



Jersey

## STATES OF JERSEY (AMENDMENT No. 5) LAW 2009

A LAW to amend further the States of Jersey Law 2005

<i>Adopted by the States</i>	<i>21st October 2008</i>
<i>Sanctioned by Order of Her Majesty in Council</i>	<i>11th February 2009</i>
<i>Registered by the Royal Court</i>	<i>27th March 2009</i>

**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

### 1 Interpretation

In this Law, “principal Law” means the States of Jersey Law 2005<sup>1</sup>.

### 2 Article 21A inserted

After Article 21 of the principal Law there shall be inserted the following Article –

#### “21A Suspension pending dismissal

- (1) This Article applies where the Chief Minister has obtained agreement, in accordance with Article 21(6)(b), to the lodging of a proposition for dismissal of a Minister.
- (2) The Chief Minister may, on or after obtaining that agreement, suspend the Minister, with immediate effect.
- (3) The Chief Minister shall take steps, as soon as possible, to inform the following persons of the suspension –
  - (a) the Minister suspended;
  - (b) other States members; and

- (c) States employees working in any administration of the States for which the suspended Minister is assigned responsibility.
- (4) The suspension shall cease to have effect in the event that the Chief Minister does not, before the expiry of the period of 3 working days commencing on the day after the suspension takes effect, lodge the proposition for the Minister's dismissal.
- (5) The suspension shall otherwise have effect until the time when the proposition for dismissal is voted on or otherwise withdrawn.
- (6) Whilst the suspension is in effect –
  - (a) the Minister shall not have any of the powers or otherwise discharge the functions of, his or her Ministerial office; and
  - (b) Article 27(2) to (4) shall apply as if the office were vacant.
- (7) In this Article, 'States' employees' shall be construed in accordance with the Employment of States of Jersey Employees (Jersey) Law 2005<sup>2</sup>.

### 3 Article 30 substituted

For Article 30 of the principal Law there shall be substituted the following Articles –

#### **“30 Ministerial delegations to be presented to States**

- (1) A Minister who delegates functions under Article 28 shall present to the States a report specifying the functions delegated and to whom.
- (2) A Minister shall not be required to present a report under paragraph (1) where the delegation is so immediate and of such brief duration that it is not practicable to present the report before the delegation ends.

#### **30A List of delegations to be published**

- (1) The Chief Minister shall cause to be established, maintained and published a consolidated list of –
  - (a) the functions for the time being discharged by the Chief Minister and by each Minister;
  - (b) the functions for the time being delegated by the Chief Minister and each Minister under Article 28, and to whom.
- (2) The list shall also specify which Minister is discharging, for the time being, the functions of another Minister under Article 27(1) or (2).
- (3) The information described in paragraph (1)(b) or (2) is not required to be incorporated in the list where the period for which the delegation has effect or for which one Minister's functions are being discharged by another is so immediate and of such brief

duration that it is not practicable to amend and publish the list to incorporate the information before the end of the period.

- (4) It shall be sufficient if the list is published on a website.”.

#### **4 Article 44 substituted**

For Article 44 of the States of Jersey Law 2005 there shall be substituted the following Article –

##### **“44 Remuneration of elected members**

- (1) No scheme, agreement or other arrangement whatsoever for the remuneration of, or the payment of any allowance to, elected members out of the consolidated fund shall provide for different elected members to be entitled to receive different amounts of remuneration or allowance.
- (2) In paragraph (1), ‘remuneration’ does not include payments out of the consolidated fund –
- (a) into a superannuation fund or pension scheme, for the benefit of an elected member;
  - (b) to an elected member, as an allowance in respect of his or her contributions to a superannuation fund or pension scheme for his or her benefit”.

#### **5 Citation and commencement**

This Law may be cited as the States of Jersey (Amendment No. 5) Law 2009 and shall come into force 7 days after it is registered.

**M.N. DE LA HAYE**

*Greffier of the States*

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- <sup>1</sup> *chapter 16.800*  
<sup>2</sup> *chapter 16.325*