

STATES OF JERSEY ORDER PAPER

Tuesday 6th July 2010

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Royal Court (Amendment No. 10) Rules 2010. R&O.61/2010.
Superior Number of the Royal Court.

Service of Process (Amendment No. 2) Rules 2010. R&O.62/2010.
Superior Number of the Royal Court.

Advocates and Solicitors (Qualifying Examination) (Amendment No. 6) Rules 2010. R&O.63/2010.
Superior Number of the Royal Court.

The Law Society of Jersey (Disciplinary Proceedings) Rules 2010. R&O.64/2010.
Superior Number of the Royal Court.

C. DOCUMENTS PRESENTED OR LAID

Samarès Nursery site, St. Clement: removal from draft Island Plan– petition (P.49/2010) – comments. P.49/2010.
Presented: 28th June 2010. Com.
Minister for Planning and Environment.

Public Finances (Jersey) Law 2005: funding requests under Article 11(8) (P.64/2010) – comments. P.64/2010.
Presented: 2nd July 2010. Com.
Public Accounts Committee.

Funding of long-term care: Green Paper – Response Summary. R.87/2010.
Presented: 24th June 2010.
Minister for Social Security.

Employment Tribunal Side Members: extension of appointments. R.88/2010.
Presented: 29th June 2010.
Minister for Social Security.

Criminal Injuries Compensation Board: Report and Accounts for 2009. R.89/2010.
Presented: 29th June 2010.
Minister for Home Affairs.

States of Jersey Law 2005: delegation of functions – Housing Department. R.90/2010.
Presented: 29th June 2010.
Minister for Housing.

Land Transactions under Standing Order 168(3) – Red Houses Car Park, La Rue Don, St. Brelade– lease. R.91/2010.
Presented: 30th June 2010.

Minister for Treasury and Resources.

Postal Services in Jersey: Universal Service Obligation – Consultation Green Paper. R.92/2010.

Presented: 30th June 2010.

Minister for Economic Development.

States Members Remuneration Review Body: recommendations for 2011. R.93/2010.

Presented: 2nd July 2010.

Privileges and Procedures Committee.

Public Elections Working Party Report. R.94/2010.

Presented: 2nd July 2010.

Privileges and Procedures Committee.

Tourism Public Private Partnership. S.R.8/2010.

Presented: 25th June 2010.

Economic Affairs Scrutiny Panel.

D. NOTIFICATION OF LODGED PROPOSITIONS

Property and Infrastructure Regeneration: the States of Jersey Development Company Limited (P.73/2010) – amendment. P.73/2010.

Lodged: 25th June 2010.

Senator B.E. Shenton.

Amd.

States becoming inquorate during a meeting: revised procedures (P.82/2010) – amendment. P.82/2010.

Lodged: 30th June 2010.

Privileges and Procedures Committee.

Amd.

Jersey Financial Services Commission: appointment of Commissioner (P.86/2010) – amendment. P.86/2010.

Lodged: 29th June 2010.

Minister for Economic Development.

Amd.

Foreign taxes and freight costs in prices of goods sold in Jersey. P.89/2010.

Lodged: 25th June 2010.

Deputy M.R. Higgins of St. Helier.

Central Market Sub-Post Office facility: social and economic study of closure. P.90/2010.

Lodged: 28th June 2010.

Deputy S. Pitman of St. Helier.

Comprehensive Spending Review: savings proposals – impact on employment of public sector staff. P.91/2010.

Lodged: 29th June 2010.

Deputy G.P. Southern of St. Helier.

Financial and manpower statements in Propositions: revised procedures. P.92/2010.

Lodged: 30th June 2010.

Deputy P.V.F. Le Claire of St. Helier.

E. WITHDRAWAL OF LODGED PROPOSITIONS

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

Appointment of the Chairman of the Health, Social Security and Housing Scrutiny Panel.

G. MATTERS OF PRIVILEGE

H. PETITIONS

I. QUESTIONS

(a) – Written Questions *(attached)*

1. The Minister for Health and Social Services will table an answer to a question asked by the Deputy of St. John regarding services to help the sufferers of combat stress related illnesses.
2. The Minister for Treasury and Resources will table an answer to a question asked by Senator J.L. Perchard regarding the common investment fund.
3. The Minister for Planning and Environment will table an answer to a question asked by Senator B.E. Shenton regarding planning decisions made under Article 19(3) of the Planning and Building (Jersey) Law 2002.
4. The Chief Minister will table an answer to a question asked by the Deputy of St. John regarding the Magistrate's contract.
5. The Minister for Social Security will table an answer to a question asked by the Deputy of St. John regarding 'cold calling' by Health and Safety officers.
6. The Minister for Economic Development will table an answer to a question asked by the Deputy of St. John regarding staffing matters at the Airport.
7. The Minister for Treasury and Resources will table an answer to a question asked by Senator A. Breckon regarding the Office Strategy.
8. The Minister for Treasury and Resources will table an answer to a question asked by Senator A. Beckon regarding salaries for Jersey Post and Jersey Telecom Senior Management staff.
9. The Minister for Home Affairs will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding information relating to the suspension of the Chief Officer of the States of Jersey Police.
10. The Minister for Economic Development will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding anti social behaviour at the Albert Quay.
11. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy T.M. Pitman regarding lifeguards at Havre des Pas bathing pool.
12. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding consultations on potential job losses in the public sector.
13. The Minister for Treasury and Resources will table an answer to a question asked by Deputy

G.P. Southern of St. Helier regarding the consultation on personal taxation.

