

TRANSLATION OF THE OFFICIAL PUBLICATION OF SINT MAARTEN (AB 2010, GT no. 13)

Regulation on the legal status of the Clerk to Parliament¹

Article 1

1. For appointment as Clerk to Parliament, the candidate must be a Dutch citizen and a resident of Sint Maarten.
2. The candidate proposed for appointment as Clerk to Parliament must have the qualities laid down in the Performance Manual of the Department of the Clerk to Parliament, as established by Parliamentary Regulation.

Article 2

1. The Clerk to Parliament may not simultaneously be:
 - a. a member of the Council of Advice;
 - b. a member of the General Audit Chamber;
 - c. a Member of Parliament;
 - d. a member of another advisory body;
 - e. the Ombudsman;
 - f. an attorney or civil-law notary.
2. Furthermore, the Clerk to Parliament may not accept any secondary positions of which the performance is undesirable in the interests of good performance of his official duties or the maintenance of his unbiased position and independence, or of confidence therein. If the Clerk to Parliament wishes to accept a secondary position, he must notify Parliament of this in advance.
3. Before accepting his office, a person appointed as Clerk to Parliament shall make to the President of Parliament:
 - a. the oath or promise that he has not given or promised, nor shall give or promise, anyone anything in order to obtain his appointment, and that he shall not accept any promise, favour or gift from anyone in order to take or refrain from any action in his official capacity;
 - b. the oath or pledge of loyalty to the Constitution.

Article 3

1. Parliament shall dismiss the Clerk to Parliament:
 - a. at his own request;
 - b. on reaching the age of seventy;
 - c. if he is convicted of a criminal offence by a final decision of a court or if a measure is imposed on him in such a decision that results in a loss of freedom.
 - d. if he is placed under tutelage, is declared bankrupt, is granted a moratorium on payments or is committed due to debts by a final decision of a court;
 - e. on acceptance of one of the positions as referred to in Article 4(1);
 - f. on the loss of Dutch citizenship;
 - g. on the loss of domicile in Sint Maarten.
2. Parliament may dismiss the Clerk to Parliament:
 - a. if he becomes permanently unfit for his position due to illness or disorders;
 - b. if circumstances arise within the meaning of Article 2(3).

Article 4

1. The Clerk to Parliament shall be suspended:
 - a. if he is taken into provisional custody;
 - b. if a court investigation is instituted against him in relation to a criminal offence;
 - c. if he is convicted of a criminal offence under a court decision that has not been

¹ This issuance takes place on the basis of the additional Article II of the Constitution.

- finalised or if a measure is imposed on him in such a decision that results in a loss of freedom;
- d. if he is placed under tutelage, is declared bankrupt, has been granted a moratorium on payments or is committed on the grounds of debt by a court decision that has not become final.
2. The Clerk to Parliament may be suspended if there are other serious suspicions of the existence of facts or circumstances that could lead to dismissal, other than in the cases as referred to in Article 3(1)(a) and 3(1)(b) or Article 3(2).

Article 5

If there is an intention to suspend or dismiss the Clerk to Parliament, other than in the cases referred to in Article 4(a) and 4(b), he shall be given an opportunity to express his views on this.

Article 6

The Clerk to Parliament shall enjoy annual remuneration equivalent to Scale 15 of the remuneration applying for civil servants. The remuneration shall be index-linked in accordance with that of civil servants.

Article 7

The Clerk to Parliament shall enjoy a supplement of six per cent of his remuneration for the purpose of representation.

Article 8

1. All legal rules applying for civil servants and relating to:
 - a. leave;
 - b. the holiday allowance;
 - c. the allowance for the costs of medical treatment or nursing;
 - d. the pension;
 - e. the benefits on their decease and the pension of their surviving dependentsapply for the Clerk to Parliament, to the extent that no provision is made for these in this national ordinance.
2. For the purposes of the application of the regulations, referred to in the first paragraph, the Clerk to Parliament is equated with a civil servant in the highest scale and grade pursuant to the regulation on the remuneration of civil servants.
3. On the nomination of Parliament, the Clerk to Parliament may be included in regulations that are not legal rules as referred to in the first paragraph and do not apply for civil servants in general.

Article 9

The Clerk to Parliament may be assigned an expenses allowance by Parliamentary Regulation for the use of a personal mobile telephone or a personal motorised vehicle, or may be provided with a telephone or motorised vehicle by other means for the purpose of the service.

Article 10

This national ordinance may be referred to as 'Regulation of the legal status of the Clerk to Parliament'.

Issued on the *twentieth* of December 2010
The Minister of General Affairs,
S.A. Wescot-Williams