

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY T.M. PITMAN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 17th NOVEMBER 2009**

Question

“Would H.M. Attorney General confirm that the supply of Blackberry mobiles, initially to Ministers (2005) and now to Assistant Ministers (2008) - yet not to Scrutiny members or backbenchers – and the payment of the bills for these communications (at the taxpayer's expense) in addition to their contracted expenses is a clear breach of Article 44 of the States of Jersey Law 2005 giving Ministers and Assistant Ministers the potential to increase their expenses limit in excess of other Members?”

Answer

Article 44 (1) of the States of Jersey Law 2005 provides:

“44 Remuneration of elected members

(1) No scheme, agreement or other arrangement whatsoever for the remuneration of, or the payment of any allowance to, elected members out of the general revenue of the States shall provide for different elected members to receive different amounts of remuneration or allowance.

.....”

This is a matter of statutory interpretation.

On the assumption that costs associated with the supply and usage of Blackberry mobile devices are met by the States Department(s) in relation to certain Ministers/Assistant Ministers, the relevant question is whether such costs are incurred to enable Ministerial/Assistant Ministerial duties to be properly discharged.

If the answer is in the affirmative then such costs would not, in those circumstances, be characterised as either remuneration or an allowance under Article 44.

Article 44 inhibits the payment of additional remuneration/allowances for general expenses in respect of an elected member. It does not, in the opinion of the Attorney General, inhibit the payment/reimbursement of expenses properly incurred in the course of ministerial business.