

STATES OF JERSEY



DRAFT EDUCATION (AMENDMENT No. 3) (JERSEY) LAW 201- (P.15/2016): AMENDMENT

**Lodged au Greffe on 24th May 2016
by Deputy J.A.N. Le Fondré of St. Lawrence**

STATES GREFFE

DRAFT EDUCATION (AMENDMENT No. 3) (JERSEY) LAW 201- (P.15/2016):
AMENDMENT

PAGE 7, ARTICLE 1 –

- (a) for the words “for paragraph (4) there shall be substituted” substitute the words “after paragraph (4) there shall be added”;
- (b) for the substituted paragraph (4) substitute the following paragraph –
 - “(5) The Minister may by Order amend Schedule 1 for the purpose only of changing the name of a school listed in it.”.

DEPUTY J.A.N. LE FONDRÉ OF ST. LAWRENCE

REPORT

The present Education Law, the Education (Jersey) Law 1999, permits Schedule 1 of that Law to be amended by Regulations.

In essence, that Schedule lists all States schools on the Island, and these are defined as 'Provided Schools'. These include Bel Royal Primary School, d'Auvergne Primary School, Highlands, Hautlieu, Le Rocquier and Victoria College, to name but a few.

In his proposing speech, the Minister emphasized that the main purpose of the amendment was to allow him to change the name of a school without having to have the extra administrative burden of bringing a proposition to the States.

“We also bring you forward this amendment which will mean the Minister for Education can update the names of schools in the law more quickly and efficiently in future. It simply changes the Regulation-making power to an Order-making power removing the necessity for a States debate ...”

I should emphasize that I entirely agree that it makes sense for the Minister to be able to change the name of a school by Order rather than by Regulations.

However, the **wording** of the amendment gives the Minister the power simply to **amend** the Schedule to the Law, which can therefore include the ability (for example) to remove a school from the list of Provided schools without recourse to the States Assembly.

This seems to have a far greater implication than that expressed by the Minister in his opening speech.

It would seem that removal from Schedule 1 of the Law would then mean a school would become a “non-provided school”, which might also have implications with regard to the level of financial assistance that such a school would then receive (or not).

In my view, given the potential significance of Schedule 1 being amended (for example, by removing a school from the Schedule), such an amendment should be a matter for the States Assembly in separate debate (i.e. the present situation should be maintained).

Therefore this amendment simply allows the Minister to change the name of a school in Schedule 1 by Order (i.e. it ensures consistency with the Minister's opening speech), but ensures that any more significant amendments to Schedule 1 would still have to be brought back to the Assembly for debate.

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of this amendment.