

STATES OF JERSEY



DRAFT MACHINERY OF GOVERNMENT (MISCELLANEOUS AMENDMENTS) (JERSEY) LAW 201- (P.1/2018): COMMENTS

**Presented to the States on 14th February 2018
by the Privileges and Procedures Committee**

STATES GREFFE

COMMENTS

There are 4 matters relating to the Draft Machinery of Government (Miscellaneous Amendments) (Jersey) Law 201- ([P.1/2018](#)) on which the Privileges and Procedures Committee (“PPC”) wishes to comment.

The first relates to the proposal in Articles 15 and 16 that the Chief Minister will be permitted by Order to move a Minister from one ministerial office to another, establish or abolish Ministers, change the names of Ministers, and transfer ministerial responsibilities from one Minister to another. These new powers do not sit harmoniously alongside the States Assembly’s Standing Order 117, which specifies the ministerial offices to which the Assembly elects Ministers. If the draft Law is adopted, a situation could arise after a general election where the Assembly chooses Ministers for specific portfolios, but those portfolios are amended shortly afterwards or the Ministers themselves are reshuffled, notwithstanding the option for a decision to be challenged during the 2 week notice period provided for in the draft Law. If this aspect of the draft Law is adopted, the Standing Order would need to be reviewed to consider how it might better reflect the new legal arrangements, whilst also retaining the Assembly’s power to elect the Council of Ministers.

Secondly, changes to ministerial portfolios may necessitate changes to the remits of Scrutiny Panels, which are set out in Standing Order 135. At the moment, any change in remit requires that a proposition be brought forward to amend Standing Order 135, which can lead to a lengthy delay between the change to ministerial functions and the consequent change in Scrutiny Panel remits. If this aspect of the draft Law is adopted, the Committee will wish to look at this matter, working in conjunction with the Chairmen’s Committee.

If the Assembly agrees to the proposal to remove the principle of collective responsibility from the [States of Jersey Law 2005](#), the Committee proposes that Standing Order 21(3A), which requires Ministers to publish a statement about the application of collective responsibility alongside ministerial propositions, should be repealed, as it will be redundant. An amendment to the draft Law to achieve this is being brought forward.

Finally, the Committee does not have a view on the proposed changes to the timetable for the election of the Chief Minister and Ministers after the general election. At present, [Standing Orders](#) provide that the election of the Chief Minister must take place within 21 days of a general election. In 2018, the Chief Minister’s election is planned to take place 19 days after the general election, which would be in accordance with the changes proposed in Article 17 of the draft Law.