



Jersey

**EMPLOYMENT OF  
STATES OF JERSEY EMPLOYEES  
(JERSEY) LAW 2005**

**Official Consolidated Version**

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

Showing the law from 20 January 2022 to 13 April 2025



Jersey

## EMPLOYMENT OF STATES OF JERSEY EMPLOYEES (JERSEY) LAW 2005

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Jersey

## EMPLOYMENT OF STATES OF JERSEY EMPLOYEES (JERSEY) LAW 2005

A **LAW** relating to the establishment of the States Employment Board, the employment under contract of persons by that Board on behalf of the States or an administration of the States, the determination by the Board of the terms and conditions of such contracts of employment, the establishment of the Appointments Commission to oversee the appointment of persons to significant public positions and determine procedures for the appointment of certain persons employed by other persons on behalf of the States, the regulation of certain political activities of certain States' employees, to amend various enactments and for connected purposes.<sup>1</sup>

Commencement [[see endnotes](#)]

### PART 1

#### PRELIMINARY MATTERS

#### 1 Interpretation

In this Law, unless the context otherwise requires –

“administration of the States” means –

- (a) a department established on behalf of the States; and
- (b) a body, office, or unit of administration, established on behalf of the States (including under an enactment),

the employees of which are employed by the States Employment Board;

“Chief Executive Officer” has the meaning assigned by Article 3;

“Commission” means the Jersey Appointments Commission established by Article 17;

“Commissioner” means a person appointed under Article 18 to be a Commissioner and includes the Chairman of the Commission appointed under that Article;

“contract of employment” includes a contract of apprenticeship;

“independent body” means an office, or a Tribunal, Commission, trust, fund, council, panel, committee, or other body of persons (apart from the States Employment Board) –

- (a) that is an office or body established or maintained by or on behalf of the States; and
- (b) that is an office or body –
  - (i) which employs persons under contracts of employment, or
  - (ii) in relation to which persons are appointed, or elected, on terms and conditions that are determined otherwise than in a contract of employment (whether or not other persons also hold the office, or are also appointed or elected to the body, under terms and conditions that are determined in a contract of employment);

“member”, in relation to the States Employment Board, means any of the persons who constitute the Board under Article 5;

“ordinary election” means an ordinary election for Deputies held under Article 6(2) of the [States of Jersey Law 2005](#);

“public service” means the service consisting of States’ employees;

“recruitment” includes, but is not limited to including –

- (a) the determination of the duties, responsibilities and pre-requisites for employment or appointment as the holder of an office;
- (b) the determination of the publications in which advertisements seeking applications for employment or appointment as the holder of an office are to be placed or other methods by which applicants for such employment or appointment are to be sought, and the timing of placement in such publications or the use of such methods;
- (c) the timing and conduct of interviews of prospective candidates for employment as the holder of an office; and
- (d) the selection of a person to be employed or appointed as the holder of an office;

“States’ employee” has the meaning assigned by Article 2.<sup>2</sup>

## **2 Meaning of “States’ employee”**

- (1) In this Law, unless the context otherwise requires, “States’ employee” means –
  - (a) a person who is employed under a contract of employment made between the person and the States Employment Board; and
  - (b) a person who is within a class of persons prescribed under paragraph (2), but does not include a person who is within a class of persons prescribed under paragraph (3).
- (2) The Chief Minister may prescribe by Order a class of persons to be States’ employees for the purposes of this Law.
- (3) The Chief Minister may prescribe by Order a class of persons to not be States’ employees for the purposes of this Law.

- (4) A person shall not be a States' employee for the purposes of this Law if he or she is –
- (a) the holder of an office specified in Schedule 1;
  - (b) appointed by the Crown;
  - (c) a member of the States of Jersey Police Force; or
  - (d) otherwise an officer of the Crown.<sup>3</sup>

### 3 Chief Executive Officer

- (1) There shall be a Chief Executive Officer.
- (2) The Chief Executive Officer shall be the person employed under this Law as the Chief Executive to the Council of Ministers and Head of the Public Service.
- (3) As the Head of the Public Service, the Chief Executive Officer shall lead chief officers in –
- (a) the administration and general management of the public service; and
  - (b) the implementation of corporate and strategic policies.<sup>4</sup>
- (4) In so leading chief officers, the Chief Executive Officer shall have the power –
- (a) to require a chief officer to account for the matters in paragraph (3)(a) and (b), so far as the Ministerial department for which he or she is the chief officer is responsible for them; and
  - (b) to direct a chief officer as to the duties to be undertaken by him or her in the course of his or her employment as a States' employee.<sup>5</sup>
- (5) The powers in paragraph (4) –
- (a) do not override a chief officer's accountability under –
    - (i) *deleted*
    - (ii) Article 39 of the [Public Finances \(Jersey\) Law 2019](#), or
    - (iii) Article 10A of this Law; and
  - (b) cannot be used to direct or seek to influence a chief officer –
    - (i) in the discharge of a function delegated to him or her by a Minister, or
    - (ii) in the discharge of a function imposed on him or her by any enactment.<sup>6</sup>
- (6) In this Article –
- “chief officer” means the senior States' employee in a Ministerial department;
- “Ministerial department” means an administration of the States for which a Minister is assigned responsibility.<sup>7</sup>

## PART 2

### STATES EMPLOYMENT BOARD

#### 4 States Employment Board

- (1) The States Employment Board shall be established.
- (2) The States Employment Board shall be a body corporate with perpetual succession and may –
  - (a) sue and be sued in its corporate name; and
  - (b) so far as is as possible for a body corporate, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.

#### 5 Membership of States Employment Board

- (1) The States Employment Board shall be constituted by –
  - (a) the Chief Minister, or another Minister who is nominated by the Chief Minister to be a member of the Board in his or her place;
  - (b) 2 other persons, each of whom –
    - (i) is a Minister or an Assistant Minister, and
    - (ii) is appointed in writing by the Chief Minister to be a member of the Board; and
  - (c) 2 elected members of the States, each of whom –
    - (i) is neither a Minister nor an Assistant Minister, and
    - (ii) is elected by the States to be a member of the Board.<sup>8</sup>
- (2) The Chief Minister or, if the Chief Minister nominates a person under paragraph (1) to be a member of the Board in his or her place, that person, shall be the Chairman of the States Employment Board.
- (3) A member of the States Employment Board shall hold office until a Chief Minister is appointed to office, under Article 19(7) of the [States of Jersey Law 2005](#), following the next ordinary election, unless the member of the Board resigns or is removed from office earlier.<sup>9</sup>

#### 6 Meetings of States Employment Board

- (1) At a meeting of the States Employment Board –
  - (a) the States Employment Board may appoint a person to be the Vice-Chairman;
  - (b) the quorum of the States Employment Board shall be constituted by 3 of its members;
  - (c) the Chairman, or, in the absence of the Chairman, the Vice-Chairman, or in the absence of both the Chairman and the Vice-Chairman, another member of the States Employment Board who is present at the meeting and is elected

- by the members of the States Employment Board who are present, shall preside;
- (d) each member shall have one vote on each matter for deliberation;
  - (e) a decision shall be made by a majority of the votes of the members of the States Employment Board present at the meeting at which the decision is made; and
  - (f) if a vote is tied, it shall be taken to have been lost.<sup>10</sup>
- (2) A resolution shall be a valid resolution of the States Employment Board, even though it was not passed at a meeting of the States Employment Board, if –
    - (a) it is signed or assented to by a majority of the members of the States Employment Board; and
    - (b) notice of the proposed resolution was given in accordance with paragraph (6) to all the members of the States Employment Board.
  - (3) The States Employment Board shall keep minutes of its proceedings.
  - (4) The States Employment Board shall meet when convened by the Chairman.
  - (5) The Chairman –
    - (a) may convene a meeting of the States Employment Board of his or her own motion; and
    - (b) shall convene a meeting of the States Employment Board if requested to do so by notice in writing signed by at least one of the members of the States Employment Board.
  - (6) Subject to this Law, the States Employment Board may regulate its own proceedings (including the period of notice to be given of any meeting of the Board) and may adopt or amend rules for that purpose.
  - (7) The States Employment Board may invite any person to attend, and to speak at, a meeting of the States Employment Board.

