



# STATES OF JERSEY ORDER PAPER

Tuesday 20th October 2015

## A. COMMUNICATIONS BY THE PRESIDING OFFICER

## B. TABLING OF SUBORDINATE ENACTMENTS

*(Explanatory note attached)*

EU Legislation (Sanctions – Burundi) (Jersey) Order 2015. R&O.116/2015.  
*Minister for External Relations.*

Tourism (General Provisions) (Amendment No. 19) (Jersey) Order 2015. R&O.117/2015.  
*Minister for Economic Development.*

Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Order 2015. R&O.118/2015.  
*Minister for Economic Development.*

Income Support (General Provisions) (Amendment No. 18) (Jersey) Order 2015. R&O.121/2015.  
*Minister for Social Security.*

Planning and Building (Public Inquiries) (Amendment) (Jersey) Order 2015. R&O.122/2015.  
*Minister for Planning and Environment.*

## C. DOCUMENTS PRESENTED OR LAID

Land Transactions under Standing Order 168(3) – 10–12 Central Market, Halkett Place, St. Helier – lease. R.115/2015.  
Presented: 14th October 2015.  
*Minister for Treasury and Resources.*

Housing Strategy: Consultation Document – October 2015. R.116/2015.  
Presented: 14th October 2015  
*Minister for Housing.*

Jersey Gambling Commission: appointment of Commissioners. R.117/2015.  
Presented: 15th October 2015.  
*Minister for Economic Development.*

## D. NOTIFICATION OF LODGED PROPOSITIONS

Ratification of the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information to improve international tax compliance based on the Common Reporting Standard for the Automatic Exchange of Financial Information approved by the Organisation for Economic Co-operation and Development. P.117/2015.  
Lodged: 13th October 2015.  
*Minister for External Relations.*

Draft Taxation (Implementation) (International Tax Compliance) (Common Reporting Standard) (Jersey) Regulations 201-. P.118/2015.  
Lodged: 13th October 2015.  
*Minister for External Relations.*



Draft EU Legislation (Transmissible Spongiform Encephalopathies) (Jersey) Regulations 201-.  
Lodged: 14th October 2015.  
*Minister for Planning and Environment.*

P.119/2015.

Draft Commissioner for Standards (Jersey) Law 201-.  
Lodged: 15th October 2015.  
*Privileges and Procedures Committee.*

P.120/2015.

**E. WITHDRAWAL OF LODGED PROPOSITIONS**

**F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS**

**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 Deputy M. Tadier of St. Brelade regarding disruption to residents following material changes to shops in adjoining properties.
2. The Chairman of the Privileges and Procedures Committee will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the dual role of the Bailiff.
3. The Minister for Treasury and Resources will table an answer to a question asked by Deputy J.A. Hilton of St. Helier regarding development of the Esplanade car-park site and contamination costs.
4. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the impact of Income Support and benefit cuts.
5. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding consultation conducted prior to the publication of benefit cut proposals.
6. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the low income threshold.
7. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the impact of benefits cuts.
8. The Minister for Health and Social Services will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding closures of hospital beds.
9. The Minister for Treasury and Resources will table an answer a question asked by Deputy S.Y. Mézec of St. Helier regarding the rental cost of Andium Homes' office premises.



10. The Minister for Economic Development will table an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding the reduction in Gross Value Added for agriculture in 2014.
11. The Chief Minister will table an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding the resignation of Mr. Kevin Keen from his post as adviser with the States of Jersey.
12. The Chief Minister will table an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding the impact of austerity measures on Jersey's Gross Value Added per head.

**(b) – Oral Questions**

(120 minutes)

1. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Social Security –

“Given the average yearly cost of new taxes per household, can the Minister advise the amount by which benefit cuts, including the removal of the disregards and the freeze on benefits, will reduce income for income support households per annum, and if not, why not?”

2. Deputy S.Y. Mézec of St. Helier will ask the following question of the Chief Minister –

“Could the Chief Minister update the Assembly on what progress, if any, has been made towards bringing forward a full population policy?”

3. Deputy J.A. Hilton of St. Helier will ask the following question of the Chief Minister –

“Are the findings of the ‘Measuring Jersey’s Economy G.V.A. and G.D.P. 2014’ report by the Statistics Unit, which measured the average economic standard of living of Islanders as having declined by a fifth in real terms since 2001, compatible with the Council of Ministers’ policy on population control which saw a rise in population of approximately 10,000 people during the same period?”

4. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Planning and Environment –

“Further to the answer given to written question 8766 on 28th April 2015, which detailed the difficulty of identifying a polluter in the context of the Water Pollution (Jersey) Law 2000, has consideration been given to levying a charge on pre-specified pollutants upon entry to the Island to act as both a disincentive for the use of harmful products and as a source of funding for associated remediation expenses?”

5. Deputy L.M.C. Doublet of St. Saviour will ask the following question of the Minister for Health and Social Services –

“Given the Assembly’s commitment to the 1001 days initiative, can the Minister describe how charities working within ‘The Bridge’ such as Brighter Futures are supported and valued and outline what plans, if any, there are to assist them in further developing their services to help more families?”

6. Deputy S.Y. Mézec of St. Helier will ask the following question of the Chief Minister –

“What negotiations, if any, are currently taking place with Jersey’s trade unions so as to avoid the possibility of strike action following the decision of the States to adopt the ‘Medium Term Financial Plan 2015 – 2019’?”



7. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Economic Development –

“Can the Minister account for the predominance of zero-hours jobs in the June 2015 Jersey Labour Market figures and state what impact, if any, the growth in such jobs will have on the Island’s economy and, in particular, on tax revenues?”

8. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Education, Sport and Culture –

“What population projections have been used to determine the capacity required for the new Les Quennevais School and what will be the expected student intake when it opens?”

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

1st question period – Minister for Planning and Environment

2nd question period – Minister for External Relations

**J. PERSONAL STATEMENTS**

**K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

**L. PUBLIC BUSINESS**

Draft States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 201-. P.46/2015.  
Lodged: 6th May 2015. (re-issue)  
*Chief Minister.*

Red Houses Car Park: lease. P.73/2015.  
Lodged: 14th July 2015.  
*Deputy M. Tadier of St. Brelade.*

Red Houses Car Park: lease (P.73/2015) – comments. P.73/2015.  
Presented: 18th September 2015. Com.  
*Council of Ministers.*

Draft International Criminal Court (Amendment) (Jersey) Law 201-. P.86/2015.  
Lodged: 3rd August 2015.  
*Chief Minister.*

Draft Criminal Justice (Miscellaneous Provisions) (Jersey) Law 201-. P.87/2015.  
Lodged: 4th August 2015.  
*Chief Minister.*

Draft Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015 P.107/2015.  
(Appointed Day) Act 201-.  
Lodged: 15th September 2015.  
*Minister for Economic Development.*

Defining the cost of ministerial government. P.111/2015.  
Lodged: 21st September 2015.  
*Deputy J.A. Martin of St. Helier.*



Jersey Heritage Trust: appointment of Chairman. P.112/2015.  
Lodged: 22nd September 2015.  
*Minister for Education, Sport and Culture.*

Draft Aircraft Registration (Jersey) Law 2014 (Appointed Day) Act 201-. P.113/2015.  
Lodged: 22nd September 2015.  
*Minister for Economic Development.*

## **M. ARRANGEMENT OF PUBLIC BUSINESS**

### **3rd November 2015**

Draft Public Employees (Pension Scheme) (Administration) (Jersey) Regulations 201-. P.96/2015.  
Lodged: 17th August 2015.  
*States Employment Board.*

Draft Public Employees (Pension Scheme) (Funding and Valuation) (Jersey) Regulations 201-. P.97/2015.  
Lodged: 18th August 2015.  
*States Employment Board.*

Draft Public Employees (Pension Scheme) (Membership and Benefits) (Jersey) Regulations 201-. P.98/2015.  
Lodged: 18th August 2015.  
*States Employment Board.*

Draft Public Employees (Pension Scheme) (Transitional Provisions, Savings and Consequential Amendments) (Jersey) Regulations 201-. P.99/2015.  
Lodged: 18th August 2015.  
*States Employment Board.*

Draft Public Employees (Pensions) (Jersey) Law 2014 (Appointed Day) Act 201-. P.100/2015.  
Lodged: 18th August 2015.  
*States Employment Board.*

Ratification of the Agreement between the Government of Jersey and the Government of the Republic of Korea on the exchange of information relating to tax matters. P.93/2015.  
Lodged: 11th August 2015.  
*Minister for External Relations.*

Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 13) (Jersey) Regulations 201-. P.108/2015.  
Lodged: 17th September 2015.  
*Minister for External Relations.*

Ratification of the Agreement between the Government of Jersey and the Government of the Republic of Seychelles for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income. P.95/2015.  
Lodged: 12th August 2015.  
*Minister for External Relations.*

Draft Taxation (Double Taxation) (Amendment No. 4) (Jersey) Regulations 201-. P.109/2015.  
Lodged: 17th September 2015.  
*Minister for External Relations.*



Draft Honorary Police (Amendment No. 3) (Jersey) Regulations 201-. P.110/2015.  
Lodged: 18th September 2015.  
*Comité des Connétables.*

**17th November 2015**

Draft Public Finances (Amendment of Law No. 3) (Jersey) Regulations 201-. P.114/2015.  
Lodged: 24th September 2015.  
*Minister for Treasury and Resources.*

Draft Road Traffic (No. 62) (Jersey) Regulations 201-. P.115/2015.  
Lodged: 1st October 2015.  
*Minister for Transport and Technical Services.*

Draft Rates (Amendment) (Jersey) Law 201-. P.116/2015.  
Lodged: 6th October 2015.  
*Comité des Connétables.*

**1st December 2015**

*Ex Gratia* payment to Mr. Roy Boschat. P.82/2015.  
Lodged: 24th July 2015.  
*Deputy T.A. McDonald of St. Saviour.*

*Ex Gratia* payment to Mr. Roy Boschat (P.82/2015): addendum. P.82/2015.  
Presented: 30th July 2015. Add.  
*Deputy T.A. McDonald of St. Saviour.*

Ratification of the Multilateral Competent Authority Agreement on Automatic P.117/2015.  
Exchange of Financial Account Information to improve international tax  
compliance based on the Common Reporting Standard for the Automatic Exchange  
of Financial Information approved by the Organisation for Economic Co-operation  
and Development.  
Lodged: 13th October 2015.  
*Minister for External Relations.*

Draft Taxation (Implementation) (International Tax Compliance) (Common P.118/2015.  
Reporting Standard) (Jersey) Regulations 201-.  
Lodged: 13th October 2015.  
*Minister for External Relations.*

Draft EU Legislation (Transmissible Spongiform Encephalopathies) (Jersey) P.119/2015.  
Regulations 201-.  
Lodged: 14th October 2015.  
*Minister for Planning and Environment.*

Draft Commissioner for Standards (Jersey) Law 201-. P.120/2015.  
Lodged: 15th October 2015.  
*Privileges and Procedures Committee*

**L.-M. HART**  
**Deputy Greffier of the States**

15th October 2015

**Note –**

**In accordance with the meeting dates fixed for 2015 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 21st and Thursday 22nd October 2015.**



## **Explanatory Note regarding subordinate legislation tabled at this meeting.**

(See Item B)

### **R&O.116/2015.**

This Order gives effect in Jersey to Council Regulation (EU) No 2015/1755 of 1 October 2015 concerning restrictive measures in view of the situation in Burundi (OJ L 257, 2.10.2015, p. 1). The Order also contains an ambulatory reference, in *Article 2*, to the Annexes to the Regulation. The effect is that, if the EU amends the lists of persons subject to the restrictive measures (or the details of the competent authorities in the Member States) that change takes effect automatically in Jersey without the need for any amendment to this Order.

The Order also requires, by *Articles 3* and *4(b)*, all of the standard general provisions, contained in the EU Legislation (Sanctions) (General Provisions) (Jersey) Order 2014, to be read as part of this Order, without modifying any of them.

The Order was made on 5th October 2015 and came into force on 6th October 2015.

### **R&O.117/2015.**

This Order amends the requirements for the registration of premises as a hotel or a guest house under the Tourism (General Provisions) (Jersey) Order 1990. A hotel must now provide dining accommodation that is furnished with sufficient tables for the efficient service of meals at one sitting to at least 30% of resident guests that can be accommodated on the premises. A guest house must now provide a room (other than a bar lounge) that is of adequate size to serve as a dining room and lounge for at least 30% of the guests that can be accommodated on the premises.

Hotels and guest houses are currently required to be suitably constructed or adapted for the provision and service of breakfast, such other meals as may be offered and refreshments. This Order amends that requirement so that hotels and guest houses must be suitably constructed or adapted for the provision of such meals as may be offered and refreshments.

