



Jersey

COMPTROLLER AND AUDITOR GENERAL (BOARD OF GOVERNANCE) (JERSEY) ORDER 2015

Arrangement

Article

1	Interpretation	3
2	Establishment and constitution of Board of Governance of the office of Comptroller and Auditor General	3
3	Cessation of appointment of member.....	4
4	Proceedings and resources of the Board.....	5
5	Functions of the Board	5
6	Duties of Comptroller and Auditor General in relation to the Board.....	6
7	Transitional provision	6
8	Citation and commencement.....	6



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COMPTROLLER AND AUDITOR GENERAL (BOARD OF GOVERNANCE) (JERSEY) ORDER 2015

Made

Coming into force

THE CHIEF MINISTER, in pursuance of Article 15 of the Comptroller and Auditor General (Jersey) Law 2014, and with the agreement of the Chairman of the Public Accounts Committee, orders as follows –

1 Interpretation

In this Order –

“2014 Law” means the Comptroller and Auditor General (Jersey) Law 2014;

“Board” means the board established by Article 2(1);

“Chairman” means the Chairman of the Public Accounts Committee.

2 Establishment and constitution of Board of Governance of the office of Comptroller and Auditor General

- (1) There shall be a Board of Governance of the office of Comptroller and Auditor General.
- (2) The Board shall be constituted by –
 - (a) 2 or 3 members appointed by the States, one of whom shall also be appointed by the States as chairman of the Board; and
 - (b) the Comptroller and Auditor General, who is a member by virtue of his or her office.
- (3) A proposition recommending an individual for an appointment under paragraph (2)(a) must be signed by the Chief Minister and the Chairman.
- (4) The Chief Minister and the Chairman must, in selecting an individual to be recommended for appointment under paragraph (2)(a) –
 - (a) follow guidelines produced by the Jersey Appointments Commission under Article 24 of the Employment of States of Jersey Employees (Jersey) Law 2005; and

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- (b) take into account any views and recommendations of the Jersey Appointments Commission.
 - (5) An individual shall be appointed under paragraph (2)(a) for a term of 4 years.
 - (6) An individual cannot be appointed under paragraph (2)(a) more than twice.
 - (7) An individual cannot be appointed under paragraph (2)(a) if –
 - (a) he or she is or, during the period of 5 years preceding the date of the proposition recommending his or her appointment, has been, a States' employee;
 - (b) he or she is a member of the States; or
 - (c) he or she is an officer of, employed by, or engaged under a contract for services by, any States funded body (including any non-Ministerial States funded body) or independently audited States body.
 - (8) Subject to this Article, the terms and conditions of an appointment under paragraph (2)(a) shall be agreed between the individual, the Chief Minister and the Chairman.

3 Cessation of appointment of member

- (1) This Article applies to a member (including the chairman) appointed under Article 2(2)(a).
- (2) The member's appointment shall cease –
 - (a) upon the expiry of the period of 3 months following the day the member gives the Chief Minister and the Chairman written notice of his or her resignation, or such shorter period as the member, the Chief Minister and the Chairman agree; or
 - (b) upon the member taking up any office or employment, or being engaged under any contract, referred to in Article 2(7).
- (3) The States may revoke the appointment of a member on a proposition signed by the Chief Minister and the Chairman.
- (4) A proposition under paragraph (3) must allege one of the following grounds for revocation, namely, that the member –
 - (a) has not carried out the duties of the appointment in a competent manner;
 - (b) is incapacitated either mentally or physically, from carrying out the duties of the appointment;
 - (c) has neglected to carry out all or any of the duties of the appointment;
 - (d) has failed to comply with any term or condition of his or her appointment;
 - (e) has indulged in dishonourable conduct; or

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- (f) has been convicted of an offence and, by virtue of the conviction, has shown himself or herself not to be a fit and proper person to continue in the appointment.

4 Proceedings and resources of the Board

- (1) A meeting of the Board is quorate if there are present the Comptroller and Auditor General and at least 2 members appointed under Article 2(2)(a).
- (2) If the chairman is absent from a meeting, the members present shall elect one of their number (other than the Comptroller and Auditor General) to chair the meeting.
- (3) The States must ensure that the Board is provided with sufficient resources to carry out its functions under Article 5.
- (4) The estimates of expenditure by the Board must be included in the estimates of the Comptroller and Auditor General provided under under Article 24C of the Public Finances Law.

5 Functions of the Board

- (1) The Board shall keep under review whether the Comptroller and Auditor General has used and is using the resources provided to him or her under Article 9 of the 2014 Law properly, efficiently and effectively.
- (2) In discharging the function described in paragraph (1) the Board shall –
 - (a) scrutinize the use of the resources by, and the governance arrangements of, the Comptroller and Auditor General; and
 - (b) report, to the Chief Minister and the Chairman, any concern that the Board has regarding the Comptroller and Auditor General's use of the resources or governance arrangements.
- (3) The Board shall, when consulted under Article 19(2) of the 2014 Law, advise the Chairman upon the appointment of auditors to audit the accounts of the Comptroller and Auditor General.
- (4) The Board shall review any estimate before it is provided, for the purposes of Article 24C of the Public Finances Law, by the Comptroller and Auditor General to the Chairman.
- (5) The Board may comment upon any estimate reviewed under paragraph (4) and request that its comment is included by the Comptroller and Auditor General in the estimate when it is provided to the Chairman.
- (6) The Board –
 - (a) shall review the audited accounts of the Comptroller and Auditor General before a copy of them is provided by the Comptroller and Auditor General to the Greffier of the States under Article 19(3) of the 2014 Law; and
 - (b) may request that its comments are included with the copy when it is so provided.
- (7) The Board may, in the discharge the function described in paragraph (1) –

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- (a) prepare an assurance report upon the annual expenses of the Comptroller and Auditor General; and
 - (b) request that the report is included with the copy of the audited accounts provided under Article 19(3) of the 2014 Law.
- (8) Without prejudice to the generality of the duty imposed by paragraphs (1) and (2)(a), the Board –
- (a) if requested by the Comptroller and Auditor General, shall advise upon and participate in, the recruitment of the most senior officer, employee or agent of the Comptroller and Auditor General;
 - (b) shall keep under review the remuneration of the most senior officer, employee or agent of the Comptroller and Auditor General and may make recommendations regarding such remuneration; and
 - (c) may advise upon the terms and conditions of employment or engagement of the most senior officer, employee or agent of the Comptroller and Auditor General.

6 Duties of Comptroller and Auditor General in relation to the Board

- (1) The Comptroller and Auditor General shall submit estimates described in Article 5(4) to the Board, for the purposes of the discharge of the Board’s function under that paragraph.
- (2) The Comptroller and Auditor General shall comply with a request made under Article 5(5), (6)(b) or (7)(b).

7 Transitional provision

Notwithstanding Article 2(5), upon the first appointments being made under Article 2(2)(a), the Chief Minister and Chairman may propose that an appointment is made for a term of less than 4 years.

8 Citation and commencement

This Order may be cited as the Comptroller and Auditor General (Board of Governance) (Jersey) Order 2015 and shall come into force 7 days after it is made.

Signed.....

Date.....

Chief Minister