14. The Minister for Economic Development will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the impact of competition in the postal market.
15. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding personal taxation.
16. The Minister for Health and Social Services will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the Comprehensive Spending Review proposals.
17. The Minister for Health and Social Services will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding respite facilities and the Four Seasons Health Care Group.
18. The Chairman of the Comité des Connétables will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the issue of warrant cards.
19. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding annual grants to private schools.
20. The Minister for Planning and Environment will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the cost of processing a planning application.
21. The Minister for Home Affairs will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding rates of convictions for rape offences.
22. The Minister for Health and Social Services will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding Hospital Consultants and private practice.
23. The Minister for Transport and Technical Services will table an answer to a question asked by the Deputy of St. John regarding road works.
24. The Minister for Transport and Technical Services will table an answer to a question asked by the Deputy of St. Mary regarding the appointment of a landscape architect to design and deliver the Town Park.
25. The Minister for Planning and Environment will table an answer to a question asked by the Deputy of St. Mary regarding a report on peak oil and climate change.
26. The Minister for Planning and Environment will table an answer to a question asked by the Deputy of St. Mary regarding the discharge permit for the water outflow from the Jersey Electricity Company's power station.
27. The Minister for Treasury and Resources will table an answer to a question asked by the Deputy of St. Mary regarding States investment funds and BP.
28. The Minister for Treasury and Resources will table an answer to a question asked by the Deputy of St. Mary regarding the Comprehensive Spending Review proposals.
29. The Minister for Home Affairs will table an answer to a question asked by Senator F. du H. Le Gresley regarding the cost of the suspension of the Chief Officer of the States of Jersey Police.

(b) – Oral Questions

(120 minutes)

The following oral question was deferred from the meeting of 22nd June 2010, at the request of H.M. Attorney General and therefore is additional to the two oral questions which the Deputy of St. Mary has submitted for the present meeting–

The Deputy of St. Mary will ask the following question of H.M. Attorney General–

“Following cases of politicians attempting to influence the prosecution process, could H.M. Attorney General explain why it is considered inappropriate for members to attempt to influence the decision whether or not to prosecute, given that the normal process of politics is to try to influence events, policies and outcomes?”

1. Senator J.L. Perchard will ask the following question of the Minister for Education, Sport and Culture –

“How many hours a week are head teachers required to provide Physical Education (PE) and genuinely competitive sporting opportunities in primary and secondary schools and will the Minister agree to adjust the school curriculum to provide more compulsory PE and more opportunities for pupils to engage in genuinely competitive sports and if not, why not?”

2. Deputy T.M. Pitman of St. Helier will ask the following question of the Minister for Home Affairs –

“Will the Minister advise whether the alleged author of the Metropolitan (Met) Police Interim Report is himself under investigation by the Met regarding alleged anomalies in the report’s construction and whether the author neglected to interview crucial witnesses who could have refuted allegations made by the Former Deputy Chief Officer against the former Senior Investigating Officer and the suspended Chief Officer of the States of Jersey Police?”

3. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Will the Minister explain to members what he means by the statement on page 5 of the Business Tax Review Green Paper that *‘Tax neutrality is also important to non-financial services businesses and can influence developments in other parts of the economy’* and state what short-term measures, if any, he has under consideration to ensure that non-locally owned non-finance businesses that conduct business in the Island pay tax in Jersey?”

4. The Deputy of St. Martin will ask the following question of the Minister for Health and Social Services –

“Following the response given on 22nd June 2010, when the Minister undertook to inform Members how the suspended surgeon’s skills were maintained when the terms of suspension denied him access to the hospital, will she advise who was responsible for his Continuous Professional Development and give a detailed account of how his clinical and operative skills were maintained both during the suspension and since the suspension was lifted?”

5. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Home Affairs –

“Will the Minister inform Members why and when he commissioned an independent inquiry into the financial probity of the Haut de la Garenne Inquiry, how much it has cost, where the funding has come from and when the report will be presented to the States?”

6. Senator B.E. Shenton will ask the following question of the Minister for Planning and Environment –

“Why does the Constable of the Parish carry more weight in respect of planning matters than the Parish Deputy, and what legal authority, if any does the Minister have to base planning decisions on the sole personal opinion of the Parish Constable?”

7. The Deputy of St. John will ask the following question of the Minister for Economic Development –

“Would the Minister advise whether he has requested and received a detailed outline of the events of 16th June 2010 when a fire broke out aboard the Commodore Clipper ferry; and, if so, would he explain why it took close to 24 hours for passengers to disembark the ferry and why neither he nor the Harbour Master have replied to my emails on this subject?”

8. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Economic Development –

“Will the Minister advise whether all appointments made by Jersey Airport over the last three years have been advertised both internally throughout the civil service and externally in the local and national media; that all appointments have been made in accordance with civil service practice and procedures; and that those appointed have all been subject to competitive interviews and, if not, will he explain which positions were not and why?”

9. The Deputy of St. Mary will ask the following question of the Minister for Treasury and Resources –

“Given that the Minister has presented options for personal and business taxation to the public for consultation, will he advise whether any additional options were considered as part of the taxation review and, if so, why were they not included for consultation?”

10. Deputy J.A. Martin of St. Helier will ask the following question of the Minister for Transport and Technical Services –

“Would the Minister advise whether he has requested that Connex monitor the current usage of the Route 18 bus, which currently runs on a circular route 3 times an hour between 9 30 and 4 daily, in order to assess the potential to extend this bus once an hour to the top of Mount Bingham and, if not, would he give an undertaking to do so?”

