

STATES OF DELIBERATION

16th February, 2016

Billet d'État No. III (Vol. I)

Article III

AMENDMENT

Proposed by: Deputy J P Le Tocq
Seconded by: Deputy M J Fallaize

The Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016

In the draft Ordinance entitled the "Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016" (printed at page 37 of the brochure to Billet No. III) -

- (a) in clause 5(1) of the Ordinance, for the words "subsection (2)" substitute "subsections (2) and (4)";
- (b) immediately after clause 5(3) insert the following subclause –

"(4) Where subsection (1) has effect in relation to a relevant enactment or subordinate legislation enacted or made in the French language, substituted terms under subsection (1) shall have effect in the French language as follows –

- (a) "the Committee" as "le Comité",
- (b) "the Authority" as "le Conseil", and
- (c) "the Board" as "le Conseil".";

- (c) immediately after clause 6(2) insert the following subclause –

"(3) For the avoidance of any doubt, it is hereby declared that a reference in writing to a named committee made in a form that is not consistent with the form of typography in which the name of that committee appears in this Ordinance, shall not affect the validity of that reference."

Explanatory Note

This amendment modifies the draft Ordinance in relation to 2 matters.

First, it amends clause 5 of the draft Ordinance which amends interpretation provisions of relevant enactments and subordinate legislation that define States committees. The amendments to be made by clause 5 are intended to ensure, as far as possible, that relevant interpretation provisions are consistent with the names of the new committees established for the purposes of the Organisation of States Affairs as approved by the States. However the effect of clause 5, as currently drafted in the brochure, is not entirely satisfactory for legislative provisions where the authentic text is in the French language. The proposed amendment to clause 5 will ensure that, as far as practicable and necessary, suitable amendments are made to interpretation provisions relating to the new committees in the French language.

Second, it amends clause 6 (the interpretation clause), by inserting a subclause intended to provide that, for the avoidance of any doubt, any written reference to a named committee need not comply strictly with the typography of the name of the committee as it appears in the draft Ordinance. For example, where, in the case of Principal Committees, reference is made throughout the new Rules of Procedure of the States of Deliberation and their Committees to “Committee *for...*”, and where ampersands are used rather than the word “and”.