and a Legislative Council with eight members elected by the House of Keys and three ex-officio members. Parties have a minimal role. The members of the House of Keys elect a Chief Minister who in turn appoints Ministers.

V. Jersey's parliamentary system

Jersey has a single chamber parliament, the [States Assembly](#), although often it is simply called "the States".

Jersey's parliamentary arrangements are set out primarily in four laws –

- The [States of Jersey Law 2005](#) provides for the composition of the States Assembly, the four year election cycle and the qualifications for standing for election.
- The [Elections \(Jersey\) Law 2002](#) sets out provision for the conduct of elections.
- The [Political Parties \(Registration\) \(Jersey\) Law 2008](#) covers requirements for political parties.
- The [Public Elections \(Expenditure and Donations\) Law 2014](#) deals with controls on election expenditure.

The composition of the States Assembly

Prior to the 2022 election the elected members comprised the constables of each of the Island's 12 parishes, eight senators elected on an Island-wide basis and 27 deputies elected by constituencies based on parishes. Two main deficiencies were apparent with this system –

- A single chamber parliament with three different types of members is by any standards unusual.
- With constituencies based on parishes the system resulted in huge variations in the population per elected representative. This is illustrated in Table 1 which shows the position for deputies.

Table 1 Constituencies for Deputy prior to the 2022 election

Constituency	Estimated Population 2021	Deputies	Population per deputy	Variance
St Brelade	11,012	3	3,671	+3%
St Mary	1,818	1	1,818	-49%
St Ouen	4,206	1	4,206	+18%
St Peter	5,264	1	5,264	+48%
St John	3,051	1	3,051	-14%
St Lawrence	5,561	2	2,781	-22%
Trinity	3,355	1	3,355	-6%
Grouville	5,401	1	5,401	+52%
St Martin	3,948	1	3,948	+11%
St Saviour	13,904	5	2,781	-22%
St Clement	9,925	2	4,963	+39%
St Helier No 1 (South)	11,181	3	3,727	+5%
St Helier No 2 (Central)	12,506	3	4,169	+17%
St Helier Nos 3&4 (North)	12,135	4	3,034	-15%
Total	103,267	29	3,561	0%

Notes:

1. The population figures are from the report *Population by electoral district* (Statistics Jersey, 2022).
2. St Saviour was divided into three districts and St Brelade into two. They have been aggregated in this table.
3. St Helier was divided into three districts which do not exactly correspond to the districts in the 2022 election but are sufficiently aligned for the purposes of the comparison.
4. The variance column shows the population per deputy figure in relation to the average for the Island of 3,561.
5. In the variance column a minus figure indicates that the district was over-represented compared with the average and a plus figure that it was under-represented.

The table shows huge variations in the population per deputy the range being from St Mary with one deputy for a population of 1,818 to St Peter with one deputy for a population of 5,264. With each parish also having its constable in the States Assembly the over-representation of some of the parishes, particularly St Mary and St John, was magnified.

The solution adopted for the 2022 election was to reduce the number of constituencies from 14 to 9 and given that there was an increase in the number of deputies this facilitated a much more even distribution of the constituencies in respect of population per deputy. Table 2 shows the new constituencies, the data being taken from the table in the proposition on constituencies agreed by the States Assembly.

Table 2 Constituencies for the 2022 election

Constituency	Estimated population	Deputies	Population per deputy	Variance
St Brelade	11,540	4	2,885	0%
St Mary, St Ouen and St Peter	11,890	4	2,973	+3%
St John, St Lawrence and Trinity	12,460	4	3,115	+8%
Grouville & St Martin	9,490	3	3,163	+10%
St Saviour	14,820	5	2,964	+3%
St Clement	10,060	4	2,515	-13%
St Helier South	10,920	4	2,730	-5%
St Helier Central	13,140	5	2,628	-9%
St Helier North	12,480	4	3,120	+8%
Total	106,800	37	2,886	0%

Notes:

1. This table uses the estimated population at the end of 2019 rather than the figures in Table 1, which are based on the actual population according to the 2021 census.
2. In the variance column a minus figure indicates that the district was over-represented compared with the average and a plus figure that it was under-represented.

