

STATES OF JERSEY



DRAFT STATES OF JERSEY (AMENDMENT) LAW 200- (P.83/2005): AMENDMENT

Lodged au Greffe on 10th May 2005
by Senator S. Syvret

STATES GREFFE

PAGE 11, ARTICLE 2 –

For paragraphs (4) to (7) of the substituted text substitute the following paragraphs –

- “(4) An elected member –
- (a) may, within the prescribed period and in accordance with the prescribed procedures, nominate one or more elected members for appointment as Ministers; and
 - (b) shall, when making such a nomination, propose the Ministerial office to which the nominee would be assigned.
- (5) The States shall then, in accordance with the prescribed procedures, select, for each Ministerial office, from the persons nominated and proposed for assignment to that office, an elected member for appointment as a Minister and assignment to that office.
- (6) The Chief Minister designate may, at any time before his or her appointment to office under paragraph (7), inform the States of his or her wish to step down and, upon doing so, shall cease to be Chief Minister designate.
- (7) Upon the States making the last selection under paragraph (5) required to complete the constitution of the Council of Ministers, the Chief Minister designate and the persons selected are appointed to office.”

PAGE 12, ARTICLE 4 –

For Article 4 substitute the following Articles –

“4 Article 22 amended

For paragraph (3) of Article 22 of the principal Law there shall be substituted the following paragraphs –

- “(3) Where a nomination has been made under paragraph (1), an elected member may, within the prescribed period, nominate an elected member for appointment as Minister for assignment to the Ministerial office proposed under paragraph (1).
- (4) The States shall then, in accordance with the prescribed procedures, select, from the persons nominated, an elected member for appointment as a Minister and assignment to the Ministerial office proposed and, upon the selection being made, the person selected is appointed to office.”.

5 Citation and commencement

- (1) This Law may be cited as the States of Jersey (Amendment) Law 200-.
- (2) Article 1 and this Article shall come into force 7 days after it is registered.
- (3) Articles 2 and 3 shall come into force on the same day as Article 19 of the States of Jersey Law 2005.

- (4) Article 4 shall come into force on the same day as Article 22 of the States of Jersey Law 2005.”

SENATOR S. SYVRET

REPORT

The purpose of this amendment is to ensure that the sovereignty of the States Assembly is protected. If adopted, this amendment would ensure that upon deciding a question – in this case, the choice of Ministers – the Chief Minister would need to rely upon that quaint parliamentary custom, commanding a majority.

In the United Kingdom, the authority and power of the Prime Minister arises from his or her ability to command a majority in the House. This is how parliamentary democracy works. Perversely, the Law as presently framed, and even amended as the Policy and Resources Committee propose, takes an entire category of question and deems that category beyond the full ambit of parliament's will. Unless the Assembly is at liberty to debate and vote upon alternative questions – in this case alternative Ministers – the fundamental exercise of parliamentary power, the majority vote will have been hedged and compromised. If the Assembly does not have the power to debate amendments, the Chief Minister is being protected from the need to command a majority in all questions by an entirely artificial procedural device of highly questionable origin and genesis.

Members will additionally need to reflect upon the consequences of creating a system of prime ministerial patronage exercised through procedural device rather than public mandate. The only effective response to this outcome will be party politics.

Financial and manpower statement

No additional financial or manpower requirements arise from this amendment.

Re-issue Note

This amendment has been re-issued to add the amendment to Article 22, which is a consequential amendment that was not included on the original version.