

STATES OF JERSEY



DRAFT PUBLIC FINANCES (JERSEY) LAW 201- (P.28/2019): AMENDMENT

Lodged au Greffe on 21st May 2019
by the Corporate Services Scrutiny Panel

STATES GREFFE

1 PAGE 28, ARTICLE 9(9) –

In Article 9(9), for “The Council of Ministers may” substitute –
“The Council of Ministers must”.

2 PAGE 31, ARTICLE 14 –

Article 14(c) is deleted.

3 PAGE 33, ARTICLE 18(4) –

In Article 18(4), for “at least 2 weeks’ notice” substitute –
“at least 4 weeks’ notice”.

4 PAGE 34, ARTICLE 23 –

In Article 23(1)(a), for “Articles 18 to 21” insert “Articles 18 to 21, 24”.

CORPORATE SERVICES SCRUTINY PANEL

REPORT

Government Plan Amendments

This report relates specifically to proposed amendments in relation to the Government Plan and authorities given to the Minister for Treasury and Resources.

Part 1 of this amendment relates to the new Article 9(9), stating that the Council of Ministers *may* take into account the sustainable well-being of Jersey inhabitants in a Government Plan (and set out in the Government Plan how the proposals achieve this).

As drafted, the Law makes this consideration optional for the Council of Ministers.

The Panel welcomes the inclusion of this consideration in the Law, but proposes that this clause is amended to make the consideration of the well-being of Jersey inhabitants a requirement for the Council of Ministers by changing the term “may” to “must”.

Part 2 of this amendment refers to Article 14(c), which places limitations on the approval of a Government Plan that would authorise financing, or the transfer of money from one States fund to another, to which the Minister has not consented.

The Panel has identified that this measure could be used by the Minister to block the will of the Assembly, if the Assembly (or indeed the Council of Ministers) wished to pursue financing/borrowing, but the Minister did not.

This part of the amendment enables the States to approve a Government Plan that would authorise financing, or the transfer of money from one States fund to another, even if the Minister does not consent.

Part 3 of this amendment relates to Article 18(4) and increases the period of notice that the Minister must provide to the States for a re-allocation of a specified amount from one head of expenditure to another from 2 weeks to 4 weeks.

This part of the amendment allows Members more time to consider such a transfer and, if they have concerns, prepare a proposition objecting to such a re-allocation of funds.

Part 4 of this amendment refers to Article 23(1)(a), which sets out the requirements for the Minister to report on certain functions.

This part of the amendment adds in the requirement for the Minister to report on Article 24 – Authority to withdraw a specified amount.

Financial and manpower implications

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