11. Deputy S. Pitman of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Would the Minister inform Members whether the 2 members of staff of the former Central Market Post office, who had not found alternative jobs by the 30th June 2010, have been asked to remain at the Market post office until October 30th 2010, and, if not, would the Minister advise who will be staffing the sub-post office until it closes and why?”

12. The Deputy of St. Mary will ask the following question of the Minister for Planning and Environment –

“Can the Minister advise how many times over the last 10 years a developer, large or small, has been given a ‘reasonable’ or ‘justifiable’ expectation by officers or politicians that a planning permission will be given in the future, even as the application under consideration was being turned down?”

13. The Deputy of St. Martin will ask the following question of the Minister for Home Affairs –

“Would the Minister advise whether the two police officers, who were suspended for around 18

months and then subsequently cleared of all disciplinary charges at a hearing on 23rd February 2010, are now back to full operational duties and if not, why not?"

14. The Deputy of St. John will ask the following question of the Minister for Economic Development –

“Are Air Field Quality Assurance Ltd (AFQA) Consultants employed at the Airport and, if so, in what capacity, for what length of contract and at what annual cost?”

15. Deputy M. Tadier of St. Brelade will ask the following question of H.M. Attorney General–

“Given that the previous Attorney General confirmed that the Constables as well as being States Members are also [honorary] police officers, will H.M. Attorney General advise members whether this dual role is, in his opinion, human rights compliant and which articles and protocols he has taken into account in coming to this opinion?”

16. Deputy T.M. Pitman of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Given that in the Fiscal Strategy Review public consultation document it is stated that a key consideration in implementing a 30% Income Tax rate for those earning above £100,000 is the possibility of such individuals choosing to leave the Island, will the Minister advise what firm evidence, if any, his department has to support such fears?”

17. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Would the Minister provide Members with the latest estimate of the tax revenue lost to the Treasury since the Zero Ten Tax regime, whereby foreign owned trading companies operating in Jersey pay no taxes in the Island, was adopted?”

18. Deputy G.P. Southern of St. Helier will ask the following question of the Chief Minister–

“When does the Chief Minister intend to consult with States employee representatives over the terms under which job losses announced in the proposals for the first stage of the Comprehensive Spending Review will take place?”

(c) – Questions to Ministers without notice (30 minutes) –

1st question period – Minister for Education, Sport and Culture

2nd question period – Minister for Health and Social Services

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

L. PUBLIC BUSINESS

Housing Development Fund: cost/benefit analysis.
Lodged: 12th May 2010.
Senator A. Breckon.

P.61/2010.

Housing Development Fund: cost/benefit analysis (P.61/2010) – amendment. Lodged: 21st June 2010. <i>Minister for Treasury and Resources.</i>	P.61/2010. Amd.
Public Finances (Jersey) Law 2005: funding requests under Article 11(8). Lodged: 25th May 2010. <i>Minister for Treasury and Resources.</i>	P.64/2010.
Public Finances (Jersey) Law 2005: funding requests under Article 11(8) (P.64/2010) – comments. Presented: 2nd July 2010. <i>Public Accounts Committee.</i>	P.64/2010. Com.
Civil servants earning over £60,000 per annum: publication of salary bands. Lodged: 4th June 2010. <i>Deputy M.R. Higgins of St. Helier.</i>	P.71/2010.
Public Employees Contributory Retirement Scheme: Membership of the Committee of Management. Lodged: 11th June 2010. <i>Chief Minister.</i>	P.79/2010.
States becoming inquorate during a meeting: revised procedures. Lodged: 15th June 2010. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.82/2010
States becoming inquorate during a meeting: revised procedures (P.82/2010) – amendment. Lodged: 30th June 2010. <i>Privileges and Procedures Committee.</i> (Cannot be debated before 7th July 2010)	P.82/2010. Amd.
Human Rights Law: statements of compatibility. Lodged: 17th June 2010. <i>Deputy of St. Martin.</i>	P.84/2010.
Jersey Financial Services Commission: appointment of Commissioner. Lodged: 22nd June 2010. <i>Minister for Economic Development.</i> (Consideration ‘in camera’)	P.86/2010.
Jersey Financial Services Commission: appointment of Commissioner (P.86/2010) – amendment. Lodged: 29th June 2010. <i>Minister for Economic Development.</i>	P.86/2010. Amd.
Havre des Pas Swimming Pool: retention of lifeguard service. Lodged: 22nd June 2010. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.88/2010.

