

STATES OF JERSEY



DRAFT EMPLOYMENT OF STATES OF JERSEY EMPLOYEES (AMENDMENT No. 5) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 1st March 2010
by the Chief Minister**

STATES GREFFE



Jersey

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REPORT

1. On 18th November 2009, the States adopted an amended version of P.175/2009, essentially relating to the constitution of the States Employment Board.
2. At present, the Board consists of at least 3 Ministers, one of whom would normally be the Chief Minister, who chairs meetings.
3. The effect of the Amendment would change the constitution to consist of the Chief Minister, as Chairman, 2 Ministers or Assistant Ministers appointed by the Chief Minister; and 2 States members who are neither Ministers nor Assistant Ministers.
4. The attached draft Amendment seeks to give legal effect to the States' decision. In order to ensure that the policies and activities of the Board remain part of Executive Government, whilst at the same time including a greater breadth of States opinion sought by the States, the Chief Minister has made 2 specific provisions –
 - (i) that the 2 elected members on the Board will be recommended to the States by himself;
 - (ii) that the quorum for a meeting of the Board will consist of at least 2 Ministers/Assistant Ministers, one of whom may be the Chief Minister himself.
5. Other provisions of the draft Amendment simply reflect decisions of the States to remove the casting votes of the Chairman of the States Employment Board and the Chairman of the Jersey Appointments Commission.

Financial and manpower implications

6. There are no financial or manpower implications for the States arising from the adoption of these Draft Regulations.

Explanatory Note

These Regulations amend provisions on the States Employment Board and the Jersey Appointments Commission, in the Employment of States of Jersey Employees (Jersey) Law 2005 (the “principal Law”).

Article 1 is the interpretation provision.

Article 2 amends the definition (in Article 1 of the principal Law) of a “member” of the States Employment Board, as a consequence of the introduction of a new category of member by *Article 3*.

Article 3 amends Article 5 of the principal Law on the composition of the States Employment Board. It removes the provision for “not less than 2 other members of the Council of Ministers who are appointed in writing by the Council of Ministers” to be members of the Board. It replaces that by providing for the Chief Minister to appoint (in writing) 2 Ministers or Assistant Ministers, and for the States to appoint, on the recommendation of the Chief Minister, 2 other elected members of the States who are not Ministers or Assistant Ministers.

Article 4 amends Article 6 of the principal Law, on meetings of the Board. It sets the quorum at 3 (because Article 5 of the principal Law is amended to set the number of members at 5). It requires the quorum to include at least 2 Ministers or Assistant Ministers (of whom one may be the Chief Minister). It also provides that a tied vote is lost (instead of a casting vote going to the person presiding).

Article 5 similarly provides for tied votes to be lost in meetings of the Jersey Appointments Commission (in Article 21 of the principal Law).

Article 6 gives the name of the Regulations and brings them into force 7 days after they are made.



Jersey

**DRAFT EMPLOYMENT OF STATES OF JERSEY
EMPLOYEES (AMENDMENT No. 5) (JERSEY)
REGULATIONS 201-**

Arrangement

Regulation

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Jersey

DRAFT EMPLOYMENT OF STATES OF JERSEY EMPLOYEES (AMENDMENT No. 5) (JERSEY) REGULATIONS 201-

Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES, in pursuance of Article 42 of the Employment of States of Jersey Employees (Jersey) Law 2005¹, have made the following Regulations –

1 Interpretation

In these Regulations, “principal Law” means the Employment of States of Jersey Employees (Jersey) Law 2005².

2 Article 1 amended

In Article 1 of the principal Law, for the definition “member” there shall be substituted the following definition –

“ ‘member’, in relation to the States Employment Board, means any of the persons who constitute the Board under Article 5;”.

3 Article 5 amended

In Article 5(1) of the principal Law, for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraphs –

- “(a) the Chief Minister, or another Minister who is nominated by the Chief Minister to be a member of the Board in his or her place;
- (b) 2 other persons, each of whom –
 - (i) is a Minister or an Assistant Minister, and
 - (ii) is appointed in writing by the Chief Minister to be a member of the Board; and
- (c) 2 elected members of the States, each of whom –
 - (i) is neither a Minister nor an Assistant Minister, and

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- (ii) is appointed by the States, on the recommendation of the Chief Minister, to be a member of the Board.”.

4 Article 6 amended

In Article 6 of the principal Law –

- (a) for paragraph (1)(b) there shall be substituted the following sub-paragraph –
 - “(b) the quorum of the States Employment Board shall be constituted by 3 of its members, including at least 2 who are members under Article 5(1)(a) or (b);”;
- (b) for paragraph (1)(f) there shall be substituted the following sub-paragraph –
 - “(f) if a vote is tied, it shall be taken to have been lost.”.

5 Article 21 amended

For Article 21(2)(f) of the principal Law there shall be substituted the following sub-paragraph –

- “(f) if a vote is tied, it shall be taken to have been lost.”.

6 Citation and commencement

These Regulations may be cited as the Employment of States of Jersey Employees (Amendment No. 5) (Jersey) Regulations 201- and shall come into force 7 days after they are made.

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- ¹ *chapter 16.325*
² *chapter 16.325*