

TRANSLATION OF THE OFFICIAL PUBLICATION OF SINT MAARTEN (AB 2010, GT no. 5)

**National ordinance regulating the suspension of persons holding political authority
(Suspension of persons holding political authority)¹**

Article 1

For the purposes of this national ordinance and the provisions based on it, 'competent authority' is deemed to mean:

- a. the government, with regard to the national civil servants, in observance of the provisions of sub-paragraph b below;
- b. Parliament, with regard to the Clerk to Parliament.

Article 2

A 'National civil servant', within the meaning of this regulation, is a party whose appointment is reserved for the King in the Constitution of Sint Maarten, a person appointed by the government to work in civil service in Sint Maarten and the Clerk to Parliament.

Article 3

1. A national civil servant who accepts membership of Parliament or appointment as a minister or minister plenipotentiary shall be suspended by the competent authority from the date on which he takes the oath (declaration and pledge) as referred to in Article 41 and Article 56 respectively of the Constitution of Sint Maarten.
2. From the date on which the national civil servant ceases to be a Member of Parliament, minister or minister plenipotentiary, he shall be reinstated by the competent authority, unless his term of office has already ended earlier.

Article 4

A national civil servant suspended in accordance with Article 3 is relieved of his or her official duties until the date of his or her reinstatement. Payment of his or her remuneration or wage, including any supplements, shall not continue during the period of suspension.

Article 5

The time during which a national civil servant is suspended shall be taken into account for the purpose of acquiring claims arising from statutory regulations applying for national civil servants. The assessment of their remuneration or wages in connection with standing agreements shall be based on the remuneration or the wage that they would have enjoyed in service. During a term of suspension, the national civil servants shall be equated with serving national civil servants for the purposes of promotion.

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

Article 6

National civil servants appointed by or on behalf of the King shall not be suspended until the King has declared that there is no objection to this.

Article 7

The provisions of this national ordinance concerning national civil servants are likewise applicable to staff members of publicly funded special schools, to the extent that such persons are suspended by the relevant competent authority on acceptance of membership of Parliament or appointment as a minister.

Article 8

This national ordinance may be referred to as 'Suspension of persons holding political authority'.

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

This is an English translation of the Dutch source text.

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