M. ARRANGEMENT OF PUBLIC BUSINESS

19th July 2010

Island Plan 2002: H3 Site No. 8, Field 1248 and Channel Television Site. Lodged: 2nd February 2010.	P.10/2010.
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<i>Deputy J.A. Hilton of St. Helier.</i>	
'User Pays' Charges: issuing of animal health export and associated certificates. Lodged: 5th March 2010. <i>Minister for Planning and Environment.</i>	P.25/2010.
Chief Officer of the States of Jersey Police Force: appointment. Lodged: 16th March 2010. <i>Minister for Home Affairs.</i>	P.30/2010.
Chief Officer of the States of Jersey Police Force: appointment (P.30/2010) – comments. Presented: 8th April 2010. <i>Education and Home Affairs Scrutiny Panel.</i>	P.30/2010. Com.
Chief Officer of States of Jersey Police: appointment process. Lodged: 23rd March 2010. <i>Deputy of St. Martin.</i>	P.33/2010.
Chief Officer of States of Jersey Police: appointment process (P.33/2010) – amendment. Lodged: 13th April 2010. <i>Minister for Home Affairs.</i>	P.33/2010. Amd.
Income Support: eligibility for educational or training courses. Lodged: 27th May 2010. <i>Health, Social Security and Housing Scrutiny Panel.</i>	P.66/2010.
Draft Howard Davis Farm (Abrogation of Covenant) (Amendment of Law) (Jersey) Regulations 201-. Lodged: 28th May 2010. <i>Minister for Treasury and Resources.</i>	P.67/2010.
Draft Income Tax (Amendment No. 35) (Jersey) Law 201-. Lodged: 28th May 2010. <i>Minister for Treasury and Resources.</i>	P.68/2010.
Draft Unlawful Public Entertainments (Jersey) Regulations 201-. Lodged: 7th June 2010. <i>Minister for Home Affairs.</i>	P.72/2010.
Property and Infrastructure Regeneration: the States of Jersey Development Company Limited. Lodged: 7th June 2010. <i>Council of Ministers.</i>	P.73/2010.
Property and Infrastructure Regeneration: the States of Jersey Development Company Limited (P.73/2010) – amendment. Lodged: 25th June 2010. <i>Senator B.E. Shenton.</i>	P.73/2010. Amd.
Jersey Heritage Trust: service level agreement and funding requirements. Lodged: 8th June 2010. <i>Minister for Education, Sport and Culture.</i>	P.75/2010.
Draft Income Support (Amendment No. 5) (Jersey) Regulations 201-.	P.77/2010.

Lodged: 8th June 2010. <i>Minister for Social Security.</i>	
Draft Taxation Relief (Arrangement with the United Kingdom) (Jersey) Act 201- Lodged: 17th June 2010. <i>Chief Minister.</i>	P.83/2010.
Foreign taxes and freight costs in prices of goods sold in Jersey. Lodged: 25th June 2010. <i>Deputy M.R. Higgins of St. Helier.</i>	P.89/2010.
Central Market Sub-Post Office facility: social and economic study of closure. Lodged: 28th June 2010. <i>Deputy S. Pitman of St. Helier.</i>	P.90/2010.
Comprehensive Spending Review: savings proposals – impact on employment of public sector staff. Lodged: 29th June 2010. <i>Deputy G.P. Southern of St. Helier.</i>	P.91/2010.
<u>13th September 2010</u>	
Island Plan 2002: Field 622, St. Ouen– rezoning. Lodged: 19th April 2010. <i>Connétable of St. Ouen.</i>	P.48/2010.
North of Town Masterplan. Lodged: 11th May 2010. <i>Minister for Planning and Environment.</i>	P.57/2010.
North of Town Masterplan (P.57/2010): amendment. Lodged: 13th May 2010. <i>Connétable of St. Helier.</i>	P.57/2010. Amd.
North of Town Masterplan (P.57/2010): second amendment. Lodged: 8th June 2010. <i>Deputy A.K.F. Green of St. Helier.</i>	P.57/2010. Amd.(2)
North of Town Masterplan (P.57/2010): third amendment. Lodged: 8th June 2010. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.57/2010. Amd.(3)
Immigration, Asylum and Nationality Act, 2006 and Immigration and Asylum Act, 1999: Extension of Certain Sections to Jersey. Lodged: 14th June 2010. <i>Chief Minister.</i>	P.80/2010.
Draft Census (Amendment No. 3) (Jersey) Law 201- Lodged: 14th June 2010. <i>Chief Minister.</i>	P.81/2010.
Questions in the States: Connétables and political parties. Lodged: 18th June 2010. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.85/2010.

28th September 2010

Planning and Building Law: repeal of Minister's power to grant permission that is inconsistent with the Island Plan. P.78/2010.
Lodged: 10th June 2010.
Senator B.E. Shenton.

Jersey Financial Services Commission: Companies' Register. P.87/2010.
Lodged: 22nd June 2010.
Deputy P.V.F. Le Claire of St. Helier.

Financial and manpower statements in Propositions: revised procedures. P.92/2010.
Lodged: 30th June 2010.
Deputy P.V.F. Le Claire of St. Helier.

12th October 2010

Samarès Nursery site, St. Clement: removal from draft Island Plan– petition. P.49/2010.
Lodged: 20th April 2010.
Connétable of St. Clement.

Samarès Nursery site, St. Clement: removal from draft Island Plan– petition (P.49/2010) – comments. P.49/2010.
Presented: 28th June 2010. Com.
Minister for Planning and Environment.

Machinery of Government: amended structure. P.70/2010.
Lodged: 3rd June 2010.
Senator A. Breckon.

Machinery of Government: amended structure (P.70/2010) – amendment. P.70/2010.
Lodged: 10th June 2010. Amd.
Deputy P.V.F. Le Claire of St. Helier.

M.N. DE LA HAYE
Greffier of the States

1st July 2010

Note –

In accordance with the meeting dates fixed for 2010 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 7th July and Thursday 8th July 2010.

Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.61/2010.

The High Hedges (Jersey) Law 2008 enables property owners to make complaints to the Minister for Planning and Environment alleging that the reasonable enjoyment or use of all or any part of their property is being adversely affected by the height of a hedge on land owned or occupied by another person. If the Minister considers the complaint justified, he may issue a remedial notice specifying what must be done in relation to the hedge.

The Law provides the following rights of appeal to the Royal Court –

- Under Article 12 by the complainant against a determination by the Minister that a complaint is not justified;
- Under Article 13 by the owner or occupier of the neighbouring land against a determination by the Minister that the complaint is justified, or against a requirement or condition specified in the remedial notice.

