

**Lodged au Greffe on 16th May 2000
by the House Committee**



STATES OF JERSEY

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Report

On 3rd March 1998 the States, adopting a proposition of Senator R.J. Shenton, “charged the Finance and Economics Committee to prepare amendments to Rule 4 of the Public Finance (General) (Jersey) Rules 1967, as amended, for approval by the States, the effect of which would be -

- (a) to delete the requirement that no proposition or draft legislation which, if adopted, would entail the expenditure or raising of public money, or the release or compounding of any sum of money owing to the States, shall be presented to the States unless, at least 21 days prior to the presentation, the matter has been submitted to the Finance and Economics Committee for its information and recommendation, if any;
- (b) to require that on presentation to the States any such legislation or proposition shall be referred to the Finance and Economics Committee for a report to be made within a reasonable time prior to the matter being debated.”

In the event, it was discovered that to implement properly the States decision, it would be necessary also to amend the Standing Orders of the States of Jersey so as to set out the procedure to be followed when propositions having financial implications were presented to the States.

While examining this matter the House Committee was reminded of a decision of the States of Tuesday 3rd April 1979, which is still in force although frequently ignored, regarding public sector staffing. The full text of the States Act is as

follows -

“THE STATES, adopting a Proposition of the Establishment Committee, agreed that -

- (1) all Committees should examine very closely the level and range of services which they supply and should make every effort to reduce their staffing requirements;
- (2) all Committees should prepare manpower budgets for the ensuing year at the time of preparing their financial estimates and that these should be submitted to the States for information;
- (3) all propositions, draft legislation or any other item of business presented to the States by Committees should include information about resultant effects on staffing, together with the Establishment Committee’s comments thereon;
- (4) any requirement for increased staffing in any area of the States administration should be subject to the approval of the Establishment Committee, or, in the event of disagreement between the initiating Committee and the Establishment Committee, to the approval of the States;
- (5) any requirement of the Establishment Committee for increased staff within its own Department should be subject to the approval of the Finance and Economics Committee, or, in the event of disagreement between those two Committees, to the approval of the States;
- (6) the Establishment Committee be required to submit to the States, once in each Session, details of any establishment increases approved.”

It seemed appropriate to the House Committee that the procedures for informing States members of the financial and manpower implications of propositions should be the same, and the proposed amendments of Standing Orders would have that effect.

The Finance and Economics Committee has approved in principle appropriate amendments of the Public Finances (General) (Jersey) Rules 1967 and, if the States adopt the amendments of Standing Orders, the Finance and Economics Committee will then make the Rules, which are subject to the procedures set out in the Subordinate Legislation (Jersey) Law 1960, as amended.

The draft Public Finances (General) (Amendment No. 21) (Jersey) Rules 200- are set out in the Appendix to this report for members’ information.

Explanatory Note

The purpose of these Amendments of Standing Orders is to give effect to the States decisions -

- (i) of 3rd March 1998 regarding the submission of propositions through the intermediary of the Finance and Economics Committee; and
- (ii) of 3rd April 1979 regarding propositions with manpower implications.

The Amendments will come into force on 1st July 2000.

States of Jersey Law 1966

DRAFT AMENDMENT (No. 20) OF THE STANDING ORDERS OF THE STATES OF JERSEY

STATES OF JERSEY

The day of 200-

THE STATES, in pursuance of Article 27 of the States of Jersey Law 1966,^[1] as amended, have made the following amendments of the Standing Orders of the States of Jersey^[2] -

1. After Standing Order No. 18 (Notice of propositions and amendments) there shall be inserted the following Standing Order -

“ 18A. Propositions and amendments with financial or manpower implications

(1) Every proposition or amendment that is presented to the States shall be accompanied by a brief statement of its financial effect and whether it would, if adopted, have implications for the manpower resources of the States.

(2) Any proposition or amendment which has been lodged au Greffe or is deemed to have been so lodged, and to which Rule 4 of the Public Finances (General) (Jersey) Rules 1967, as amended, applies shall be referred forthwith to the Finance and Economics Committee for a report, which shall be made within a reasonable time.

(3) Any proposition or amendment which has been lodged au Greffe, or is deemed to have been so lodged, and which, if adopted, would or may create additional demands on the manpower resources of the States, shall be referred forthwith to the Human Resources Committee for a report, which shall be made within a reasonable time.”

2. Standing Orders No. 18A (Propositions of no confidence) and 18B (Rescissions of Acts of the States) shall be renumbered respectively “18B” and “18C” accordingly.

3. These Standing Orders may be cited as the Amendment (No. 20) of the Standing Orders of the States of Jersey and shall come into force on the first day of July 2000.

Explanatory Note

The purpose of these Rules is to amend the Public Finances (General) (Jersey) Rules 1967. The requirement that a proposition involving public expenditure must be presented through the intermediary of the Finance and Economics Committee (“the Committee”) and the prohibition on presenting such a proposition unless it has been submitted to the Committee at least 21 days earlier are repealed. They are replaced with a prohibition on consideration of such a proposition unless the Committee has reported to the States on it. The report can accompany a proposition when it is lodged au Greffe. If it does not, the Committee must report to the States within a reasonable time after the proposition is presented or has its first reading.

The Rules were made on
and come into force on

Public Finances (Administration) (Jersey) Law 1967

PUBLIC FINANCES (GENERAL) (AMENDMENT No. 21) (JERSEY) RULES 200-

THE FINANCE AND ECONOMICS COMMITTEE, in pursuance of the Public Finances (Administration) (Jersey) Law 1967, as amended, has made the following Rules -

1. For Rule 4 of the Public Finances (General) (Jersey) Rules 1967, as amended, there shall be substituted the following Rule -

“Reports of Finance and Economics Committee on propositions

4.-(1) In this Rule, “proposition” means any proposition (whether or not required to be lodged au Greffe and including a proposition for the passing of a Law or of Regulations) which, if adopted, would entail the expenditure or raising of public money or the release or compounding of any sum of money owing to the States, other than a proposition presented on behalf of the Finance and Economics Committee.

(2) The States shall not consider a proposition unless the Finance and Economics Committee has reported to them with its recommendations, if any, on the proposition in accordance with paragraph (3) or (4).

(3) A proposition may be lodged au Greffe accompanied by the report of the Finance and Economics Committee.

(4) Where a proposition is not accompanied by a report as described in paragraph (3), the Finance and Economics Committee shall, within a reasonable time following the presentation or first reading of the proposition, report to the States upon it.”.

2. These Rules may be cited as the Public Finances (General) (Amendment No. 21) (Jersey) Rules 200- and shall come into force on the seventh day after they are made.

Greffier of the States.

2000.

^[1] Recueil des Lois, Volume 1966-1967, page 15.

^[2] Nos. 4858 and 8630.