

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY T.M. PITMAN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 19th JANUARY 2010**

Question

Given his advice that the payment of Blackberry phone bills for Members of the Executive is simply ‘a matter of interpretation’ and in his view thus not a breach of Article 44 of the States of Jersey Law 2005, can the Attorney General confirm that this also leaves the way open for cars and resultant fuel costs (for example) to also be provided for Members of the Executive?

Answer

Article 44 (1) of the States of Jersey Law 2005 provides:

“44 Remuneration of elected members

(1) 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.

.....”

As a matter of statutory interpretation, Article 44 inhibits the payment of additional remuneration/allowances for general expenses in respect of an elected member. It does not, in the opinion of the Attorney General, inhibit the payment/reimbursement of expenses properly incurred in the course of ministerial business.

Ministers and Assistant Ministers may have access to facilities that other members do not (e.g. secretarial/office facilities) to enable their ministerial duties to be discharged.

The question asks whether or not the previous opinion “leaves the way open” for other things including, by way of an example, “cars and the resultant fuel costs”. Each such cost would need to be considered against the above test. Subject to consideration of the precise justification, it might be thought unlikely that, in Jersey, the automatic provision of a car to a Minister would be justified against such a test.