It was regarded as sacrosanct that constituencies should not cross parish borders and for this reason there are still some variations in respect of population per deputy. For example, St Clement is the outlier with over-representation of 13%. But if its number of deputies was reduced to three then it would be under-represented by 16%. In other states the solution would have been to move some voters from St Clement to Grouville/St Martin purely for the purpose of the elections of deputies, but maintaining constituencies based on parishes meant that this was not possible. However, the range of variance from the norm of +10% to -13% was much lower than the figures of +52% to -49% with the previous system.

The States of Jersey Law 2005 makes the following provisions on the composition and functioning of the States Assembly. It should be noted that the law refers to “the States” rather than the Assembly.

- Article 2 provides that the States is constituted with 37 deputies, the 12 parish constables and also the Bailiff, the Lieutenant Governor, the Dean of Jersey, the Attorney General and the Solicitor General. The five ex officio members have the right to speak but not to vote and by custom do not speak except in their official capacity. For practical purposes the Assembly can be regarded as the 49 elected members.
- Article 3 provides that the Bailiff is the President of the States, in effect the speaker responsible for the conduct of meetings.
- Article 4 provides that there are 37 deputies with the constituencies (as set out in Table 2) being prescribed in Schedule 1.
- Article 6 provides that elections shall be held every four years.
- Article 7 sets out the qualifications for election as Deputy, basically a British citizen who has been ordinarily resident in Jersey for at least two years up to the date of the election or ordinarily resident for six months up to the date of the election and for additional periods at any time of at least five years.
- Article 41 provides for there to be a Greffier of the States who is the clerk to the States, in effect the chief executive of the States Assembly.
- Article 42 provides for a Viscount who has some responsibilities for law enforcement.
- Article 44 provides for the remuneration of elected members with an important proviso that all members must receive the same remuneration.

The operation of the States Assembly

All parliaments have a system of committees with responsibilities including holding Ministers to account, considering procedures and scrutinising legislation. Such committees are provided in the [Standing Orders of the States Assembly](#) -

- Privileges and Procedures Committee with wide-ranging responsibilities including the conduct of the States Assembly, elections, the provision of services for members, and providing information to the public about the work of the States Assembly, the Council of Ministers, the scrutiny panels and the Public Accounts Committee. This is a very significant committee the chairmanship of which is regarded as one of the most important non-ministerial positions.
- Public Accounts Committee with responsibility for financial audits and efficiency reports, working with the Comptroller and Auditor General.
- Planning committee.
- Scrutiny panels empowered to hold reviews on subjects within their terms of reference, consider the policy of the Council of Ministers, and scrutinise laws, the government plan and other financial proposals of the Council of Ministers. Five panels are stipulated –
 - Corporate services, corporate policies and treasury and resources.
 - Economic development, tourism, sport and culture, external relations, international development and international relations.
 - Children, young people, education and home affairs.
 - Environment, housing and infrastructure.
 - Health, social services and social security.

- Scrutiny Liaison Committee comprising the chair of the Public Accounts Committee and the chair of each scrutiny panel. The president of this committee is selected by the States Assembly and can be seen as the “chief scrutineer” of the government.
- Review panels established for a specific purpose.

More generally, the Standing Orders prescribe in considerable detail the conduct of business in the States Assembly. They give considerable power to individual members.

Particularly significant are the provisions in relation to propositions, which can be for a new law, policy or action. A proposition can be lodged by ministers, committees and individual members. Paragraph 21 of Standing Orders requires that a proposition -

must be accompanied by the proposer’s statement of whether the proposition, if adopted, would have any implications for the financial or manpower resources of the States or any administration of the States and, if there are such implications -

(a) set out the proposer’s estimate of those implications; and

(b) explain -

(i) how the proposer has calculated his or her estimate of those implications, and

(ii) how, when and from where, in the proposer’s opinion, they could be sourced.³⁴

The proposer may request information from any Minister responsible for the resources in question and a Minister shall, when so requested, ensure that the proposer is provided with complete and accurate information sufficient to enable the proposer to prepare the statement.

The draft may be accompanied by a report setting out why the proposer considers that the proposition should be adopted.

It will be noted that there is no requirement for the proposition to state the impact on the public and that proposers only “may” set out why the proposition should be adopted. All propositions are then debated.

Paragraph 63 provides that at each sitting of the Assembly up to 2 hours and 20 minutes shall be allowed for questions of which notice has been given and paragraph 64 provides that up to 45 minutes must be allowed for questions without notice.