#### **6A Advisors to States Employment Board<sup>11</sup>**

- (1) The States Employment Board may appoint one or 2 advisors.
- (2) An appointment shall be on such terms as the States Employment Board determines, but shall end upon the Chief Minister being appointed to office, under Article 19(7) of the [States of Jersey Law 2005](#), following the next ordinary election, unless the advisor resigns or is removed from office earlier.
- (3) An advisor has the right to attend and speak at a meeting of the States Employment Board.
- (4) The Chairman shall convene a meeting of the States Employment Board if requested to do so by notice in writing signed by an advisor.

#### **7 Liability**

- (1) No person to whom this Article applies shall be liable in damages for anything done or omitted in the discharge of any functions under this Law, unless –

- (a) it is shown that the act or omission was in bad faith; or
  - (b) liability arises in respect of an act or omission that is unlawful as a result of Article 7(1) of the [Human Rights \(Jersey\) Law 2000](#) (acts of public authorities incompatible with Convention rights).<sup>12</sup>
- (2) This Article applies to the States Employment Board, any member of the States Employment Board, any advisor to the States Employment Board, or any person who is under this Law a delegate of the States Employment Board or the Chief Executive Officer or otherwise acting with the authority of the States Employment Board.<sup>13</sup>

### PART 3

#### EMPLOYMENT OF MEMBERS OF PUBLIC SERVICE

#### 8 Functions of States Employment Board<sup>14</sup>

- (1) The States Employment Board shall –
- (a) employ persons on behalf of the States and administrations of the States;
  - (b) ensure that the public service conducts itself with economy, efficiency, probity and effectiveness;
  - (c) ensure the health, safety and well-being of States’ employees;
  - (d) determine any other matter that may reasonably be considered necessary for the proper administration and management of States’ employees; and
  - (e) discharge any other function conferred on it by or under any enactment.
- (2) The States Employment Board shall, for the purpose of the discharge of the functions described in paragraph (1)(a) to (c) –
- (a) give directions regarding consultation or negotiation with States’ employees, or with representatives of States’ employees, concerning the terms and conditions of employment of States’ employees;
  - (b) issue codes of practice concerning –
    - (i) the training and development needs of States’ employees,
    - (ii) the procedures for recruitment of States’ employees,
    - (iii) the procedures for appraisal of the performance of States’ employees,
    - (iv) the procedures for disciplining, suspending and terminating the employment of States’ employees, and
    - (v) interventions by the Commission under Article 26A.
- (3) The States Employment Board may issue codes of practice concerning any other matter relating to the employment of States’ employees.
- (4) In paragraph (2)(b)(ii), “States’ employees” includes a person who is to be treated as a States employee by virtue of Article 15(2).
- (5) The functions referred to in paragraph (1)(e) include the functions conferred by Article 8(1) of the [Departments of the Judiciary and the Legislature \(Jersey\)](#)

[Law 1965](#), Article 3 of the [Loi \(1864\) concernant la charge de Juge d’Instruction](#) and Article 41(5) of the [States of Jersey Law 2005](#).

## **9 Powers of States Employment Board**

- (1) The States Employment Board has the powers necessary to perform its functions.
- (2) Without limiting the generality of paragraph (1), the States Employment Board has the power to enter into contracts of employment of persons and to enter into contracts for the provision of services, including by consultants.

## **10 Delegation**

- (1) The States Employment Board may, by instrument in writing, delegate to any of its members, or to the Chief Executive Officer, any of its powers or functions under this Law.
- (2) If a power or function has been delegated under paragraph (1) to a member of the States Employment Board, the member may, with the approval of the States Employment Board, delegate by instrument in writing the power or function to the Chief Executive Officer.
- (3) If a power or function has been delegated under paragraph (1) or (2) to the Chief Executive Officer, he or she may, with the approval of the States Employment Board, delegate by instrument in writing the power or function to another person who is –
  - (a) a person approved by the States Employment Board; or
  - (b) a member of a class of persons approved by the States Employment Board.

## **10A Compliance with codes of practice concerning States’ employees<sup>15</sup>**

- (1) The accountable officer in a States body (including a non-Ministerial States body) shall be accountable for ensuring that codes of practice issued under Article 8 are complied with in the recruitment and employment of States’ employees to work within that body.<sup>16</sup>
- (2) Any person to whom a power or function is delegated under Article 10 shall, when exercising the power or discharging the function, comply with codes of practice issued under Article 8.
- (3) In this Article, “accountable officer”, “States body” and “non-Ministerial States body” have the same meanings as in the [Public Finances \(Jersey\) Law 2019](#).<sup>17</sup>

## **11 Annual Report**

The States Employment Board shall provide to the States, within 3 months after the end of each calendar year, a report in respect of the States Employment Board’s activities under this Law during the year.

## **12 Only States Employment Board to employ persons on behalf of States**

- (1) Subject to any other enactment, whether in force before or after this Law comes into force, no person or body other than the States Employment Board may enter into contracts of employment with persons on behalf of the States or an administration of the States.
- (2) The States may, by Regulation, specify that paragraph (1) shall not apply in relation to the employment of a person or persons to an office, or a class of offices, prescribed by the Regulation.

## **13 Statutory offices**

Nothing in this Law apart from Part 5 shall be taken to affect a power, if any, under an enactment of the States to appoint a person to an office or to terminate under such an enactment the appointment of a person to an office, including but not limited to an office specified in Schedule 1.<sup>18</sup>

# **PART 4**

## **JERSEY APPOINTMENTS COMMISSION**

### *Application of Part*

## **14 Interpretation**

In this Part –

“former Appointments Commission” means the Appointments Commission established by Act of the States on 28th May 2002;

“senior States’ office” means an office listed under Article 16(1);

“States’ appointee” means a person who is, by virtue of Article 15(4), a States’ appointee;

“States’ employee” includes an employee who is, by virtue of Article 15(2), to be treated as a States’ employee.<sup>19</sup>

## **15 Extension of Part 4 to independent bodies<sup>20</sup>**

- (1) The States Employment Board and the Commission may, for the purposes of paragraph (2), agree a list of offices, or classes of office, being offices in which persons are employed by independent bodies.
- (2) A person employed in an office, or class of office, listed under paragraph (1) is, for the purposes of this Part, to be treated as a States’ employee.
- (3) The States Employment Board and the Commission may, for the purposes of paragraph (4), agree a list of offices, or classes of office, being offices to which persons are appointed or elected in or with independent bodies.
- (4) A person appointed or elected to an office, or class of office, listed under paragraph (3) is, for the purposes of this Part, a States’ appointee.

