

APPOINTMENTS MADE BY THE STATES: REVIEW OF PROCEDURES

**Lodged au Greffe on 5th June 2001
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PROPOSITION

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

to request the House Committee, in consultation with any other Committee involved, to review all current procedures relating to appointments made by the States and to report to the States with recommendations for change including, if appropriate, the need for different procedures to be adopted for different types of appointment.

DEPUTY R.G. LE HERISSIER OF ST. SAVIOUR

Report

It has become apparent that the role played by the States, when exercising its role of directly making appointments is unsatisfactory.

As the Appendix demonstrates, the States is responsible for a wide range of appointments, some to individual positions and some to Boards and Commissions.

While it may, historically, have been the case that the States played a full role in terms of appointments such as the Treasurer and the Chief Officer of the States of Jersey Police, many members now feel that their role is essentially that of a “rubber stamp.” At best they simply confirm a recommendation from the appropriate Committee.

There is also an assumption, frequently untested, that the States are ensuring that ‘due process’ was followed in seeking and recommending a candidate.

In the case of appointments to Boards and Commissions, it is conceivable that States members could put forward their own nominees.

Even this possibility is questioned. For example, in the recent case of the Jersey Financial Services Commission, the concern of the ‘sponsoring’ Committee was that a ‘last minute’ nominee would be sprung on the States and not necessarily meet the strict criteria laid down by the Finance and Economics Committee and the Commission.

Again, this raises the issue of whether the States can play a meaningful role in the process, as it is currently organised.

Given that the States appear to be increasingly restricted in the exercise of their role, it is proposed that it be re-examined.

This proposition has no implications for the financial or manpower resources of the States.

APPOINTMENTS MADE BY THE STATES

Position	Reason for States' involvement in appointment
Agent of the Impôts	Article 4(2) of the Customs and Excise (Jersey) Law 1999
Comptroller of Income Tax	Part III Article 6(2) of the Income Tax (Jersey) Law 1961
Official Analyst	Article 2(2) of Food and Drugs (Jersey) Law 1966
Chief Officer, States of Jersey Police	Article 9 of the Police Force (Jersey) Law 1974
Greffier of the States	Article 2(5) of the Departments of the Judiciary and the Legislature (Jersey) Law 1965
Treasurer of the States	Article 3 of the Public Finances (Administration) (Jersey) Law 1967

OTHER APPOINTMENTS MADE BY THE STATES

	Reason for States' involvement in appointment
Administrative Appeal Panel members	Article 5 of the Administrative Decisions (Review) (Jersey) Law 1982
Agricultural Loans and Guarantees Advisory Board	Regulation 3(2) of the Agricultural (Loans) (Jersey) Regulations 1974
Attendance Allowance Board	Article 4 of the Attendance Allowances (Jersey) Law 1973

Bailiff's Consultative Panel (three members to be appointed by the States)	Act of the States dated 7th July 1992
Commission Amicale	Original members appointed by Act of the States of 31st January 1995 - no other mechanism for appointment
Commissioners of Appeal for Income Tax	Article 10 of the Income Tax (Jersey) (Law) 1961
Data Protection Tribunal	Part II of the Second Schedule to the Data Protection (Jersey) Law 1987
Ecology Fund (Chairman)	Act of the States dated 25th April 1995
Family Allowances Tribunal	Article 1 of the Family Allowances (Jersey) Law 1972
Health and Safety Appeal Tribunal	Article 17 of the Health and Safety at Work (Jersey) Law 1989, and the Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations 1989
Health Services Disciplinary Tribunal	Articles 1 and 36 of the Health Insurance (Jersey) Law 1967
Industrial Disputes Tribunal (Chairman and Deputy Chairman)	Article 3A of the Industrial Disputes (Jersey) Law 1956
Industrial Disputes Officer and Deputy	Article 2 of the Industrial Disputes (Jersey) Law 1956
Jersey Arts Trust (Chairman)	Constitution of the Trust - would require the approval of the Royal Court to change the Constitution as it is an incorporated body

Jersey Child Care Trust (Chairman)	Constitution of the Trust - would require the approval of the Royal Court to change the Constitution as it is an incorporated body
Jersey Competition Regulatory Authority (Chairman)	Article 3(1)(a) of the Competition Regulatory Authority (Jersey) Law 2001
Jersey Consumer Council (Chairman)	Act of the States dated 25th April 1995
Jersey Council for Safety and Health at Work (Chairman)	Act of the States dated 30th July 1991
Jersey Dental Scheme Board of Management (Chairman)	Article 5 of the Act of the States of 18th June 1991 establishing a scheme to subsidise certain dental care
Jersey Electricity Co Ltd (States Directors)	Article 90 of the Articles of Association of the Company
Jersey Financial Services Commission	Article 3 of the Financial Services Commission (Jersey) Law 1998
Jersey Heritage Trust (Chairman)	Constitution of the Trust approved by the States on 25th May 1999
Jersey Law Commission	Original members appointed by Act of the States of 31st July 1996 - no other mechanism for appointment
Jersey New Waterworks Co Ltd (States Directors)	Article 7(4) of the Articles of Association of the Company
Jersey Police Authority (Chairman and two independent members)	Act of the States dated 19th May 1998

Jersey Police Complaints Authority	Article 2 of and the Schedule to, the Police (Complaints and Discipline) (Jersey) Law 1999
Manual Workers Joint Council (Employers' side)	Act of the States dated 9th November 1961
Parish Rate Appeal Board	Article 14 of the Parish Rate (Administration) (Jersey) Law 1946
Public Employees Contributory Retirement Scheme - Committee of Management	Regulation 3(5) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989
Public Lotteries Board	Regulation 3(2) of the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975
Rent Control Tribunal	Article 3(1) of the Dwelling Houses (Rent Control) (Jersey) Law 1949
Social Security Tribunal	Article 1 of the Social Security (Jersey) Law 1974
States Audit Commission (Chairman)	Terms of reference of the Commission approved by the States on 15th March 1994
States Auditors	Article 11 (1) of the Public Finances (Administration) (Jersey) Law 1967
Statistics User Group (Chairman)	Act of the States dated 17th November 1999
Terms of Employment Officers	Regulation 6(1) of the Terms of Employment (Jersey) Regulations 2001
Waterfront Enterprise Board (States Directors)	Articles of Association of the company
	Article 12 of the Westaway Trust (Jersey) Law 1930

