

# **STATES OF JERSEY**



## **DRAFT OVERSEAS AID COMMISSION (JERSEY) LAW 200- (P.14/2005): AMENDMENTS**

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**Lodged au Greffe on 1st March 2005  
by the Overseas Aid Committee**

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**STATES GREFFE**

PAGE 15, SCHEDULE 1, CLAUSE 5 –

*Omit clause 5.1 and substitute the following –*

“5.1 The Commission shall consist of –

- (a) a Chairman;
- (b) 2 States Commissioners; and
- (c) 3 Non-States Commissioners.

5.2 A person shall not be appointed as –

- (a) the Chairman or a States Commissioner unless he or she is an elected member of the States; or
- (b) a Non-States Commissioner unless he or she is not an elected member of the States.

5.3 A person shall not be appointed as a Commissioner if –

- (a) he or she is an employee or agent of the Commission; or
- (b) he or she holds an honorary office with the Commission.”.

*Renumber the existing clauses 5.2, 5.3 and 5.4 accordingly.*

PAGE 16, SCHEDULE 1, CLAUSE 6.4 –

*Insert after paragraph (e) the following –*

- “(f) if he or she becomes an employee or agent of the Commission or becomes the holder of an honorary office with the Commission;”.

*Renumber the existing sub-clauses (f) and (g) accordingly.*

PAGE 16, SCHEDULE 1, CLAUSE 7 –

*Omit clause 7.2 and substitute the following –*

“7.2 If the office of a States Commissioner becomes vacant the States shall, on the recommendation of the Chairman, appoint a person as a States Commissioner.”.

PAGE 16, SCHEDULE 1, CLAUSE 7 –

*Omit clause 7.4 and substitute the following –*

“7.4 If the office of a Non-States Commissioner becomes vacant because the term of the office has expired, the States shall, on the recommendation of the Chairman, appoint as a Non-States Commissioner a person who has nominated himself or herself for appointment to the office.”

PAGE 16, SCHEDULE 1, CLAUSE 7 –

*Omit clause 7.6 and substitute the following –*

“7.6 If the office of a Non-States Commissioner becomes vacant otherwise than because the term of the office has expired, the States shall, on the recommendation of the Chairman, appoint as a Non-States Commissioner a person who has nominated himself or herself for appointment to the office.”

PAGE 18, SCHEDULE 1, CLAUSE 9.2 –

*Omit the words “unless he or she is an employee or agent of the Commission”.*

PAGE 18, SCHEDULE 1, CLAUSE 10 –

*Substitute the following clause –*

**“10 Appointment and remuneration of staff, agents and honorary officers**

10.1 The Commission may employ the persons, and appoint the agents and honorary officers, that it considers necessary for carrying out its objects.

10.2 The Commission may make the arrangements it thinks fit concerning the remuneration, expenses, pensions and other conditions of the employees, agents and honorary officers of the Commission.”

PAGE 19, SCHEDULE 2, PARAGRAPH 2 –

*After sub-paragraph (3) insert the following sub-paragraph –*

“(4) A person shall not be appointed under sub-paragraph (2) or (3) as the Chairman Designate of the Commission or a Commissioner if at the time of the appointment he or she is an employee or agent of, or holds an honorary office with, the Overseas Aid Committee.”

*Renumber the existing sub-paragraphs (4), (5), (6), (7) and (8), and alter the cross-reference in sub-paragraph (8), accordingly.*

OVERSEAS AID COMMITTEE

## **REPORT**

Since lodging the draft Law on 25th January 2005, concern has been expressed to the Overseas Aid Committee that the proposed Constitution would allow a person appointed as a Commissioner of the Jersey Overseas Aid Commission to be an employee of the Commission. This is particularly apparent in Clause 9.2, which refers directly to a Commissioner being remunerated if he or she is an employee.

In drafting the Constitution, the Committee drew extensively on constitutions from similar bodies which contained references to Commissioners also being employees. Having considered this matter again, the Overseas Aid Committee has decided that it cannot envisage any circumstances where it would be appropriate for a Commissioner to be an employee and, moreover, the Committee accepts that this dual role would be quite inappropriate. In addition, the Committee considers that it would also be inappropriate for a person to hold an honorary office for the Commission and also to be a Commissioner. The Committee is therefore proposing this series of amendments to the draft Constitution set out in Schedule 1 so that a Commissioner will not also be able to be an employee or agent of the Commission or hold an honorary office with the Commission. The substance of the change can be found in the new Clause 5.3 with the other amendments being largely consequential on this change. The amendments are all related to this one issue and should be considered together.

There are no financial or manpower implications arising out of these amendments.