

# STATES OF JERSEY



## DRAFT STATES OF JERSEY (AMENDMENT No. 6) LAW 201-

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Lodged au Greffe on 5th March 2013  
by the Chief Minister

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STATES GREFFE





Jersey

## **DRAFT STATES OF JERSEY (AMENDMENT No. 6) LAW 201-**

### **European Convention on Human Rights**

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000 the Chief Minister has made the following statement –

In the view of the Chief Minister the provisions of the Draft States of Jersey (Amendment No. 6) Law 201- are compatible with the Convention Rights.

Signed: **Senator I.J. Gorst**

*Chief Minister*

Dated: 1st March 2013

## REPORT

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This *Projet de Loi* contains a short amendment to the States of Jersey Law 2005. The purpose of the amendment is to designate which Minister will be discharging the functions of the Chief Minister in the event that both the Chief Minister and the Deputy Chief Minister are temporarily absent or incapacitated at the same time. The amendment is simple but important, insofar that it accounts for all eventualities.

### **Financial and manpower implications**

There are no financial or manpower implications for the States of Jersey arising from this draft Law.

### **Human Rights**

The Law Officers' Department has indicated that the draft Law does not give rise to any human rights issues.

## Explanatory Note

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This Law amends Article 27 of the States of Jersey Law 2005. The principal purpose of the amendment is to provide for the discharge of the functions of the Chief Minister in the event that both the Chief Minister and the Deputy Chief Minister are temporarily absent or incapacitated at the same time.

The Chief Minister may designate another Minister to discharge his or her functions during such a period.

In addition, if the Chief Minister is already absent or incapacitated, but has not designated another Minister to discharge his or her functions in the event that the Deputy Chief Minister is temporarily absent or incapacitated at the same time, the Deputy Chief Minister may, if he or she will or might be so absent or incapacitated, designate a Minister to discharge the functions of Chief Minister, whilst both the Chief Minister and Deputy Chief Minister are both absent or incapacitated.

If both the Chief Minister and Deputy Chief Minister are absent or incapacitated at the same time, and neither has designated another Minister to discharge the functions of Chief Minister, those functions are to be discharged by the longest-serving Minister. If 2 or more Ministers have served for the same period of time, the functions are to be discharged by whichever of them has been a States member for the longest period of time. If 2 or more Ministers have both served as Minister for the same, longest period of time and have been elected members for the same, longest period of time, the functions are to be discharged by whichever of them is called first in the roll of elected members. The order in which elected members are called is currently determined by standing order 2.

Finally, provision is made to ensure continuity in the remote event of the office of Chief Minister being vacant and the Deputy Chief Minister either being temporarily absent or incapacitated or ceasing to hold office. In that event, the functions of the Chief Minister are to be discharged, as above, by the longest-serving Minister.





Jersey

## DRAFT STATES OF JERSEY (AMENDMENT No. 6) LAW 201-

A LAW to amend further the States of Jersey Law 2005

*Adopted by the States* [date to be inserted]

*Sanctioned by Order of Her Majesty in Council* [date to be inserted]

*Registered by the Royal Court* [date to be inserted]

**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

### 1 Article 27 of the States of Jersey Law 2005 amended

In Article 27 of the States of Jersey Law 2005<sup>1</sup> after paragraph (1) there shall be inserted the following paragraphs –

“(1A) If it appears to the Chief Minister that both he or she and the Deputy Chief Minister will or might be temporarily absent or incapacitated at the same time, the Chief Minister may designate another Minister to discharge the functions of the Chief Minister during the period of the Chief Minister’s and Deputy Chief Minister’s absence or incapacity.

(1B) If –

- (a) the Chief Minister is temporarily absent or incapacitated;
- (b) it appears to the Deputy Chief Minister that he or she will or might be temporarily absent or incapacitated at the same time; and
- (c) the Chief Minister has not, under paragraph (1A), designated another Minister to discharge the functions of the Chief Minister in that event,

the Deputy Chief Minister may designate another Minister to discharge the functions of the Chief Minister during the period of

the Chief Minister's and Deputy Chief Minister's absence or incapacity.

- (1C) If the Chief Minister is temporarily absent or incapacitated and, at the same time, the Deputy Chief Minister is temporarily absent or incapacitated, but a designation has not been made by either of them under paragraph (1A) or (1B), the functions of the Chief Minister shall, during the absence or incapacity of both of them, be discharged by the Minister described in paragraph (1E).
- (1D) If the office of Chief Minister is vacant, and the person appointed as Deputy Chief Minister is temporarily absent or incapacitated or ceases to hold office as a Minister, the functions of the Chief Minister shall be discharged by the Minister described in paragraph (1E) during the absence or incapacity of the Deputy Chief Minister or, as the case requires, until the next Chief Minister takes office.
- (1E) The Minister is –
- (a) the Minister who has held office as a Minister for the longest period of time;
  - (b) if 2 or more Ministers have held office as a Minister for the same period of time and, disregarding the other or others of them, that period would be the longest period of time – whichever of them has held office as an elected member for the longest period of time; or
  - (c) if 2 or more Ministers –
    - (i) have held office as a Minister for the same period of time and, disregarding the other or others of them, that period would be the longest period of time, and
    - (ii) have held office as an elected member for the same period of time and, disregarding the other or others of them, that period would be the longest period of time, whichever of them would be called first in the roll of elected members, in accordance with standing orders.
- (1F) For the purposes of paragraph (1E) –
- (a) a Minister's period of office as a Minister includes such office held in a previous Council of Ministers; and
  - (b) a Minister's period of office as an elected member includes such office held in a previously constituted States.”.

## 2 Citation and commencement

This Law may be cited as the States of Jersey (Amendment No. 6) Law 201- and shall come into force on the day after the day it is registered.



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<sup>1</sup> *chapter 16.800*