The Order was made on 7th October 2015 and came into force on 14th October 2015.

### **R&O.118/2015.**

This Order prescribes for a ship's gross tonnage to be calculated using the methodology set out in the Shipping (Tonnage) (Jersey) Regulations 2004 for the purposes of determining the limitation of liability under Article 8 of the Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015. It also specifies the description of oil which, when carried in bulk in excess of 2,000 tons, requires a certificate of insurance to be in force under Article 14 of that Law.

The Order was made on 7th October 2015 and Article 4 brings it into force on the same day as the Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 2015.

### **R&O.121/2015.**

This Order amends the Income Support (General Provisions) (Jersey) Order 2008 in relation to the income that is to be disregarded when calculating a household's income for the purpose of assessing entitlement to income support.



The Order provides that 23% of earnings of any adults in the household are to be disregarded (*Article 1(a)*).

The Order removes the provisions that allow 6% of any income derived from an award of long term incapacity allowance, invalidity benefit or a pension or annuity of any person in the household above the upper limit of compulsory school age but under pensionable age (*Article 1(b)*).

The percentage of Income that is to be disregarded, where the income is received by any person in the household from any qualifying maintenance payment, is increased from 10% to 23%. (*Article 1(c)*).

The Order amends the provisions that allow a percentage of income from a pension or annuity of a person in the household who has attained pensionable age to be disregarded. The rate to be disregarded will now vary according to the date when a household became entitled to income support (*Article 1(d) and (e)*).

*The Order was made on 9th October 2015 and comes into force on 1st January 2016.*

### **R&O.122/2015.**

This Order amends the Planning and Building (Public Inquiries) (Jersey) Order 2008 (by *Article 1*, the “principal Order”) to take account of recent changes to the planning appeals system made by amendments to the Planning and Building (Jersey) Law 2002, limiting the role of the Minister and making improvements to procedures.

*Article 2* amends *Article 1* of the principal Order and in particular substitutes a new definition of “eligible person”, a term used throughout the principal Order to refer to those who are entitled to make contributions to a public inquiry and to receive information about the inquiry. *Article 3* amends *Article 3* of the principal Order in relation to the appointment of inspectors to conduct public inquiries. *Article 4* amends *Article 5* of the principal Order as to the matters which are to be specified in the announcement of a public inquiry. *Article 4* amends *Article 6* of the principal Order to provide for the ways in which submissions may be made to a public inquiry (by statements of case, proofs of evidence, or appearance in person). *Article 6* amends *Article 7* of the principal Order to reflect the change to the use of statements of case. *Article 7* amends *Article 8* of the principal Order to make provision for pre-inquiry meetings. *Article 8* revokes *Articles 9, 10, 11 and 15* of the principal Order.

*Article 9* amends *Article 12* of the principal Order in relation to the timetable for submission of proofs of evidence, and *Article 10* substitutes *Article 13* of the principal Order to make further stipulations as to the form and content of such proofs. *Article 11* amends *Article 14* of the principal Order dealing with the conduct of an inquiry by the inspector. *Article 12* adds a further paragraph to *Article 16* of the principal Order to provide that site visits are to be treated, and conducted by inspectors, as a part of the inquiries to which they relate. *Articles 13 and 14* make minor related amendments to *Articles 17* (as to the inspector’s report) and *Article 18* (inspector’s powers of direction) of the principal Order respectively. *Article 15* substitutes *Article 19* of the principal Order, which deals with publication of the inspector’s report by the Minister. *Article 16* makes related amendments updating *Article 20* of the principal Order. *Article 17* revokes *Article 21* of the principal Order.

*Article 18* provides for the citation of this Order and its commencement on the day after it is made.

The Order was made on 12th October 2015 and came into force on 13th October 2015.





## WRITTEN QUESTIONS

(See Item I(a))

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

“Will the Minister outline what laws or other protections are in place to protect pre-existing residents from material changes to shops below, or otherwise adjoining, their properties which cause a nuisance and even disrupt sleep, such as noisy fridges? Similarly, are there laws or guidelines in place regarding the times at which deliveries can be made to such premises? If there are no such safeguards, will the Minister consider what might be done to remedy this?”