Paragraph 104A provides that any member may speak for up to 15 minutes in a debate.

[The States Assembly Annual Report 2021](#) sets out in detail the work of the Assembly during the year, including details of major debates and a comprehensive analysis of questions asked and the work of scrutiny panels and committees. Some key facts -

- The Assembly sat on 43 days.
- Just over 70% of the Assembly’s time was spent debating propositions, with most of the rest of the time spent on questions.
- 52 draft laws and 62 sets of regulations were debated.

- 48 propositions were brought forward by members who were not part of the government.
- There were 221 oral and 442 written questions.

Elections

The [Elections \(Jersey\) Law 2002](#) governs the conduct of elections. The law includes very detailed provisions on the conduct of the elections. The main points are -

- Article 5 provides that a person is entitled to be on the electoral register if they are at least 16 years old, resident in the district of the election and have been ordinarily resident in Jersey for a period of at least two years up to and including the day they register or ordinarily resident for at least six months up to and including that day as well as having been ordinarily resident at any time for additional periods of at least five years.
- Article 6 provides that electoral registers are maintained by each parish.
- Article 13A establishes the Jersey Electoral Authority (JEA). The schedule to the law provides that the JEA comprises a chair, between two and four ordinary members, a parish representative member and, ex officio, the Judicial Greffier and the Greffier of the States. The JEA is responsible for overseeing the conduct of elections and is required to provide a report on each general election.
- Article 13C provides for the JEA to prepare and publish a code of conduct for candidates at elections.
- Article 17 sets out requirements for nomination, including the content of the nomination form, a requirement that nomination forms be subscribed by a proposer and nine seconders who are entitled to vote in the election, and a political party declaration for those candidates of a political party.
- Article 24 prescribes the content of ballot papers.
- Article 24(3C)(b) provides that where the number of vacancies for the office is equal to, or exceeds, the number of candidates, electors have the option of voting for none of the candidates.
- Article 25 requires that each election should be by secret ballot.
- Article 26 requires each parish to provide one or more polling stations in such a way "that all persons have reasonable facilities for the exercise of the right to vote".
- Article 38 makes provisions for pre-polling, that is submitting a ballot paper in advance of the election date, and for postal voting. Anyone is entitled to a postal vote by making an appropriate application.

Article 24(3C)(b) is particularly significant as it was an innovation and one that is uncommon in other jurisdictions. It provides it where an election would otherwise be uncontested then there is an election in which electors can vote for or against the nominated candidate or candidates.

The [Connétables \(Jersey\) Law 2008](#) makes provision for the election of constables (connétables) largely replicating the provisions for the election of deputies.

The [Public Elections \(Expenditure and Donations\) \(Jersey\) Law 2014](#) governs election expenditure and donations to parties and candidates. The key provisions are -

- Expenditure during a “regulated period”, the period beginning four months before election day, is covered by the provisions.
- “Election expenses” are defined in Article 3(1) of the Law as expenses incurred at any time before the poll for that election –
 - (a) by the candidate, or with the candidate’s express or implied consent; and
 - (b) for the supply or use of goods, or the provision of services, which are used during the regulated period –
 - (i) to promote or procure the candidate’s election, or
 - (ii) to prejudice the electoral prospects of another candidate at the same election.
- The expenditure limits are £2,050 plus 13 pence for each elector (in round terms about £3,000 for a deputy election).

Political parties

There is provision for political parties in Jersey under the [Political Parties \(Registration\) \(Jersey\) Law 2008](#). This sets out requirements for a party to be registered. In an election candidates endorsed by a registered political party have the party affiliation alongside their name on the ballot paper. In recent elections the vast majority of members have been elected on an individual basis. Four political parties contested the 2022 election and between them won 13 of the 39 deputy seats and one constable position. [Reform Jersey](#), with ten deputies, is the only party with effective representation in the Assembly. The operation of the States Assembly does not recognise parties.

VI. The Jersey Government

The [States of Jersey Law 2005](#) covers the Government of Jersey as well as the States Assembly. Article 18 of the Law has the following key provisions –

- There shall be a Council of Ministers comprising a Chief Minister and at least seven Ministers.
- The Council of Ministers must lodge a statement of its common strategic policy and government plan within four months of taking office.