Such ‘High Hedges Law appeals’ do not rank as planning appeals within the meaning of Part 15 of the Royal Court Rules and are not covered by the modified planning appeal procedures. They are, however, analogous to planning appeals and in particular to third party appeals. These Rules prescribe modified and third party appeal procedures in respect of High Hedges Law appeals akin to those that obtain in relation to planning appeals.

Each Rule provides as follows:

Rule 1 merely defines ‘the principal Rules’.

Rule 2 defines a ‘High Hedges Law appeal’. It also defines the expressions ‘modified procedure’ and ‘ordinary procedure’ in relation to such appeals.

Rules 3 and 7 and the *Schedule*, make provision as to the form of notice of appeal.

Rules 4 and 5 relate to the procedure to be followed on a High Hedges Law appeal. The appeal is brought – like any other administrative appeal – by serving the notice of appeal on the respondent (i.e. the Minister). But a further copy of the notice has to be served on the owner or occupier of the neighbouring land (in the case of an appeal by the complainant) or on the complainant (in the case of an appeal by the owner or occupier of the neighbouring land).

Within 28 days of receiving the notice of appeal, the Minister must lodge an affidavit giving a statement of the relevant decision and the facts material to the decision and the reasons for it together with documentary evidence (see *Rule 15/3(1) of the principal Rules*). The affidavit must be served not only on the appellant, but also on the owner or occupier or on the complainant, as the case may be.

From this point on, the procedure is the same as the third party appeal procedure in planning appeals, including the ‘modified procedure’ and the procedure for appeals ‘on the papers’ (see the inserted *Rules 15/3F and 15/3G*).

Rule 6 makes consequential amendments to Schedules 4 and 4A to the principal Rules.

Rule 8 is the usual citation provision

The Rules were made by the Superior Number of the Royal Court on 28th June 2010 and came into force on 5th July 2010.

R&O.62/2010.

Under Rule 5 of the Service of Process Rules 1994, leave is required for service out of the jurisdiction. Under Rule 7(o) of those Rules, leave to serve out may be given where “*The claim is made under the Drug Trafficking Offences (Jersey) Law 1988*”.

The reference to the Drug Trafficking Offences (Jersey) Law 1988 is now out-of-date. These Rules replace it with a reference to the Proceeds of Crime (Cash Seizure) (Jersey) Law 2008.

These Rules were made by the Superior Number of the Royal Court on 28th June 2010 and came into force forthwith.

R&O.63/2010.

These Rules contain a short amendment to Rule 3 of the Advocates and Solicitors (Qualifying Examination) Rules 1997 (“the principal Rules”). The Examination Board is required under Rule 3(7) of the principal Rules to “*appoint sessions for the holding of the preliminary examination (if necessary) and for the holding of the final examination each year –*

(a) *in June and July; and*

(b) *in September”.*

Under Rule 3(16) of the principal Rules, a candidate sitting the final examination may not attempt less than 2 papers at any one session. This is subject to the proviso under Rule 3(17) that, if it remains for the candidate to pass only one paper, he or she may attempt just that paper.

The amendment widens this proviso so that, if a candidate wishes to re-sit a single paper that the candidate has failed to pass at the immediately preceding session, he or she may do so.

These Rules were made by the Superior Number of the Royal Court on 28th June 2010 and came into force on 5th July 2010.

R&O.64/2010.

These Rules are made pursuant to Article 34 of The Law Society of Jersey Law 2005 under which the Superior Number of the Royal Court may make Rules of Court regulating and prescribing the procedures to be followed by disciplinary committees under that Law.

These Rules are divided into 5 *Parts* and 16 *Rules*.

PART 1 consists of *Rule 1* only which defines a number of expressions.

PART 2 consists of *Rules 2 and 3* making further provision as regards action on receipt of a complaint against a practitioner.

Rule 2 requires the President of the Law Society to ensure that a complaint is referred to a disciplinary committee promptly, when satisfied that it has been stated in writing and properly formulated. *Rule 2* also empowers the President to appoint a member of the Law Society or any other suitable person to assist in discharging any of the above requirements. The reasonable costs of the member or person appointed as above are met out of funds provided by the Law Society.

Rule 3 relates to arrangements for the presentation of complaints against practitioners. The President of the Law Society must be satisfied that the arrangements for presenting the complaint to a disciplinary committee are fair and reasonable for the complainant and the practitioner. To this end, the President may appoint a member of the Law Society to present the complaint. The reasonable costs of a member so appointed are met out of funds provided by the Law Society.

PART 3 consists of *Rules 4 to 7* relating to the action taken once a complaint has been referred to a disciplinary committee.

Rule 4 relates simply to the application of the Part. *Rule 5* governs service of documents; and *Rule 6* requires a disciplinary committee to have an address for service and to notify that address to the interested parties as soon as practicable.

Rule 7 confers a broad power on a disciplinary committee to give any directions deemed necessary or appropriate. It may also consent to the withdrawal of a complaint or allegation; adjourn a hearing; agree amendments of complaints or allegations or the correction of any matter. It has a broad power to make any necessary directions to secure a timely hearing.

PART 4 consists of *Rules 8 to 13* relating to hearings and evidence.

Rule 8 concerns hearing dates. A disciplinary hearing will not normally take place less than 21 days after notice is given of the hearing date. *Rule 9* provides that the strict rules of evidence will not apply at hearing before a

disciplinary committee unless it directs otherwise.

Rule 10 concerns evidence given by statement in writing (whether or not on oath). Written statements must be filed at least 14 days before the hearing, unless the committee directs otherwise. The other party may require the attendance of the relevant witness. If a party intends to call a witness who has not previously given a statement, 7 days notice must be given, and a copy of a written proof of evidence lodged.

