

STATES OF JERSEY

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DRAFT STATES OF JERSEY (AMENDMENT No. 4) LAW 200

Lodged au Greffe on 10th August 2007
by the Chief Minister

STATES GREFFE



Jersey

DRAFT STATES OF JERSEY (AMENDMENT No. 4)LAW 200

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000 the Chief Minister has made the following statement –

In the view of the Chief Minister the provisions of the Draft States of Jersey (Amendment No. 4) Law 200 are compatible with the Convention Rights.

(Signed) **Senator F.H. Walker**

REPORT

On 25th April 2006, the States adopted Proposition P.17/2006 of the Council of Ministers which sought to enable more States employees to participate in the political process, such as standing for election to the States.

These amendments to the States of Jersey Law and to the Employment of States of Jersey Employees Regulations (P.109/2007) have been drafted to give effect to the States' decision.

The proposed amendment to the States of Jersey Law has been approved by the Privileges and Procedures Committee.

Consultation has taken place with all of the Public Sector Trade Unions/Staff Associations on the draft amendments and copies circulated to them.

There are minimal financial and manpower implications for the States arising from these amendments.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 requires the Minister in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). On 26th July 2007 the Chief Minister made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Chief Minister the provisions of the Draft States of Jersey (Amendment No. 4) Law 200 are compatible with the Convention Rights.

Explanatory Note

This amending Law inserts a new Article 4A into, and replaces Article 7(2) of, the States of Jersey Law 2005.

Article 7(2) currently disqualifies from standing for election as a Senator or Deputy a person who is a full-time paid officer (other than an industrial or manual worker) in the employ of the States or an administration of the States.

This distinction between “full-time paid officers” and “industrial or manual workers” reflects the employment relationships between the States and its employees before the coming into force of the Employment of States of Jersey Employees (Jersey) Law 2005. After that Law came into force, “civil servants” and industrial or manual workers are all employed on the same basis, as “States’ employees”.

These amendments to the States of Jersey Law 2005 will permit any States’ employee to stand for election as a Senator, Deputy or Connétable, if they are permitted to do so under the Employment of States of Jersey Employees (Jersey) Law 2005. It is proposed that that Law shall be amended by Regulations to permit certain States’ employees to engage in certain political activities, including standing for election to such positions.

If made, this amending Law will take effect on the same day as that amendment to the Employment of States of Jersey Employees (Jersey) Law 2005.



Jersey

DRAFT STATES OF JERSEY (AMENDMENT No. 4) LAW 200

A LAW to amend further the States of Jersey Law 2005

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

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

1 New Article 4A inserted

In the States of Jersey Law 2005^[1], after Article 4, there shall be inserted the following Article –

“4A Disqualification for election as Connétable

A person shall be disqualified for election as a Connétable if he or she is a paid officer in the service of the States or any administration of the States, unless he or she is permitted, by or under the Employment of States of Jersey Employees (Jersey) Law 2005, to stand for election as a Connétable.”.

2 Article 7 amended

In Article 7 of the States of Jersey Law 2005, for paragraph (2) there shall be substituted the following paragraph –

“(2) A person shall be disqualified for election as a Senator or Deputy, if he or she is a paid officer in the service of the States or any administration of the States, unless he or she is permitted, by or under the Employment of States of Jersey Employees (Jersey) Law 2005, to stand for election as a Senator or Deputy.”.

3 Citation and commencement

- (1) This Law may be cited as the States of Jersey (Amendment No. 4) (Jersey) Law 200.
- (2) This Law shall come into force on the date on which the Employment of States of Jersey Employees (Amendment No. 2) (Jersey) Regulations 200 come into force.