- (5) If the States Employment Board and the Commission cannot agree a list under paragraph (1) or (3), the opinion of the States Employment Board shall prevail.
- (6) The States Employment Board shall ensure that a list produced under paragraph (1) or (3) is available for viewing by any person.

## **16 Senior States' offices<sup>21</sup>**

- (1) The States Employment Board and the Commission may agree a list of offices of States' employees or States' appointees, or classes of offices of States' employees or States' appointees, that are to be senior States' offices for the purposes of this Part.
- (2) A list under paragraph (1) shall further specify whether, under Article 26, the Commission is required to observe a recruitment to a senior States' office or has a discretion to observe a recruitment to the office.
- (3) However, if the States Employment Board and the Commission cannot agree a list under paragraph (1), the opinion of the States Employment Board shall prevail.
- (4) The States Employment Board shall ensure that a list produced under paragraph (1) is available for viewing by any person.

### *Establishment of Jersey Appointments Commission*

## **17 Jersey Appointments Commission established**

- (1) The Jersey Appointments Commission shall be established.
- (2) The Commission shall consist of –
  - (a) a Chairman; and
  - (b) not more than 5 other Commissioners,  
appointed under Article 18.<sup>22</sup>
- (3) The former Appointments Commission shall cease to exist on and from the date on which this Article comes into force.

## **18 Membership of Commission**

- (1) Commissioners shall be appointed by the Chief Minister.<sup>23</sup>
- (2) The Chief Minister may only appoint a person under paragraph (1) with the approval of the States Employment Board.<sup>24</sup>
- (3) The States Employment Board may only approve a person for the purposes of paragraph (2) if it is of the opinion that the person has expertise and experience in –
  - (a) recruitment within the public or private sectors;
  - (b) management at a senior level in the public, private, academic or voluntary sectors; or
  - (c) other matters relevant to the powers and functions of a Commissioner.

- (3A) Article 2 of the [States of Jersey \(Appointment Procedures\) \(Jersey\) Law 2018](#) shall apply to the appointment of a Commissioner.<sup>25</sup>
- (4) Subject to paragraph (5), a Commissioner shall not hold office for a period exceeding 9 years regardless of whether, during the period of holding office, the Commissioner holds office for a term that is less than 9 years and is re-appointed and regardless of whether during all or any part of that period the Commissioner holds office as Chairman.<sup>26</sup>
- (5) In exceptional circumstances, a Commissioner's appointment (whether or not as Chairman) may be extended by a period of not more than 12 months beyond the period of 9 years referred to in paragraph (4) for the purpose of facilitating a transition period before a replacement is appointed.<sup>27</sup>
- (5A) Where paragraph (5) applies, the total period for which a Commissioner holds office shall not, in any event, extend beyond a period of 10 years.<sup>28</sup>
- (6) A person shall not be appointed to be a Commissioner if he or she is a member of the States or a States' employee.<sup>29</sup>
- (7) <sup>30</sup>
- (8) <sup>31</sup>
- (9) Any period before the commencement of this Law during which a person was a Commissioner, or the Chairman, of the former Appointments Commission shall be taken to be a period of appointment as a Commissioner, or the Chairman, as the case may be, under this Law.<sup>32</sup>
- (10) A Commissioner shall be appointed on the terms and conditions specified by the States Employment Board.
- (11) The remuneration of a Commissioner shall not be reduced during the period of his or her appointment.
- (12) No term or condition of the appointment of a Commissioner shall be altered during the period of the appointment without the agreement of the Commissioner.

## **19 Removal from office of member of Commission**

- (1) The Chief Minister may terminate the appointment of a Commissioner on such grounds as the Chief Minister thinks fit.<sup>33</sup>
- (2) The Commission may notify the Chief Minister that it is of the opinion that the Chief Minister should terminate the appointment of a Commissioner because –
- (a) the Commissioner, without reasonable cause and without giving reasonable notice to the Commission, failed to attend 3 consecutive meetings of the Commission;
  - (b) the Commission is of the opinion that the Commissioner is incompetent or incapable of carrying out the Commissioner's functions under this Law; or
  - (c) the Commission is of the opinion, on reasonable grounds, that the Commissioner is not capable of exercising independent judgment in relation to the appointment of States' employees or States' appointees.<sup>34</sup>
- (3) The Chief Minister shall inform the States of an opinion of which he or she has been notified under paragraph (2).

- (3A) Article 3 of the [States of Jersey \(Appointment Procedures\) \(Jersey\) Law 2018](#) shall apply to the termination of the appointment of a Commissioner.<sup>35</sup>
- (4) A person shall cease to hold the office of Commissioner if he or she becomes a member of the States or a States' employee.<sup>36</sup>
- (5) A Commissioner may, by notice in writing to the Chief Minister, resign as a Commissioner.

## **20 Deputy Chairman and Secretary and Executive Officer of Commission**

- (1) The Commission shall appoint one of its members to be the Deputy Chairman, to act as the Chairman in the absence of the Chairman.
- (2) The Commission shall appoint a person to be the Secretary and Executive Officer of the Commission.

## **21 Meetings of the Commission**

- (1) The Commission shall meet at least 4 times each year.
- (2) At a meeting of the Commission –
- (a) the quorum shall be constituted by 3 Commissioners;
  - (b) one of the Commissioners at the meeting shall be –
    - (i) the Chairman,
    - (ii) in the absence of the Chairman, the Deputy Chairman, or
    - (iii) in the absence of the Chairman and the Deputy Chairman, a person nominated at the meeting to carry out the functions of the Chairman at the meeting;
  - (c) the Chairman, or, in the absence of the Chairman, the Deputy-Chairman, or in the absence of both the Chairman and the Deputy-Chairman, the person nominated under sub-paragraph (b)(iii), shall preside;
  - (d) each Commissioner shall have one vote on each matter for deliberation;
  - (e) a decision of the Commission shall be made by a majority of the votes of the Commissioners present at the meeting at which the decision is made; and
  - (f) if a vote is tied, it shall be taken to have been lost.<sup>37</sup>
- (3) A decision under paragraph (2) at a meeting is of no effect unless each Commissioner was given at least 24 hours prior notice of the meeting of the Commission or all the Commissioners are present at the meeting.
- (4) The Commission may invite any person to attend at, and to speak at, a meeting of the Commission.

## **22 Minutes of meetings of the Commission**

- (1) The Secretary and Executive Officer of the Commission shall prepare draft minutes of each meeting of the Commission and ensure they are laid before the Commission at its next meeting.

- (2) The Commission shall, at the next meeting of the Commission, adopt minutes of the previous meeting.
- (3) The Secretary and Executive Officer of the Commission shall retain copies of minutes adopted under paragraph (2) and ensure that the minutes may be examined, on demand, by a Commissioner.