Rule 11 makes it clear that a complainant may be represented before a disciplinary committee by an advocate or a solicitor independently of the appointment of a member of the Law Society under *Rule 3*. A practitioner may be represented before a disciplinary committee by an advocate or a solicitor. Furthermore, either party may appear and be heard by a representative who – if not an advocate or solicitor – must be a person approved by the disciplinary committee as appropriate to represent the party.

Rule 12 relates to hearings, which are to take place at a time and place considered by the disciplinary committee to be appropriate and convenient. This Rule specifies who may be present at a hearing. If a committee is satisfied that notice has been duly served, it may hear the complaint in the absence of either or both of the parties or their representatives (whether by agreement of the parties or otherwise).

Under *Rule 13* a disciplinary committee must make a finding as to whether any or all of the allegations in the complaint have been substantiated. If so, the practitioner may make submissions in mitigation; and the disciplinary committee must announce the sanction. The committee may, however, reserve its decision for later announcement.

PART 5 consists of *Rules 14 to 16* dealing with miscellaneous matters.

Rule 14 requires a note to be taken of proceedings at a hearing; and it may be taken by electronic means.

Rule 15 contains saving provisions for references to a mediator. In that event a committee may stay the proceedings before it.

Rule 16 is the customary citation provision.

These Rules were made by the Superior Number of the Royal Court on 28th June 2010 and came into force on 5th July 2010.

WRITTEN QUESTIONS

(See Item I(a))

1. The Minister for Health and Social Services will table an answer to the following question asked by the Deputy of St. John–

“Given that the military and government in the United Kingdom have established a special service run by General Practitioners to deal with cases of combat stress illness, will a similar service be available in Jersey, to make sure all our ex-service and serving personnel can benefit from any help that is required, given many Island residents have been or are in the Armed Services and the Island has a defence budget for our Territorial Army?”

Would the Minister give details of what action if any, the Health and Social Services Department is taking in this area and, if none please explain why?”

2. The Minister for Treasury and Resources will table an answer to the following question asked by Senator J.L. Perchard –

“Following the Assembly’s decision on 11th May 2010 to adopt P.35/2010 and create a States of Jersey Common Investment Fund, whereby the majority of States funds will be pooled for investment purposes, will the Minister outline his plans for reporting the performance of the said Fund?”

3. The Minister for Planning and Environment will table an answer to the following question asked by Senator B.E. Shenton –

“Can the Minister list all planning decisions specifically made under Article 19(3) of the Planning and Building (Jersey) Law 2002 during the past 2 years and publish the justification for doing so in each case, which is required under the Law?”

Furthermore can he cross-reference these decisions with Article 12(1) and list all incidences where public inquiries were held and, if they were not held, explain the reasoning for deciding this Article of the Law was not applicable?”

4. The Chief Minister will table an answer to the following question asked by the Deputy of St. John–

“Given the Police Court Magistrate is not undertaking Court duties, will the Minister consider terminating his contract and at the same time put in place a claim for wages paid to be returned?”

5. The Minister for Social Security will table an answer to the following question asked by the Deputy of St. John–

“Can the Minister outline the practice used by Health and Safety officers in obtaining information; is it usual practice to cold call/telephone businesses and ask how many electrical sockets are in use within the premises and, if so, is this information then passed on to a third party in order that a survey of the electrical system can be undertaken, with a view to carrying out works?”

6. The Minister for Economic Development will table an answer to the following question asked by the Deputy of St. John–

“Would the Minister advise whether an internal job vacancy was filled for a Strategic Planning Manager at the Airport in 2009, at a salary of between £60,000 and £85,000, and if so, why was it found necessary to employ this person, given that the job description appears to overlap with that of the Airport Director, and why was the job only advertised internally and not to a wider audience?”

Would the Minister advise whether a Baggage Consultant from Airfield Quality Assurance Ltd on a 2 year contract of £65,000 per annum is employed to advise at the Airport, and, if so, could this work not have been done from within the existing workforce?

Will the Minister advise whether a 1(1)(j) category employee in the Air Traffic Control Department has been signed off work until November 2010, as a result of that employee not passing necessary tests, and, if so, would he confirm the length of the remainder of this person’s contract?”

Will the Minister advise whether the Airport Personnel Officer is employed on a part time basis, and, if so, at what grade?”

7. The Minister for Treasury and Resources will table an answer to the following question asked by Senator A. Breckon –

“Following the answer given by his Assistant Minister on 20th April 2010 concerning the States Office Strategy, would the Minister provide Members with details of what progress, if any, has been made?”

8. The Minister for Treasury and Resources will table an answer to the following question asked by Senator A. Breckon –

“Can the Minister provide details of salaries above £70,000 that have been paid to existing and former employees of Jersey Post and Jersey Telecom in the two years prior to (and each of the years following) incorporation up to 2009?”

Can the Minister provide details of any bonus payments and incentive payments that have been paid to existing and former employees of Jersey Post and Jersey Telecom in the two years prior to and each of the years following incorporation up to 2009?

Can the Minister provide details of the cost any severance or redundancy packages that have been paid to existing and former employees of Jersey Post and Jersey Telecom in the two years prior to and each of the years following incorporation up to 2009?

Can the Minister provide details of salaries above £70,000 that have been paid to existing and former executive or non-executive directors of Jersey Post and Jersey Telecom in the two years prior to and each of the years following incorporation up to 2009?”

