

STATES OF JERSEY

r

DRAFT STATES OF JERSEY (AMENDMENT No. 3) LAW 200

Lodged au Greffe on 20th October 2006
by the Privileges and Procedures Committee

STATES GREFFE



Jersey

DRAFT STATES OF JERSEY (AMENDMENT No. 3)LAW 200

European Convention on Human Rights

The Chairman of the Privileges and Procedures Committee has made the following statement –

In the view of the Chairman of the Privileges and Procedures Committee the provisions of the Draft States of Jersey (Amendment No. 3) Law 200- are compatible with the Convention Rights.

(Signed) **Connétable D.F. Gray**

REPORT

This short amending Law will, if adopted, repeal Article 44 of the States of Jersey Law 2005. That Article reads as follows –

44 Remuneration of elected members

No scheme, agreement or other arrangement whatsoever for the remuneration of, or the payment of any allowance to, elected members out of the general revenue of the States shall provide for different elected members to receive different amounts of remuneration or allowance.

The Article was first inserted in the Law following the approval of an amendment of Senator Stuart Syvret in November 2004 during the debate on the draft Law.

When the independent States Members Remuneration Review Body presented its last report to the States on 13th September 2005 (R.C.71/2005) the PPC commented in its Foreword to the report that the existence of Article 44 had severely curtailed the Body's remit. The Foreword went on to say "*In fact, it proved impossible for the Review Body to make specific recommendations on such matters as pension provision and progressive pay scales*".

Although PPC believes very strongly that any changes to the present arrangements on members' remuneration and benefits should be recommended by the independent Remuneration Review Body and not by members themselves, it is apparent that the mere existence of Article 44 will hamper any future Review Body in assessing possible changes. The previous Body expressed the view very firmly to PPC that it did not consider it was appropriate for it to consider matters such as a pension scheme for members when there was a statutory prohibition in Article 44 on the introduction of any scheme that differentiated between elected members. (Advice received by the Body from a pensions' expert made it clear that it was almost certainly impossible to establish a scheme where the contributions for all members were the same because of the varying age profile of members). Recent suggestions that differential pay should be introduced for Ministers and other members in positions of responsibility would clearly fall foul of Article 44 and it is likely that a future Review Body might be reticent to even discuss that issue while the Article remains in force.

PPC has concluded that the simplest way forward is simply to propose the repeal of Article 44. This would leave the way forward for any issues relating to remuneration to be considered. PPC is conscious that one of the main reasons for the Article's introduction was to ensure that no patronage by the Chief Minister could exist but that concern has been largely allayed by the subsequent approval by the States of amendments to the Law to provide that all ministerial appointments and dismissals are subject to approval by the States. Any possibility that the Chief Minister could have used increased remuneration as a lever over Ministers has therefore been removed.

In bringing forward this change PPC wishes to make it absolutely clear that it is not, in any way, suggesting that changes should be made to the present arrangements for members' remuneration. In particular the Committee is not currently promoting the idea that differential pay should be introduced. The present levels of members' remuneration set by the Remuneration Review Body are valid until 2008 and the Committee sees no reason to change those at present. There will, nevertheless, be a need for a new Body to be appointed in 2007 to make recommendations for the period after the next elections in 2008 and PPC believes that the future Body would be able to consider this issue in a more constructive way if it was not constrained by the existence of Article 44. It would, for example, be extremely useful for the Body to look at the matter of pensions for members so that this issue could then be discussed by the States as a whole.

There are no immediate financial or manpower implications arising from this amending law. Any changes to the present arrangements might, of course, have a financial impact but those implications would need to be considered and agreed as part of a future Annual Business Plan process.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require 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). Although the Human Rights (Jersey) Law 2000 is

not yet in force, on 18th October 2006 the Chairman of the Privileges and Procedures Committee made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Chairman of the Privileges and Procedures Committee the provisions of the Draft States of Jersey (Amendment No. 3) Law 200- are compatible with the Convention Rights.

Explanatory Note

This Law repeals Article 44 of the States of Jersey Law 2005.

If made, the Law shall come into force 7 days after it is registered.



Jersey

DRAFT STATES OF JERSEY (AMENDMENT No. 3) 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 Article 44 repealed

Article 44 of the States of Jersey Law 2005^[1] shall be repealed.

2 Citation and commencement

This Law may be cited as the States of Jersey (Amendment No. 3) Law 200- and shall come into force 7 days after it is registered.