*Powers and function of Commission*

## **23 Function of Commission**

- (1) The function of the Commission is to oversee the recruitment of States' employees or States' appointees so as to ensure that, as far as practicable –
  - (a) the recruitment of persons as States' employees or States' appointees is fair, efficient and conducted in accordance with best practice principles and procedures;
  - (b) States' employees or States' appointees are appointed on merit;
  - (c) members of the States are only involved in the recruitment of States' employees in accordance with codes of practice issued under Article 8; and
  - (d) members of the States are only involved in the recruitment of States' appointees in accordance with guidelines made under Article 24 or otherwise in circumstances where, in the opinion of the Commission, it is appropriate that they be involved.<sup>38</sup>
- (2) The function in paragraph (1)(d) is subject to any direction by the States Employment Board that, in its opinion, it is appropriate for a Minister to participate in a recruitment of a States appointee.<sup>39</sup>
- (3) The Commission may, if requested by any person or body conducting a recruitment in connection with which the Commission does not have any functions under this Part, oversee, observe or participate in the recruitment, on such terms as the Commission agrees with the requesting person or body.<sup>40</sup>

## **23A Duty to advise on preparation of codes of practice for recruitment of States' employees<sup>41</sup>**

- (1) The Commission shall advise the States Employment Board on the preparation of codes of practice under Article 8 concerning the procedures for recruitment of States' employees.
- (2) The Commission shall inform the States Employment Board if, in its opinion, a new code of practice concerning the procedures for recruitment of States' employees should be prepared or an existing code of practice for such procedures amended or revoked under Article 8.
- (3) The States Employment Board shall have regard to advice given under this Article.

**24 Guidelines for recruitment of States' appointees<sup>42</sup>**

- (1) The Commission shall from time to time produce and review guidelines that are to apply in relation to the recruitment of States' appointees.<sup>43</sup>
- (2) Guidelines produced under paragraph (1) shall contain details as to –
  - (a) how recruitment of States' appointees is to be performed;
  - (b) the grounds on which States' appointees are to be selected; and
  - (c) the circumstances in which a member of the States may be involved in the recruitment of States' appointees.<sup>44</sup>
- (3) The Commission shall ensure that guidelines produced under paragraph (1) are available for viewing by any person.
- (4) The Commission shall take all reasonable steps to ensure that guidelines produced under paragraph (1) are followed in relation to the recruitment of States' appointees.<sup>45</sup>

**25 Audit of recruitment practices**

- (1) The Commission shall, as required by paragraph (1A), carry out, or order to be carried out, audits of recruitment practices in relation to States' employees and States' appointees.<sup>46</sup>
- (1A) Audits shall be carried out –
  - (a) of a sample of recruitments that are representative of the recruitments described in paragraph (1);
  - (b) of recruitments where the Commission has cause to believe that –
    - (i) codes of practice issued under Article 8 have not been complied with, or
    - (ii) guidelines produced under Article 24 have not been complied with.<sup>47</sup>
- (2) The Commission may require a person to provide information to the Commission, or to another person, carrying out an audit under paragraph (1).
- (3) The Commission shall, within 3 months of the completion of an audit under paragraph (1) in relation to States' employees of an administration of the States, produce a report in relation to the audit and provide a copy of the report to –
  - (a) the States Employment Board;
  - (b) the Chief Executive Officer; and
  - (c) the head of the administration of the States.<sup>48</sup>
- (4) The Commission shall, within 3 months of the completion of an audit under paragraph (1) in relation to States' employees, or States' appointees of an independent body, produce a report in relation to the audit and provide a copy of the report –
  - (a) to the head of the independent body to which the audit relates; and
  - (b) if an administration of the States is accountable to the States in relation to the independent body – to the head of the administration of the States.<sup>49</sup>

- (5) A report under paragraph (3) or (4) may contain recommendations arising from the audit conducted under paragraph (1) to which the report relates.
- (6) A person who fails, without reasonable excuse, to comply with a requirement under paragraph (2) commits an offence and shall be liable to a penalty of level 2 on the standard scale.

## **26 Recruitment of persons to senior States' offices**

- (1) The Commission –
  - (a) shall give a notice under this paragraph in relation to the recruitment of a person to a senior States' office, or an office that is in a class of offices that are senior States' offices, where a list under Article 16(1) requires the Commission to observe a recruitment to the office; and
  - (b) may give a notice under this paragraph in relation to the recruitment of a person to a senior States' office, or an office that is in a class of offices that are senior States' offices, where a list under Article 16(1) confers a discretion on the Commission to observe a recruitment to the office.<sup>50</sup>
- (1A) A notice under paragraph (1) shall be given to –
  - (a) the Chief Executive Officer;
  - (b) the head of an administration of the States; or
  - (c) the head of an independent body.<sup>51</sup>
- (2) A notice under paragraph (1) shall require the person to whom it is given to give, to a person nominated by the Commission in the notice to be an observer, 14 days notice before a recruitment to the office commences.<sup>52</sup>
- (3) The head of an administration of the States, or of an independent body, to whom a notice is given under paragraph (1) shall, unless otherwise advised by the Commission, ensure that the person nominated in the notice to be an observer is informed of any meeting taking place relating to the recruitment of a person to be employed or appointed as the holder of a senior States' office to which the notice relates.<sup>53</sup>
- (4) A person nominated by the Commission in a notice under paragraph (1) to be an observer is entitled to attend any meeting that takes place relating to the recruitment of a person to be employed or appointed as the holder of a senior States' office to which the notice relates.<sup>54</sup>
- (5) In this paragraph, "meeting" includes, but is not limited to including –
  - (a) a meeting at which persons decide who is to be interviewed or who is to be employed or appointed as the holder of an office; and
  - (b) a meeting at which a candidate for employment or appointment as the holder of an office is interviewed or assessed following an interview.<sup>55</sup>

### **26AA Recruitment to the post of Chief Executive Officer<sup>56</sup>**

- (1) This Article applies –
  - (a) when a recruitment is carried out for the appointment of a person to the post of Chief Executive Officer; and

- (b) notwithstanding anything in Article 26 to the contrary.
- (2) The States Employment Board shall require the Commission to nominate a Commissioner or Commissioners who are to be involved in the recruitment to that post.
- (3) The Commissioner or Commissioners nominated under paragraph (2) shall be involved in deciding –
  - (a) which candidates for recruitment shall be interviewed;
  - (b) which candidates following interview have met the required standard for recruitment; and
  - (c) which candidate is to be offered the post.
- (4) The States Employment Board shall nominate a person other than a Commissioner who shall be responsible for overseeing the recruitment to ensure that –
  - (a) it is fair, efficient and conducted in accordance with best practice and principles; and
  - (b) the successful candidate is appointed on merit.
- (5) The person nominated under paragraph (4) shall chair any meeting at which candidates are interviewed but shall not be involved in deciding any of the matters referred to in paragraph (3).

#### **26A Power of intervention in recruitment of States' employees<sup>57</sup>**

- (1) The Commission may intervene in the recruitment, on behalf of the States Employment Board, of a States' employee, or States' employees, if the Commission believes that any code of practice issued under Article 8(2)(b)(ii) is not being complied with.
- (2) The intervention shall be in accordance with any code of practice issued under Article 8(2)(b)(v).
- (3) The Commission shall notify the States Employment Board and the administration of the States conducting the recruitment on behalf of the Board, of its decision to intervene and the reasons for it.

#### **27 Report to be made to States Employment Board in certain circumstances**

- (1) The Commission shall produce a report, and provide a copy of the report to the States Employment Board, if the Commission is not satisfied that –
  - (a) the recruitment of a States' employee or States' appointee was in accordance with the principles set out in Article 23; or
  - (b) Article 26 has been complied with.<sup>58</sup>
- (2) A report under paragraph (1) shall set out the reasons why the Commission is dissatisfied and the facts on which those reasons are based.