Article 19 provides that -

- The States Assembly must select an elected member as Chief Minister after each ordinary election for deputies and in other circumstances such as the resignation of or vote of no confidence of the Chief Minister.
- The Chief Minister must nominate elected members for appointment as Ministers and the office they will hold, but other members can also nominate alternative candidates for each Ministerial position.

Other significant provisions are –

- The Chief Minister is required to appoint one of the Ministers as Deputy Chief Minister.
- The Chief Minister and Ministers may appoint one or more elected members as Assistant Ministers.
- The aggregate of the Chief Minister, Ministers and Assistant Ministers must not exceed a limit set out in standing orders (currently 21).

- Ministers may delegate functions to one or more at their Assistant Ministers or an officer.
- Article 18 (2A) of the Law requires the Council of Ministers to lodge the statement of their common strategic policy under paragraph (2)(e) –

The [Public Finances \(Jersey\) Law 2019](#) sets out detailed provisions in respect of the public finances and is very prescriptive in a number of respects. Provisions include –

- Article 9(1) requires that “Each financial year, the Council of Ministers must prepare a government plan and lodge it in sufficient time for the States to debate and approve it before the start of the next financial year”.
- Article 9(5) requires that a government plan cannot show a negative balance in the Consolidated Fund (basically the fund for current income and expenditure) at the end of any of the financial years covered by the plan.
- There are provisions for a strategic reserves, a stabilisation fund and other reserves.
- Article provides for the accounts to be prepared within three months of the end of the year and to be sent to the Comptroller and Auditor General for auditing.

VII. The parishes

Jersey has 12 parishes, which play a significant part in the life of the Island. Their boundaries were established about a thousand years ago and each of the parishes has a distinct identity with which people identify. The parishes each have at least one primary school and some sporting activities, in particular football, have a structure based on the parishes. In some of the country parishes in particular there is a clear centre of the parish, with the parish church, the parish hall, a pub and shops.

The parishes have responsibility for some activities that might otherwise fall to the island’s government, including refuse collection, care of the roads and some licensing. The principal officer of the parish is the constable, who by virtue of that office is also a member of the States Assembly. The constables are elected at the General Elections, held every four years, the electorate being the same as for the other members of the States Assembly. Each parish has two procureurs de bien public, elected at the parish assemblies, and who act as public trustees. They maintain an oversight of parish finances and represent the parish in the care of parish property. Each parish also has a roads committee and roads inspectors.

The parish assembly is an integral part of the way the parishes operate. People registered as electors in public elections and ratepayers are entitled to attend assemblies. The parish assemblies elect the officers (other than the Constable), are responsible for the care of the roads and the promotion of local improvements, for setting rates and considering licencing applications.

More importantly in respect of the political system of the Island is the role that the parishes play in the States Assembly. That role is lessened after the 2022 reforms but the constituencies for deputies are still parish-based. More importantly, each of the 12 constables is ex-officio a member of the assembly with the same rights and responsibilities as other members, which means that the smaller parishes in terms of population are better represented. The bulk of the work of the constables is at the parish-level, so their status is an unusual one and the workload is such that the position has become less attractive, most elections for constable being

uncontested. On average, the constables are less involved in the Assembly and Government than other members. For example, currently no constable is a member of the Council of Ministers and only two are assistant ministers.

Given that the States Assembly is unusual in having two separate categories of member, the presence of constables benefits the smaller parishes in terms of representation and that the bulk of the constables' work is in their parishes and that therefore they are less involved in the work of the assembly, the question of whether the constables should remain in the Assembly is regularly raised. The Clothier Report (see final section) could see no role in the Assembly of constable that was different from that of deputy and accordingly it recommended that constables should no longer be ex-officio members of the States Assembly but should be free to stand for election as deputy. However, in a referendum in 2013 on the composition of the Assembly there was a preference for constables remaining members of the assembly.

The constables have their own committee, the "Comité des Connétables" which discusses items of interest to the Connétables and their parishes.