9. The Minister for Home Affairs will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier–

“Under questioning about the lengthy suspension process of the Chief Officer of the States of Jersey Police on the 22nd June 2010, the Minister asked for patience, advising Members that all would be revealed in July, will the Minister now give assurances that when referring to July he meant that information, including access to the so called 'Metropolitan Police Interim Report' and information as to whether the former Chief Minister and current States Chief Executive Officer received briefings on other States Members as a consequence of 'Operation Blast', will be provided to members before, or during the last States sitting prior to the summer recess; or will the Minister be seeking to delay the release of such information until the summer recess has begun, thus preventing the opportunity for Members to ask questions?”

10. The Minister for Economic Development will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier–

“Will the Minister advise what action, if any, the Harbours Department has taken to address the long-standing anti-social behaviour problems suffered by residents at Albert Quay Apartments; specifically whether the promised speed bumps are yet in place; what, if any, impact the new speed cameras have had and, if no action has been taken when will these matters be progressed?”

11. The Minister for Education, Sport and Culture will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier–

“Is the Minister able to identify any alternative efficiency savings, other than cutting the three life guards at Havre des Pas swimming pool, which would have less front-line impact on services, and, if so, what might these be?”

12. The Chief Minister will table an answer to the following question asked by Deputy G.P. Southern of St. Helier–

“Will the Chief Minister state what formal consultation, if any, has taken place with representatives of States employees over the potential job losses contained in the proposals put forward by Ministers in the Comprehensive Spending Review and, if none, will he state when he expects consultation to start?”

Will the Chief Minister indicate the timescale over which he envisages any redundancies will take place and the extent to which these will be covered by Voluntary Redundancy (VR) or Voluntary Early Retirement schemes already in place or will there be a need for compulsory redundancies?

Will he further detail for members any proposals he has for changes to the VR scheme to be applied from 2011, and state whether (and when) he expects to consult with employee representatives over any changes, or does he intend to impose it unilaterally as with the pay freeze?

What estimates, if any, does he have for the cost in redundancy or other payments of the 67.6 job losses already proposed?”

13. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy G.P. Southern of St. Helier–

“Will the Minister inform members why, in the Fiscal Strategy Review consultation documents on personal and business taxation, he has proposed a figure of £30 million for additional personal tax but has set no such figure for any additional contribution from the business sector to fund essential public services?”

Can he further explain why over the period 2004 to 2008 Income Tax receipts from salary and wage earners have increased by 66% (from £136m to £225m) whilst Company tax has only risen by 23% over the same period (from £189m to £233m)?

Will the Minister also give members his estimates of what the overall tax take (including GST, the 0/10 regime and Income Tax) between these two revenue generating sectors will be for the current tax year?”

14. The Minister for Economic Development will table an answer to the following question asked by Deputy G.P. Southern of St. Helier–

“Following the Minister’s undertaking last month to initiate a wide-ranging public consultation over the

potential impact of the introduction of further competition into the postal market on the finances of Jersey Post and the maintenance of the USO; would the Minister update members on progress and state when we can expect the public and other stakeholders to be consulted?

Does the Minister accept that proper regulation and not competition may be the way forward in the delivery of efficient postal services for all postal users?"

15. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy G.P. Southern of St. Helier–

“Does the Minister consider the description of GST as “mildly regressive” as a fair and balanced statement to use in the consultation on personal taxation, when the Minister’s figures show that it has more than twice the impact on the income of the lowest earners than it does on the highest?”

Will he also explain to members why in the consultation on personal tax, almost half of the questions concern business, but he describes the Business tax review as a “technical exercise” aimed solely at business and taxation experts? Why has he not consulted the public on what they believe to be the correct balance to be struck between Business and Personal taxation?

Will the Minister state why he has chosen to consult on a cap of Social Security contributions at £115,000? Is it simply to be competitive with Guernsey’s £117,468? What would the effect be of removing the ceiling altogether?"

16. The Minister for Health and Social Services will table an answer to the following question asked by Deputy G.P. Southern –

“Will the Minister inform members of the decision-making process relating to her Comprehensive Spending Review proposals, to include the timeline of meetings at which these decisions were made and who was making these decisions?”

Where services are to be reduced, will the Minister produce any risk or cost/benefit analysis carried out on the change?

Will the Minister state which, if any, services are to be outsourced along with the estimated costs of such moves?

Where there are to be job losses, will the Minister give details of the terms and conditions being offered to staff under any Voluntary Redundancy or Voluntary Early Retirement scheme which is in place, and state what timescale is envisioned for any such processes given that these proposals will not receive sanction from the States until September 2010?

Will the Minister also give details of what consultation, if any, with employee representatives has taken place or will take place?"

17. The Minister for Health and Social Services will table an answer to the following question asked by Deputy M. Tadier of St. Brelade–

“Would the Minister confirm that the respite facilities currently being promoted in conjunction with the Four Seasons Health Care Group in Jersey have been fully inspected and approved by her department and that adequate, qualified and competent staff are being employed?”

Can the Minister advise how many States funded bed spaces are currently provided by the Four Seasons Health Care Group in Jersey and what is the public cost?

Can the Minister state whether there are plans to introduce a Regulation of Care Law in Jersey and if so, when?

Can the Minister confirm that all staff in private care homes, including the Four Seasons Group, have been properly vetted and Police checked?

Following the Four Seasons Group's recent financial problems, can the Minister confirm that she is satisfied that all their Care Homes in Jersey are properly managed and that residents enjoy a safe, secure and proper standard of care?"