#### **28 Reports**

- (1) The States may direct the Commission –

- (a) to prepare a report in relation to a matter specified in the direction within the period specified in the direction; or
  - (b) to include in a report for the purposes of paragraph (4) a report in relation to a matter specified in the direction.
- (2) The Commission shall comply with a direction under paragraph (1).
- (3) A report prepared in accordance with a direction under paragraph (1)(a) shall be delivered to the States Employment Board.
- (4) The Commission shall, within 3 months after the end of each calendar year, prepare and deliver to the States Employment Board, a report on –
  - (a) the Commission’s activities during that calendar year;
  - (b) any matter in relation to which a report has been given under Article 25 or 27 during that calendar year;
  - (c) any matter specified in a direction under paragraph (1)(b) to be a matter that is to be included in the Commission’s report for that calendar year; and
  - (d) other matters the Commission thinks fit.
- (5) The Chief Minister shall, within 30 days after a report is delivered to the States Employment Board in accordance with paragraph (3) or (4), lay the report before the States.
- (6) The Commission may, at any time, prepare and deliver to the States’ Employment Board a report upon the recruitment of one or more States’ employees, where the Commission is of the opinion that a code of practice issued under Article 8(2)(b)(ii) has not been complied with or that there has been any impropriety in the recruitment process.<sup>59</sup>
- (7) If the Commission is of the opinion that the States Employment Board has not taken any or appropriate action in response to a report under paragraph (6) –
  - (a) the Commission may request the Chief Minister to lay the report before the States, together with any addendum subsequently prepared by the Commission; and
  - (b) the Chief Minister shall comply with the request within 30 days.<sup>60</sup>
- (8) If the States Employment Board and the Commission cannot agree a list, as described in Article 15(1) or (3) or Article 16(1) –
  - (a) the Commission may prepare a report upon the failure to agree and request the Chief Minister to lay it before the States; and
  - (b) the Chief Minister shall comply with the request within 30 days.<sup>61</sup>

## **29 States may direct Commission**

- (1) The States may direct the Commission to carry out under this Part any of its functions, or exercise any of its powers, in relation to –
  - (a) an administration of the States specified by the States in the direction; or
  - (b) an independent body.
- (2) A direction under paragraph (1) may specify the action that the Commission shall take under this Law.

- (3) The Commission shall comply with a direction of the States under paragraph (1).

## **PART 5<sup>62</sup>**

### **POLITICAL ACTIVITIES OF STATES' EMPLOYEES**

#### *Interpretative provisions*

#### **30 Interpretation<sup>63</sup>**

- (1) In this Part, unless the context otherwise requires –
- “politically eligible States’ employee” has the meaning assigned to that expression by Article 31;
- “politically ineligible States’ employee” has the meaning assigned to that expression by Article 31.
- (2) In this Part, a reference to a States’ employee taking public part in a political matter includes, but is not limited to including, a reference to the employee –
- (a) speaking publicly on a political matter;
  - (b) writing letters to newspapers, or writing pamphlets, leaflets or books, in relation to political matters;
  - (c) standing for election as a Deputy or Connétable; or
  - (d) publicly supporting any other person standing for election as a Deputy or Connétable,
- but does not include –
- (i) taking part in any activities organized by a trade union; or
  - (ii) expressing the legitimate interests of members of a trade union or trade unions, when acting as a representative of a trade union.<sup>64</sup>

#### **31 Meaning of “politically eligible States’ employee” and “politically ineligible States’ employee”<sup>65</sup>**

- (1) In this Part, a States’ employee is a politically eligible States’ employee if he or she –
- (a) is a member of a class of States’ employees specified in Schedule 2;
  - (b) is a member of any class of States’ employees not specified in Schedule 2 or 3; or
  - (c) holds a position as a States’ employee that is classified under Article 32(2) as a position occupied by a politically eligible States’ employee.
- (2) In this Part, a States’ employee is a politically ineligible States’ employee if he or she –
- (a) is a member of a class of States’ employees specified in Schedule 3; or

- (b) holds a position as a States' employee that is classified under Article 33(2) as a position occupied by a politically ineligible States' employee.
- (3) In this Part, a person who is a politically ineligible States' employee in respect of a position occupied as a States' employee shall be a politically ineligible States' employee in respect of all positions he or she occupies as a States' employee.

*Political classification of States' employees*

**32 Request by politically ineligible States' employee for re-classification of political status<sup>66</sup>**

- (1) A States' employee who is a politically ineligible States' employee may apply to the States Employment Board for his or her position as a States' employee to be classified as a position occupied by a politically eligible States' employee.
- (2) The States Employment Board, may, after receiving an application from a States' employee under paragraph (1) in relation to a position, classify, or refuse to classify, the position as a position occupied by a politically eligible States' employee.
- (3) The States Employment Board may, under paragraph (2), only classify a position as a position occupied by a politically eligible States' employee if it is satisfied that –
  - (a) the nature of the information to which the States' employee has access;
  - (b) the degree to which the States' employee is involved in the determination or deliberation of policy at a ministerial level;
  - (c) the extent, if any, to which the position requires the holder to regularly speak to members of the public on behalf of a Minister or a department or unit of administration; and
  - (d) the degree of contact that the States' employee has with elected members of the States,are such that to enable the holder of the position to take public part in any political matter would not inhibit, or appear to inhibit, loyal and effective service to a Minister or the States.
- (4) The Chief Minister shall notify the States of any classification made by the States Employment Board under paragraph (2), at the next sittings of the Assembly after the classification is made.

**33 Request by Chief Officer for re-classification of political status of politically eligible States' employee<sup>67</sup>**

- (1) The Chief Officer of a department or a unit of administration may apply to the States Employment Board for the position of a politically eligible States' employee who is employed in the department or unit of administration to be classified as a position occupied by a politically ineligible States' employee.

- (2) The States Employment Board, may, after receiving an application under paragraph (1) in relation to a position, classify, or refuse to classify, the position as a position occupied by a politically ineligible States' employee.
- (3) The States Employment Board may, under paragraph (2), only classify a position as a position occupied by a politically ineligible States' employee if it is satisfied that –
  - (a) the nature of the information to which the States' employee has access;
  - (b) the degree to which the States' employee is involved in the determination or deliberation of policy at a ministerial level;
  - (c) the extent, if any, to which the position requires the holder to regularly speak to members of the public on behalf of a Minister or a department or unit of administration; and
  - (d) the degree of contact that the States' employee has with elected members of the States,are such that to enable the holder of the position to take public part in any political matter may inhibit, or appear to inhibit, loyal and effective service to a Minister or the States.
- (4) The Chief Minister shall notify the States of any classification made by the States Employment Board under paragraph (2), at the next sittings of the Assembly after the classification is made.

*Politically eligible States' employees*

**34 Political activities of politically eligible States' employees<sup>68</sup>**

- (1) A politically eligible States' employee may take public part in any political matter.
- (2) However, the States' Employment Board may, by notice in writing to a States' employee who is a politically eligible States' employee, discipline the employee, or terminate his or her employment as a States' employee, if the employee has engaged in behaviour that constitutes gross misconduct within the meaning of paragraph (3).
- (3) A politically eligible States' employee shall be taken to have engaged in behaviour that constitutes gross misconduct if while he or she is a States' employee he or she has, in the course of taking public part in any political matter –
  - (a) commented on existing States' policies in an immoderate manner;
  - (b) engaged in personal attacks on members of the States; or
  - (c) used for political purposes information that the person was only able to obtain because the person is a States' employee.

