

**TRANSLATION OF THE OFFICIAL PUBLICATION OF SINT MAARTEN
(AB 2010, GT no.12)**

**EXPLANATORY MEMORANDUM to the National ordinance the structure and
organisation of the Department of the Clerk to Parliament**

General section

This national ordinance implements Article 57(4) of the Constitution. The structure and organisation of the Department of the Clerk to Parliament are regulated here. The layout of the national ordinance is simple. Unlike the regulation for the official machinery that works for the government, the Department of the Clerk to Parliament is not (for the time being) divided into organisational units. Different positions are represented within the Department of the Clerk to Parliament. These different positions are laid down in the performance manual of the Department of the Clerk to Parliament. The layout and structure of this performance manual is the same as those for the official organisation serving the government. Unlike those performance manuals which are laid down by national decree, containing general measures, the performance manual for the Department of the Clerk to Parliament is laid down by Parliament itself. This is consistent with the independent position of Parliament in relation to the government. The decision and the performance manual that forms an integral part of it, as an annex, are, however, recorded in the Official Publication.

Article by Article Section

Article 1 regulates the position of the Department of the Clerk to Parliament. After all, the Department of the Clerk to Parliament serves to support the Clerk to Parliament in the performance of his duties. The second paragraph forms the basis for the performance manual, in which the staffing and job requirements for the different positions are laid down. The manual also includes the valuation of the positions. In that regard, the performance manual also serves to implement the regulation on the legal position of the staff of the Department of the Clerk to Parliament. As the staffing is not part of the remuneration, a separate national ordinance is prescribed in the Constitution.

Article 2 provides for the basis regulations for the structure of the activities of the Department of the Clerk to Parliament. Like the official organisation working for the government, it is desirable that the Department of the Clerk to Parliament should also work with an annual plan linked to the budget cycle. Obviously, a clear difference here is that Parliament sets its own agenda. This is reflected in the mandatory consultation between the Clerk to Parliament and the Presidium of Parliament in order to establish the annual plan. The details of the regulation of the activities of the Department of the Clerk to Parliament are left to the Clerk to Parliament, on the understanding that this will take place by agreement with the Presidium of Parliament and in observance of the parliamentary Rules of Order.

The entry into force takes place in accordance with the additional Article II of the Constitution.

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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