2. The Chairman of the Privileges and Procedures Committee will table an answer to the following question asked by Deputy M. Tadier of St. Brelade –

“Does the Chairman consider that the dual role of the Bailiff, as Presiding Officer of the States and as President of the Royal Court, should be separated, and if so, when does the Committee intend to bring a proposition to the Assembly seeking to separate those roles?”

3. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy J.A. Hilton of St. Helier –

“In relation to the development of the Esplanade car-park site, the Minister has assured the States Assembly and the public on a number of occasions that the States of Jersey Development Company has entered into a fixed price contract with no risk to the public. Is this still the case, given that the contamination costs to date and related anticipated costs may not have been included in the fixed price contract? Furthermore, is the Minister still able to assure the States Assembly there is no risk to the public?”

4. The Minister for Social Security will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

“Can the Minister produce for members any documents which have resulted from the research carried out by her department into the impact of the Income Support and other benefit cuts on levels of relative low income for pensioner households; those containing children and those with a disability? If she cannot will she state why?”

Will the Minister further explain to members how her statement that “The department has not decreased in any way the income support to those with disabilities” can be justified in the light of the removal of the 6% disregard for Long Term Incapacity Allowance income which will reduce incomes for those with a disability by £7 on average and by £12 for those with a 100% award?”

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

“Will the Minister produce for the States any documents containing the results of the consultation that took place with the Citizens Advice Bureau, the Jersey Child Care Trust and Age Concern prior to the publication of the benefit cuts proposals? If she cannot, will she explain why?”



6. The Minister for Social Security will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

“In the absence of a new Income Distribution Survey (I.D.S.) due by the end of 2015, does the Minister accept that the low income (poverty) threshold of 60% of median income after housing costs derived from the 2009/2010 I.D.S., today stands at £348 (£522 x 60% x 11.1% AEI growth) and if not, what figure does she have for this threshold?”

Will the Minister also explain to members why changes to benefit rates were not held over until the results of the I.D.S. 2015 were available in order to assess what their impact would be?”

7. The Minister for Social Security will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

“Given the low income threshold derived from the Income Distribution Survey 2009-2010 after housing costs (£348) will the Minister detail for members what impact benefits cuts have had relative to this low income threshold on:

- lone parents;
- people with disability;
- new pensioners; and
- current pensioners?”

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

“Will the Minister inform members of the full schedule of closures of hospital beds due to take place over the coming months, along with the reasons for the closures and which wards are due to be subject to the closures?”

In particular, will he inform members of the increase in orthopaedic waiting lists and give reasons for the closure of orthopaedic beds in the face of any increased demand?”

9. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy S.Y. Mézec of St. Helier –

“How much is the yearly rent paid for Andium Homes’ new offices compared to their previous premises and how much was spent on relocation and redecoration at the new premises?”

10. The Minister for Economic Development will table an answer to the following question asked by Deputy S.Y. Mézec of St. Helier –

“How does the Minister explain the 17% reduction in Gross Value Added for agriculture in 2014 as shown in Table 3 of the “Measuring Jersey’s Economy: G.V.A. and G.D.P., 2014” report published on 30th September 2015? What measures, if any, will the Minister be proposing to reverse any potential decline in agriculture?”



11. The Chief Minister will table an answer to the following question asked by Deputy S.Y. Mézec of St. Helier –

“At what point was the Chief Minister aware of the resignation of Mr. Kevin Keen from his post as adviser with the States of Jersey? How long did it take for Mr. Keen’s resignation to be made public and why did it take this long? Will the government be seeking someone new to fill the post?”

12. The Chief Minister will table an answer to the following question asked by Deputy S.Y. Mézec of St. Helier –

“Following the publication of the ‘Measuring Jersey’s Economy: G.V.A. and G.D.P., 2014’ report which shows that Jersey’s Gross Value Added per head has dropped by 19% since 2007 to £38,800, what impact does the Chief Minister believe austerity measures, including the new proposed health tax, cuts to income support and a public sector pay freeze, will have on this figure? Has any official advice been sought on this matter and if not, why not?”



## ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

### Questions without notice 2015

<b>November 3rd</b>	Social Security	Chief Minister
<b>November 17th</b>	Home Affairs	Treasury and Resources
<b>December 1st</b>	Education, Sport and Culture	Chief Minister
<b>December 14th</b>	Health and Social Services	Economic Development