**35 Re-employment of politically eligible States' employees<sup>69</sup>**

- (1) Nothing in this Part, apart from paragraph (2), shall be taken to prevent the re-employment as a States' employee of a person who was a politically eligible States' employee.

- (2) The States Employment Board may refuse to re-employ as a States' employee a person who was a politically eligible States' employee if the Board determines that –
- (a) the person engaged in behaviour while a States' employee that constituted gross misconduct under Article 34; and
  - (b) the behaviour is such that the person ought not be re-employed as a States' employee.

### **36 Where politically eligible States' employee intends to stand for election<sup>70</sup>**

- (1) A politically eligible States' employee who intends to stand for election as a Deputy or Connétable shall, as soon as reasonably practicable, notify the Chief Officer of the department or unit of administration in which the employee is employed.<sup>71</sup>
- (2) A politically eligible States' employee shall take leave for the period commencing with the day of his or her public nomination for office and ending with whichever is the earlier of –
- (a) the termination of his or her employment as a States' employee; or
  - (b) his or her return to work under Article 37A(4).<sup>72</sup>
- (2A) If –
- (a) a politically eligible States' employee has insufficient annual and other leave accrued, in accordance with the terms of his or her employment, that the employee may take to comply with paragraph (2); or
  - (b) the employee does not wish to take all or any of that leave to comply with paragraph (2),
- the employee shall be granted unpaid special leave (subject to Article 37(1)(a)) for so much of the period described in paragraph (2) for which the employee does not take annual or accrued leave.<sup>73</sup>
- (3) If a politically eligible States' employee who is required to make contributions under any pension scheme established under the [Public Employees \(Retirement\) \(Jersey\) Law 1967](#), the [Public Employees \(Pensions\) \(Jersey\) Law 2014](#) or the [Teachers' Superannuation \(Jersey\) Law 1979](#) is granted unpaid special leave under paragraph (2A) –
- (a) notwithstanding any requirement of the pension scheme, neither the employee nor his or her employer shall make contributions under the pension scheme whilst the employee is on such leave; and
  - (b) the period for which the employee is on such leave shall be disregarded in determining the employee's period of pensionable service for the purposes of the pension scheme.<sup>74</sup>
- (4) In this Article, the date of public nomination for office in relation to a States' employee is the date on which the employee is nominated for election as a Deputy or Connétable in accordance with the [Elections \(Jersey\) Law 2002](#) (see Articles 17C and 17G of that Law).<sup>75</sup>

**37 Position of politically eligible States' employee when elected<sup>76</sup>**

- (1) If a politically eligible States' employee is elected Deputy or Connétable –
  - (a) the employee shall be granted paid special leave for any part, falling after the day on which the announcement of the results of the election is made, of any period for which he or she would (but for the operation of this subparagraph) have been granted unpaid special leave under Article 36(2A); and
  - (b) the employee's employment as a States' employee shall terminate on the day before he or she is sworn in to that office.<sup>77</sup>
- (2) Termination of employment under paragraph (1)(b) –
  - (a) takes effect by operation of law, despite any other provision of any enactment or of the employee's contract of employment, including any requirement for notice; and
  - (b) for the avoidance of doubt, is not to be treated –
    - (i) as a dismissal for the purposes of the [Employment \(Jersey\) Law 2003](#), or
    - (ii) as operating to prevent any prior termination occurring otherwise than under that paragraph.

**37A Position of politically eligible States' employee when not elected<sup>78</sup>**

- (1) This Article applies if a politically eligible States' employee is not elected to an office mentioned in Article 37(1), in an election for which he or she has been nominated as a candidate.
- (2) For the purpose of this Article –
  - (a) the relevant date is the seventh day after the day on which the announcement of the results of the election is made; and
  - (b) the relevant Chief Officer is the Chief Officer of the department or unit of administration in which the employee is employed.
- (3) If, before the relevant date, the employee notifies the relevant Chief Officer that he or she does not intend to return to work, his or her employment as a States' employee shall terminate immediately.
- (4) If paragraph (3) does not apply and, before the relevant date, the employee notifies the relevant Chief Officer that he or she intends to return to work, he or she shall be entitled (subject to Article 34(2)) to return to work –
  - (a) on a date, agreed with the relevant Chief Officer, that is within the period of 4 weeks after the day on which the announcement of the results of the election is made; and
  - (b) to the position that he or she held before giving notification under Article 36(1) of intention to stand.
- (5) If neither paragraph (3) nor (4) applies, the employee's employment as a States' employee shall terminate on the relevant date.
- (6) If paragraph (4) applies, but the employee fails without reasonable excuse to return to work on the agreed date, his or her employment as a States' employee shall be taken to have terminated on the relevant date.

- (7) Article 37(2) applies to termination of employment under this Article as it does to termination under that Article.

*Politically ineligible States' employees*

**38 Politically ineligible States' employees not to take public part in political matters<sup>79</sup>**

- (1) A politically ineligible States' employee shall not take a public part in any political matter.
- (2) The States' Employment Board may discipline a politically ineligible States' employee who has contravened paragraph (1).
- (3) The States' Employment Board may terminate the employment of a politically ineligible States' employee if –
- (a) he or she has contravened paragraph (1); and
- (b) the Board determines that the contravention is such that the person ought not continue to be employed as a States' employee.

**39 Political behaviour of politically ineligible States' employee may be considered in determining whether to re-employ him or her<sup>80</sup>**

- (1) Nothing in this Part, apart from paragraph (2), shall be taken to prevent a person who was, before his or her employment shall be taken to have terminated under Article 41, a politically ineligible States' employee, being re-employed as a States' employee.<sup>81</sup>
- (2) The States Employment Board may refuse to re-employ as a States' employee a person who was a politically ineligible States' employee, if –
- (a) the Board determines that the person contravened Article 38(1) while he or she was a politically ineligible States' employee and the contravention is such that the person ought not be re-employed as a States' employee; or
- (b) the Board determines that –
- (i) the person, during the relevant election period, engaged in behaviour that would have constituted gross misconduct for the purposes of Article 34, had the person been a politically eligible States' employee when the behaviour occurred, and
- (ii) the behaviour is such that the person ought not be re-employed as a States' employee.
- (3) In this Article, “relevant election period”, in relation to a person, means any period that –
- (a) begins on the day on which –
- (i) he or she began to publicly campaign for election as a Deputy or Connétable,

- (ii) he or she is nominated for public election as a Deputy or Connétable in accordance with the [Elections \(Jersey\) Law 2002](#) (see Articles 17C and 17G of that Law); and
  - (iii)
- (b) ends on the day after the day on which any election for which he or she had nominated is held.<sup>82</sup>

#### **40 Where politically ineligible States' employee intends to stand for election<sup>83</sup>**

- (1) A politically ineligible States' employee who intends to stand for election as a Deputy or Connétable shall, as soon as reasonably practicable, notify the Chief Officer of the department or unit of administration in which the employee is employed.<sup>84</sup>
- (2) If a Chief Officer is given notice under paragraph (1) by a States' employee, the Chief Officer shall determine whether it is, in all the circumstances, appropriate for the States' employee to continue to carry out, until his or her employment shall be taken to have terminated under Article 41, the functions that he or she was carrying out before the notice was given.<sup>85</sup>
- (3) If a Chief Officer determines that it is not, in all the circumstances, appropriate for the States' employee to continue to carry out, until his or her employment shall be taken to have terminated under Article 41, the functions that he or she was carrying out before the notice was given under paragraph (1), the Chief Officer may direct the States' employee to carry out, instead, other functions specified by the Chief Officer.<sup>86</sup>

#### **41 Employment terminates before politically ineligible States' employee campaigns or is nominated<sup>87</sup>**

- (1) On the day before the start of a relevant election period, as defined in Article 39(3), in relation to a politically ineligible States' employee, his or her employment as a States' employee shall be taken to have terminated.
- (2) Article 37(2) applies to termination of employment under this Article as it does to termination under that Article.

