

STATES OF JERSEY



DRAFT EMPLOYMENT OF STATES OF JERSEY EMPLOYEES (AMENDMENT No. 8) (JERSEY) REGULATIONS 201- (P.105/2016): AMENDMENT (P.105/2016 Amd.) – COMMENTS

**Presented to the States on 12th January 2017
by the Corporate Services Scrutiny Panel**

STATES GREFFE

COMMENTS

The Draft Employment of States of Jersey Employees (Amendment No. 8) (Jersey) Regulations 201- ([P.105/2016](#)) was lodged au Greffe on 5th October 2016 by the States Employment Board (SEB). An amendment was subsequently lodged by the SEB on 23rd December 2016 ([P.105/2016 Amd.](#)), which significantly changes the original Proposition. The Draft Regulations and amendment are scheduled to be debated on 17th January 2017.

The States Employment Board consists of the Chief Minister, Deputy Chief Minister, Minister for Treasury and Resources and 2 other appointees, currently the Connétable of St. Mary and the Connétable of St. Martin.

The Panel is of the opinion that the changes proposed by the amendment may have serious constitutional implications. The initial assessment by the Panel raises serious concerns about the inclusion of Crown appointees within the proposals.

It is understood that the definition of “Crown appointee” includes the following offices –

Lieutenant Governor	Court of Appeal Judges
Bailiff	Magistrate
Deputy Bailiff	Relief Magistrate
Attorney General	Commissioners of the Royal Court
Solicitor General	The Dean
Receiver General	The Rectors
The Viscount	The Judicial Greffier

The report accompanying the amendment states –

“...this amendment would include coverage of offices held by Crown appointees as part of the definition of independent bodies. This would mean that the recruitment of Crown appointees would be obliged to follow the guidelines for recruitment which are produced by the Commission under Article 24 of the Law, and that the Commission would oversee the recruitment of any Crown appointee which is listed as a senior post under Article 16 of the Law.”

Given that members of the Jersey Appointments Commission are recommended for appointment by the Chief Minister (with the approval of the States Employment Board, of which he is Chairman), the Panel has serious concerns around the potential for political involvement in the appointment of members of the Judiciary.

In light of the above, at the same time as issuing these comments, the Panel has written to the States Employment Board asking that it defer debate of the Draft Regulations and the amendment until a mutually agreed time to enable the Panel to take advice on this matter and provide a comprehensive report to States Members.