VIII. Legislation

Laws are made in Jersey in much the same way as in other places. The legal provisions on legislation are set out in the [Legislation \(Jersey\) Law 2021](#). Most proposals for a law are made by the Government but individual members of the States Assembly are also able to propose a new law or an amendment to an existing law. Prior to a law being drafted there may well have been an extensive period of preparation and public consultation and possibly consultation on a draft of the proposed law. This is to ensure that the full implications of what is being proposed are assessed and understood. The first formal stage is for the proposal to be lodged in the States Assembly. It is at this stage that the full text of the proposed law is made public. There are then a number of opportunities for it to be debated by the States Assembly and for amendments to be proposed and considered. The States Assembly approves the final version, which is then submitted to the Ministry of Justice in the UK for formal approval by the Privy Council, which is normally done as a matter of course as the officials in Jersey ensure that there is nothing in the law that would conflict with the UK's international obligations. The law is then formally registered by the Royal Court in Jersey. A new law does not normally come into effect immediately, but rather on days either specified in the law or made under provisions in the law. This is to give ample opportunity for any necessary new arrangements to be put into place and for those specifically affected by the law to have due notice of it.

The Jersey Legal Information Board [website](#) has a comprehensive database of all current and pending laws.

VII. The political system in practice

There has been concern about the operation of the political machinery in Jersey and there have been a number of attempts at reform. The most significant was the "Clothier Review". In 1999 the States Assembly commissioned a body "to undertake a review of all aspects of the Machinery of Government in Jersey". This had wide-ranging terms of reference including the

composition of the States Assembly. The review body, chaired by Sir Cecil Clothier, produced a comprehensive report in December 2000. Much of the analysis in the report, particularly by comparing the position in Jersey with that in other jurisdictions, remains valid today. The report noted that that “the electorate of Jersey has become apathetic, disenchanted with, and detached from its government”. It was critical of the performance of the Assembly in particular the lack of effective use of the time available with too many repetitive speeches. It made a number of recommendations on the constitution of the Assembly -

- It could see no significant difference between the role of senator and the role of deputy and accordingly recommended the abolition of senators with an additional 12 deputies.
- It could see no role in the Assembly of constable that was different from that of deputy and accordingly it recommended that constables should no longer be ex-officio members of the States Assembly but should be free to stand for election as deputy.
- It recommended an Assembly of between 42 and 44 deputies which would produce “a much more even distribution of seats per elector” than was achieved by the system then in operation.
- The Bailiff should cease to be President of the Assembly.

The report did not find favour in the Assembly and none of these recommendations on the constitution of the Assembly were implemented. However, its recommendations on the government and on many other matters were largely implemented and subsequently the role of Senator has been abolished and a more even distribution of seats per elector has been established..

While legislation is important in determining how a political system works, custom and practice and personal preferences also play a significant part. To understand the Jersey system in practice it is helpful to note some key issues arising from the general election in June 2022 and the subsequent constitution of the States Assembly.

The turnout in the general election was very low at 41.6%, a fall of nearly two percentage points from the figure in the previous election and well below the target of 50% that had been set by the States Assembly. Turnout in Jersey general elections has consistently been among the lowest of all jurisdictions.

Of the 12 constables, eight were elected unopposed all of whom therefore had to face an election against “none of the above”. In two of the constituencies there was an organised campaign for “none of the above” which secured votes of 43% and 27%. 11 of the constables were elected as independents and one as a representative of a political party although on taking office he resigned from that party.

All of the nine new constituencies had contested elections, a total of 76 candidates for the 37 seats. The successful candidates were made-up as follows -

- 24 independents
- 10 members of the Reform Jersey party.
- Three members of other parties.

With all 12 constables being independents this meant that 36 of the 49 members were independents.

With this result Jersey could not have a party-based system either in the government or the Assembly. In the contest for Chief Minister an independent member, Kristina Moore, defeated the Leader of the Reform Jersey party. She in turn nominated 12 members, all elected as independents, to be Ministers in the Council of Ministers, the portfolios being Economic Development, Tourism, Sport and Culture; External Relations and Financial Services; International Development; Infrastructure; Social Security; Children and Education; Home Affairs; Treasury and Resources; Health and Social Services; Housing and Communities; and Environment.

In the elections to scrutiny panel chairs, the leader of the Reform Jersey party was elected to chair the Corporate Services Scrutiny Panel and the Scrutiny Liaison Committee. Reform Jersey members were also elected to chair two other scrutiny panels.

It is relevant to note here two other significant features of the way that the system operates –

- There is no collective responsibility by Ministers.
- The standing orders provide that any member may bring forward a proposition to the States Assembly and that it has to be considered.