### **PART 6<sup>88</sup>**

#### **AMENDMENTS TO OTHER ENACTMENTS**

#### **42 Repeal etc. Regulations<sup>89</sup>**

The States may by Regulations –

- (a) amend this Law; and
- (b) make such repeal, amendment, transitional and savings provisions in relation to other enactments as are necessary or convenient upon the coming into effect of this Law.

**PART 7<sup>90</sup>**

CONCLUDING PROVISION

**43 Citation<sup>91</sup>**

This Law may be cited as the Employment of States of Jersey Employees (Jersey) Law 2005.

## **SCHEDULE 1<sup>92</sup>**

(Articles 2(4) and 13)

### OFFICES THE HOLDERS OF WHICH ARE NOT STATES' EMPLOYEES

Bailiff

Deputy Bailiff

Attorney General

Solicitor General

Viscount

Deputy Viscount

Judicial Greffier

Deputy Judicial Greffier

Greffier of the States

Deputy Greffier of the States

Master of the Royal Court

Magistrate

Information Commissioner

Commissioner for Children and Young  
People (within the meaning of the  
[Commissioner for Children and Young  
People \(Jersey\) Law 2019](#))

**SCHEDULE 2<sup>93</sup>**

(Article 31)

**CLASSES OF POLITICALLY ELIGIBLE STATES' EMPLOYEES**

- (a) Airport Electricians;
- (b) Members of the Airport Rescue and Fire-fighting Service;
- (c) Educational, Technical and Support staff, who are of Grade 11 or below;
- (d) Members of the Emergency Ambulance Service;
- (e) Family Support Workers;
- (f) Industrial workers;
- (g) Members of the Fire and Rescue Service;
- (h) Lecturers at Highlands College;
- (i) Manual Workers;
- (j) Medical staff;
- (k) Nurses and Midwives;
- (l) Postal Workers;
- (m) Prison Officers;
- (n) Prison Managers;
- (o) Residential Child Care Workers;
- (p) States' employees (other than industrial or manual workers) who are of Grade 11 or below;
- (q) Teachers;
- (r) Youth Workers.

## **SCHEDULE 3<sup>94</sup>**

(Article 31)

### **CLASSES OF POLITICALLY INELIGIBLE STATES' EMPLOYEES**

- (a) Chief Officers;
- (b) Area Managers of the Fire Service;
- (c) Head Teachers;
- (d) Prison Governor or Deputy Prison Governor;
- (e) States' employees (other than industrial or manual workers) who are of Grade 12 or above.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Employment of States of Jersey Employees (Jersey) Law 2005	<a href="#">L.26/2005</a>	28 October 2005, Articles 1, 39 and 40, 9 December 2005, remainder ( <a href="#">R&amp;O.156/2005</a> )	<a href="#">P.99/2005</a>
Employment of States of Jersey Employees (Consequential, Amendment, Repeal, Transitional and Savings Provisions) (Jersey) Regulations 2005	<a href="#">R&amp;O.155/2005</a>	9 December 2005	<a href="#">P.243/2005</a>
Employment of States of Jersey Employees (Amendment) (Jersey) Regulations 2007	<a href="#">R&amp;O.118/2007</a>	3 October 2007	<a href="#">P.109/2007</a>
Employment of States of Jersey Employees (Amendment No. 2) (Jersey) Regulations 2007	<a href="#">R&amp;O.119/2007</a>	3 October 2007	<a href="#">P.108/2007</a>
Employment of States of Jersey Employees (Amendment No. 3) (Jersey) Regulations 2008	<a href="#">R&amp;O.45/2008</a>	8 April 2008	<a href="#">P.22/2008</a>
Employment of States of Jersey Employees (Amendment No. 4) (Jersey) Regulations 2010	<a href="#">R&amp;O.11/2010</a>	9 February 2010	<a href="#">P.198/2009</a>
Employment of States of Jersey Employees (Amendment No. 5) (Jersey) Regulations 2010	<a href="#">R&amp;O.44/2010</a>	18 May 2010	<a href="#">P.22/2010</a>
Employment of States of Jersey Employees (Amendment No. 6) (Jersey) Regulations 2014	<a href="#">R&amp;O.24/2014</a>	11 March 2014	<a href="#">P.7/2014</a>
Employment of States of Jersey Employees (Amendment No. 7) (Jersey) Regulations 2015	<a href="#">R&amp;O.81/2015</a>	21 July 2015	<a href="#">P.60/2015</a>
Public Employees (Pensions) (Jersey) Law 2014	<a href="#">L.18/2014</a>	1 January 2016 ( <a href="#">R&amp;O.143/2015</a> )	<a href="#">P.28/2014</a>
Employment of States of Jersey Employees (Amendment No. 8) (Jersey) Regulations 2017	<a href="#">R&amp;O.41/2017</a>	29 March 2017	<a href="#">P.11/2017</a> (re-issue)
Employment of States of Jersey Employees (Amendment No. 9) (Jersey) Regulations 2018	<a href="#">R&amp;O.7/2018</a>	19 January 2018	<a href="#">P.126/2017</a>
Data Protection Authority (Jersey) Law 2018	<a href="#">L.4/2018</a>	25 May 2018	<a href="#">P.117/2017</a>

Legislation	Year and No	Commencement	°Projet No (where applicable)
States of Jersey (Appointment Procedures) (Jersey) Law 2018	<a href="#">L.13/2018</a>	11 May 2018	<a href="#">P.97/2017</a>
Machinery of Government (Miscellaneous Amendments) (Jersey) Law 2018	<a href="#">L.18/2018</a>	8 June 2018	<a href="#">P.1/2018</a>
Public Finances (Jersey) Law 2019	<a href="#">L.10/2019</a>	23 July 2019 ( <a href="#">R&amp;O.67/2019</a> )	<a href="#">P.28/2019</a>
Commissioner for Children and Young People (Jersey) Law 2019	<a href="#">L.8/2019</a>	26 July 2019	<a href="#">P.18/2019</a>
Constitution of the States and Public Elections (Jersey) Law 2021	<a href="#">L.11/2021</a>	22 December 2021	<a href="#">P.17/2021</a>
Elections (Miscellaneous Amendments) (Jersey) Law 2021	<a href="#">L.19/2021</a>	20 January 2022	<a href="#">P.56/2021</a>

°Projets available at [www.statesassembly.gov.je](http://www.statesassembly.gov.je)

### Table of Renumbered Provisions

Original	Current
30-38	Spent, omitted
39	30
40(1)	31
40(2) and (3)	Spent, omitted
–	Part 5
–	30
–	31
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Part 5	Part 6
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Part 6	Part 7
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### Table of Endnote References