18. The Chairman of the Comité des Connétables for will table an answer to the following question asked by Deputy M. Tadier of St. Brelade–

“Following on from his statement on 17th November 2009 regarding the number of Connétables holding warrant cards, would the Chairman advise whether any other States Members, other than Connétables, have warrant cards; and whether he considers such policing powers by politicians are compliant with Jersey's international human rights obligations, and specifically the UN covenant on civil and political rights?”

19. The Minister for Education, Sport and Culture will table an answer to the following question asked by Deputy R.G. Le Hérisier of St. Saviour–

“What annual grants, if any, have been made to schools in the private sector in each of the last 3 years? Would the Minister specify by school and advise what the purpose is of these grants?”

20. The Minister for Planning and Environment will table an answer to the following question asked by Deputy R.G. Le Hérisier of St. Saviour–

“What is the cost of processing an application such as P2010/0900(Extension to serving hatch)?

Why are such applications subject to the full force of the Planning process?”

21. The Minister for Home Affairs will table an answer to the following question asked by Deputy R.G. Le Hérisier of St. Saviour–

“With reference to his answer to my written question on 22nd June 2010, would the Minister advise whether he is satisfied with the recent rates of convictions for rape offences and, if not, what steps, if any, does he intend to take to increase that rate?”

22. The Minister for Health and Social Services will table an answer to the following question asked by Deputy R.G. Le Hérisier of St. Saviour–

“Under what circumstances, if any, do medical consultants pursue private practice in publicly funded time? Assuming this occurs, what proportion of time is devoted to such practice and is the Minister satisfied that the situation is effectively managed on behalf of the public sector?”

23. The Minister for Transport and Technical Services will table an answer to the following question asked by the Deputy of St. John–

“Could members be told when Queen's Road was last resurfaced, the cost and which asphalt contractor

undertook the work and what guarantee, if any, exists on workmanship and materials?

Given standing water on foot paths at times of heavy rain, can Members be told the cost of the resurfacing of Victoria Avenue, including resurfacing footpaths and which asphalt company is undertaking the work; what redress, if any, exists on any claim for poor workmanship and will the Minister be calling on external surveyors to inspect the works, if so will this be done before final payments are made to contractors?

As major Civil engineering works have been undertaken on Victoria Avenue under the fiscal stimulus, does the Minister not consider it would have been more productive to resurface many of the hundreds of miles of States roads across the Island which are in very poor condition and will he now put a proper programme in place to resurface all Island roads?"

24. The Minister Transport and Technical Services for will table an answer to the following question asked by the Deputy of St. Mary–

“Following the Minister’s confirmation on 22nd June 2010 that his Department in consultation with Planning and Environment, have appointed a landscape architect to design and deliver the Town Park, can he tell the Assembly when the project was put to tender, how it was advertised, and provide full details of the tendering and selection process?”

Can he further tell members what consultation, if any, took place before and/or during the tender process?"

25. The Minister for Planning and Environment will table an answer to the following question asked by the Deputy of St. Mary–

“Given that following the Strategic Plan debate in 2009, the Council of Ministers undertook to report on peak oil and climate change once a year, will Minister advise when the first such report will be published and advise whether it will include the latest research/findings/consensus on peak oil and its likely social and economic effects and will it give references to the documents and reports it cites?"

26. The Minister Planning and Environment for will table an answer to the following question asked by the Deputy of St. Mary–

“Will the Minister confirm the exact date of the discharge permit for the water outflow from the JEC power station, and any renewals and alterations to the permit?”

Will the Minister give exact details of this permit:

- What substances were permitted to be used and discharged?
- In what quantities?
- What the maximum permissible levels of each chemical in the discharge were?
- How any possible damage to the marine environment was assessed when the permit was granted, and whether that assessment has been revised in the light of more recent knowledge?
- Whether the marine environment was treated as one entity or whether the effects of the chemicals on ecosystem components were assessed?
- What monitoring methods are used?
- Who monitors the discharge, at what intervals, and is this monitoring independently verified?"

27. The Minister for Treasury and Resources will table an answer to the following question asked by the Deputy of St. Mary–

“What is the nature and scale of exposure to BP of each of the States investment funds and what was this exposure two months ago, and what loss, if any has been sustained this year, fund by fund?”

28. The Minister for Treasury and Resource will table an answer to the following question asked by the Deputy of St. Mary–

“In the light of the Minister’s statement on 20th April 2010 that “2% is not a large figure” can he advise members what percentage of the Comprehensive Spending Review 2% proposals equate to cuts, what percentage are savings and what percentage are ‘user pays’?”

29. The Minister for Home Affairs will table an answer to the following question asked by Senator F. du H. Le Gresley–

“Given that in his reply to a written question on 22nd June 2010, the Minister advised that the cost of salaries and subsistence, totalling £234,854 up to 20th July 2010, to cover the absence of the suspended Chief Officer of the States of Jersey Police “is not being funded from the core Police budget, but is included in the Historical Abuse Enquiry additional costs”, will the Minister inform members who made this decision and whether the Minister for Treasury and Resources was consulted?

Can the Minister explain why he considers that this ongoing expenditure can be attributed to being a cost of the Historical Abuse Enquiry?”

ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

2010	First 15 minute period Minister	Second 15 minute period Minister
19th July	Home Affairs	Chief Minister
<u>2nd session</u>		
14th September	Social Security	Planning and Environment
28th September	Housing	Chief Minister
12th October	Transport and Technical Services	Treasury and Resources
19th October	Economic Development	Chief Minister
2nd November	Education, Sport and Culture	Health and Social Services
16th November	Home Affairs	Chief Minister
30th November	Social Security	Planning and Environment
7th December	Housing	Chief Minister