

STATES OF JERSEY



DRAFT STATES OF JERSEY (AMENDMENT No. 8) LAW 201- (P.33/2014): AMENDMENTS (P.33/2014 Amd., Amd.(2), Amd.(4), Amd.(5), Amd.(6), Amd.(7)) – COMMENTS

**Presented to the States on 25th April 2014
by the Privileges and Procedures Committee**

STATES GREFFE

COMMENTS

P.33/2014 Amd.

Lodged by Deputy J.A. Martin of St. Helier

The Committee supports the amendment of Deputy Martin as it provides a ratification process for the appointment of Assistant Ministers. The States would be provided with the option to veto the proposal of the Minister, but would not be in a position to nominate alternative candidates.

The appointments mechanism proposed requires clarification, as it is unclear whether Assistant Ministers would be appointed as a slate or individually, and this will therefore need to be specified in Standing Orders.

P.33/2014 Amd.(2)

Lodged by Deputy T.A. Vallois of St. Saviour

The Privileges and Procedures Committee supports the amendment of Deputy Vallois and considers that it would be appropriate for a code of practice to be put in place.

P.33/2014 Amd.(4)

Lodged by the Chief Minister

The Privileges and Procedures Committee considers the Chief Minister's amendment to be a positive clarification of the position with regard to the appointment of Ministers and supports the amendment.

P.33/2014 Amd.(5)

Lodged by the Scrutiny Chairmen's Committee

The Privileges and Procedures Committee supports the amendment.

P.33/2014 Amd.(6)

Lodged by the Connétable of St. Mary

The Committee does not support the amendment of the Connétable of St. Mary, as it is not a position that has received the support of members during the lengthy consultation process that has been undertaken in respect of proposed amendments to the machinery of government. Page 3 of the Interim Report of the Machinery of Government ([R.39/2013](#) refers) stated: "While we detected a consensus among States Members that the Chief Minister should be able to dismiss a Minister, the majority seemed to be in favour of the States retaining the power to appoint".

P.33/2014 Amd.(7)

Lodged by Deputy J.A.N. Le Fondré of St. Lawrence

Part 2

The Committee does not support the proposal as it considers that there is a greater safeguard in stating that the Chief Minister is provided with up to 3 successive attempts to appoint a Council of Ministers in the Law, than there would be if the number were to be specified in Standing Orders. If the number of proposals permitted is not specified in Law, it will easily be able to be amended.

Part 3

The Privileges and Procedures Committee supports the proposed amendment of Deputy Le Fondré to the proposed appointments process for the Council of Ministers. The notion of returning to the current appointments process if the Chief Minister designate has made 3 proposals which have been rejected by the States introduces a good compromise and is practical.

Part 4

The Committee does not support the amendment of Deputy Le Fondré to delete paragraph (c) of Article 4, which provides that only the Chief Minister may dismiss a Minister. The Committee considers that it is appropriate for the Chief Minister to be able to dismiss a Minister under the proposals set out in P.33/2014. The Committee is, however, of the view that a procedure for the dismissal of a Minister by the Chief Minister should be drafted and agreed by the Council of Ministers under the Code of Practice to be agreed at the initial meeting of the Council of Ministers (see page 7 of P.33/2014, paragraph 13).