<sup>1</sup> Long title

amended by R&O.118/2007, R&O.81/2015

<sup>2</sup> Article 1

amended by R&O.155/2005, R&O.44/2010, R&O.81/2015

<sup>3</sup> Article 2(4)

amended by R&O.118/2007

- 
- <sup>4</sup> Article 3(3) substituted by R&O.81/2015
- <sup>5</sup> Article 3(4) added by R&O.81/2015
- <sup>6</sup> Article 3(5) added by R&O.81/2015, amended by L.18/2018, L.10/2019
- <sup>7</sup> Article 3(6) added by R&O.81/2015
- <sup>8</sup> Article 5(1) amended by R&O.44/2010
- <sup>9</sup> Article 5(3) added by R&O.81/2015
- <sup>10</sup> Article 6(1) amended by R&O.44/2010
- <sup>11</sup> Article 6A inserted by R&O.81/2015
- <sup>12</sup> Article 7(1) amended by R&O.81/2015
- <sup>13</sup> Article 7(2) amended by R&O.81/2015
- <sup>14</sup> Article 8 substituted by R&O.81/2015
- <sup>15</sup> Article 10A inserted by R&O.81/2015
- <sup>16</sup> Article 10A(1) amended by L.18/2018, L.10/2019
- <sup>17</sup> Article 10A(3) amended by L.18/2018, L.10/2019
- <sup>18</sup> Article 13 amended by R&O.118/2007
- <sup>19</sup> Article 14 amended by R&O.155/2005, R&O.81/2015
- <sup>20</sup> Article 15 substituted by R&O.81/2015
- <sup>21</sup> Article 16 substituted by R&O.81/2015
- <sup>22</sup> Article 17(2) amended by R&O.7/2018
- <sup>23</sup> Article 18(1) amended by L.13/2018
- <sup>24</sup> Article 18(2) amended by L.13/2018
- <sup>25</sup> Article 18(3A) inserted by L.13/2018
- <sup>26</sup> Article 18(4) substituted by R&O.41/2017
- <sup>27</sup> Article 18(5) substituted by R&O.41/2017
- <sup>28</sup> Article 18(5A) inserted by R&O.41/2017
- <sup>29</sup> Article 18(6) amended by R&O.155/2005
- <sup>30</sup> Article 18(7) deleted by R&O.41/2017
- <sup>31</sup> Article 18(8) deleted by R&O.41/2017
- <sup>32</sup> Article 18(9) amended by R&O.41/2017
- <sup>33</sup> Article 19(1) substituted by L.13/2018
- <sup>34</sup> Article 19(2) amended by R&O.155/2005, L.13/2018
- <sup>35</sup> Article 19(3A) inserted by L.13/2018
- <sup>36</sup> Article 19(4) amended by R&O.155/2005
- <sup>37</sup> Article 21(2) amended by R&O.44/2010
- <sup>38</sup> Article 23(1) amended by R&O.155/2005, R&O.81/2015
- <sup>39</sup> Article 23(2) added by R&O.81/2015
- <sup>40</sup> Article 23(3) added by R&O.81/2015
- <sup>41</sup> Article 23A inserted by R&O.81/2015
- <sup>42</sup> Article 24 heading amended by R&O.81/2015
- <sup>43</sup> Article 24(1) amended by R&O.155/2005, R&O.81/2015
- <sup>44</sup> Article 24(2) amended by R&O.155/2005, R&O.81/2015
- <sup>45</sup> Article 24(4) amended by R&O.155/2005, R&O.81/2015
- <sup>46</sup> Article 25(1) substituted by R&O.81/2015
- <sup>47</sup> Article 25(1A) inserted by R&O.81/2015
- <sup>48</sup> Article 25(3) amended by R&O.155/2005
- <sup>49</sup> Article 25(4) amended by R&O.155/2005
- <sup>50</sup> Article 26(1) substituted by R&O.81/2015
- <sup>51</sup> Article 26(1A) inserted by R&O.81/2015
- <sup>52</sup> Article 26(2) amended by R&O.155/2005, R&O.81/2015
- <sup>53</sup> Article 26(3) amended by R&O.155/2005
- <sup>54</sup> Article 26(4) amended by R&O.155/2005

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- <sup>55</sup> Article 26(5) *amended by R&O.155/2005*
- <sup>56</sup> Article 26AA *inserted by R&O.41/2017*
- <sup>57</sup> Article 26A *inserted by R&O.81/2015*
- <sup>58</sup> Article 27(1) *amended by R&O.155/2005*
- <sup>59</sup> Article 28(6) *added by R&O.81/2015*
- <sup>60</sup> Article 28(7) *added by R&O.81/2015*
- <sup>61</sup> Article 28(8) *added by R&O.81/2015*
- <sup>62</sup> Part 5 *inserted by R&O.118/2007*
- <sup>63</sup> Article 30 *inserted by R&O.118/2007*
- <sup>64</sup> Article 30(2) *amended by L.11/2021*
- <sup>65</sup> Article 31 *inserted by R&O.118/2007*
- <sup>66</sup> Article 32 *inserted by R&O.118/2007*
- <sup>67</sup> Article 33 *inserted by R&O.118/2007*
- <sup>68</sup> Article 34 *inserted by R&O.118/2007*
- <sup>69</sup> Article 35 *inserted by R&O.118/2007*
- <sup>70</sup> Article 36 *inserted by R&O.118/2007*
- <sup>71</sup> Article 36(1) *amended by L.11/2021*
- <sup>72</sup> Article 36(2) *substituted by R&O.11/2010, amended by R&O.24/2014*
- <sup>73</sup> Article 36(2A) *inserted by R&O.11/2010, amended by R&O.24/2014*
- <sup>74</sup> Article 36(3) *substituted by R&O.11/2010, amended by L.18/2014*
- <sup>75</sup> Article 36(4) *amended by L.11/2021, L.19/2021*
- <sup>76</sup> Article 37 *substituted by R&O.24/2014*
- <sup>77</sup> Article 37(1) *amended by L.11/2021*
- <sup>78</sup> Article 37A *inserted by R&O.24/2014*
- <sup>79</sup> Article 38 *inserted by R&O.118/2007*
- <sup>80</sup> Article 39 *inserted by R&O.118/2007*
- <sup>81</sup> Article 39(1) *amended by R&O.24/2014*
- <sup>82</sup> Article 39(3) *amended by L.11/2021, L.19/2021*
- <sup>83</sup> Article 40 *inserted by R&O.118/2007*
- <sup>84</sup> Article 40(1) *amended by L.11/2021*
- <sup>85</sup> Article 40(2) *amended by R&O.24/2014*
- <sup>86</sup> Article 40(3) *amended by R&O.24/2014*
- <sup>87</sup> Article 41 *substituted by R&O.24/2014*
- <sup>88</sup> Part 6 *renumbered by R&O.118/2007*
- <sup>89</sup> Article 42 *renumbered by R&O.118/2007*
- <sup>90</sup> Part 7 *renumbered by R&O.118/2007*
- <sup>91</sup> Article 43 *renumbered by R&O.118/2007*
- <sup>92</sup> Schedule 1 *renumbered by R&O.118/2007, amended by R&O.119/2007, R&O.81/2015, L.4/2018, L.8/2019*
- <sup>93</sup> Schedule 2 *inserted by R&O.118/2007*
- <sup>94</sup> Schedule 3 *inserted by R&O.118/2007*