The combination of all of these factors means that unlike in most political systems the government is in a relatively weak position in relation to the parliament. Not only does it not have a majority, but its members are not bound by collective responsibility and indeed can legitimately point out that they were elected as independents and should act as such. Also, the system gives individual members the ability both to pursue their own issues and to make life difficult for the government, in particular because a significant amount of time is allowed for oral questions and debate. Ministers cannot be certain that their policies will be approved by the Assembly and also have to face the possibility that the Assembly will agree laws and policies to which they are opposed. This can of course happen in other parliaments as it has done from time to time in the British parliament, but the point about the Jersey system is that it is built in.

The composition of the Assembly, the electoral system and the machinery of government are likely to continue to be on the agenda. Key issues are seen as being –

- Whether constables should remain as members of the assembly.
- Whether there should be a return to some members of the Assembly being elected on an island-wide basis.
- Whether the Bailiff should continue to be the President of the Assembly.
- The low level of turnout in elections.
- The low degree of trust in politicians.

Sources of further information

Understanding Jersey's political system is difficult for two principal reasons –

- Jersey has a parliament in the form of the States Assembly and a government. But both the legislation and custom and practice refer to the “States of Jersey”. This is an historic expression, the States originally comprising the constables of the parishes, the rectors of the 12 parishes and 12 jurats. Until legislative changes in 2005 the “States of Jersey” was the corporate body that covered by the parliament and the government. The expression “States of Jersey” is used at various times to describe the government, the parliament and the Island. For the purposes of understanding the internal political system it is easier to refer simply to the government and to the Assembly.
- Key documents explaining political decisions are not easily accessible. Typically, they are buried in a proposition to the Assembly and are described by a number rather than by name. There is little attempt to publish key reports separately in a way that enables them to be easily identified and accessed. See for example the reference below to the important report *Electoral reform 2020* which can be found only by people who know exactly what they are looking for.

Laws

Up-to-date versions of laws are published on the Jersey Legal Information Board [website](#). The four key laws are –

- The [States of Jersey Law 2005](#) is the key law on Jersey's political system, covering both the Assembly and the government.
- The [Elections \(Jersey\) Law 2002](#) sets out provision for the conduct of elections.
- The [Political Parties \(Registration\) \(Jersey\) Law 2008](#) covers requirements for political parties.
- The [Public Elections \(Expenditure and Donations\) Law 2014](#) deals with controls on election expenditure.

Operation of the States Assembly

The States Assembly [website](#) provides detailed information on all aspects of the States Assembly. A key constitutional document is the [Standing orders of the States of Jersey](#).

Reports on Jersey's political system

[The States Assembly Annual report 2021](#)

[Democratic Accountability and Governance Sub-Committee Report](#), 18 February 2022, R.23/2022. (Notwithstanding the absence of a title and inaccessibility this report provides a good description of Jersey's political system and particularly of how the government is held accountable.)

[Electoral reform 2020](#). Report lodged on 23rd December 2019 by the Privileges and Procedures Committee, P.126/2019. (This is the substantive report on the changes to the composition of the States assembly in 2022. It contains much useful analysis.)

[Jersey General Election 2018](#), CPA BIMR election observation mission final report.

[States of Jersey General Election June 2022](#), CPA BIMR election observation mission final report.

(The Commonwealth Parliamentary Association (CPA) London in its role as secretariat for CPA's British Islands and Mediterranean Region (CPA BIMR), carries out and supports election observation work across the Commonwealth. CPA BIMR is specialised in election observation work in UK Overseas Territories and Crown Dependencies. It send observers to elections and subsequently publishes reports.)

[Report of the review panel of the machinery of government in Jersey](#) (the Clothier report) (2000). The review panel was established by the States Assembly to review all aspects of the machinery of government in Jersey. The authoritative report is the only substantial external review of the machinery government. Most of its substantive recommendations were not implemented.

Other jurisdictions

[Isle of Man General Election 2021](#), CPA BIMR election observation mission final report.

[Guernsey General Election 2020](#), CPA BIMR election observation mission final report.

John Reardon and Christopher Pich. [The strangest election in the world? Reflecting on the 2020 General Election in Guernsey](#). *Small States and Territories Journal*, 4 (1), May 2021.