

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

EXPLANATORY MEMORANDUM

Article 51(1)(h) of the draft Constitution provides that a Member of Parliament may not simultaneously serve as a civil servant, while Article 34(2)(h) provides the same with regard to a minister. The purpose of this regulation is implementation with regard to the position of a civil servant who accepts membership of Parliament and that of a civil servant who is to hold the office of minister or minister plenipotentiary. This draft is based on the Netherlands Antillean regulation.

Article 3

This Article mandates that a civil servant who accepts membership of Parliament or who is to hold the office of minister or minister plenipotentiary shall be suspended by the competent authority. The restoration of activity requires an action of the competent authority, unless the civil servant's office could already have been terminated earlier. This includes the case in which the person concerned has reached the age of retirement in the meantime and has been dismissed on those grounds, or the civil servant has been dismissed due to the termination of his service. Naturally, termination of the employment contract of a civil servant is entirely separate from the fact that the civil servant has been suspended.

Article 5

Naturally, the claims to which the Member of Parliament, the minister or the minister plenipotentiary would normally be entitled as civil servants cannot be withheld from them, because of the fact that they are a Member of Parliament or hold the office of minister or minister plenipotentiary.

Article 6

The Constitution reserves the right to appoint certain civil servants for the King; in the event that such civil servants are suspended, the King must naturally declare that there is no objection to this.

This is an English translation of the Dutch source text.

In the event of any discrepancy between the Dutch language version and the translation, and in case of any disputes, the Dutch version prevails. No rights can be derived from the English translation.

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