



STATES OF JERSEY ORDER PAPER

25th SEPTEMBER 2018

SUMMARY

- 9.30 a.m. Communications by the Presiding Officer and other announcements
- Appointments, matters of privilege, petitions
- Election of a Member and an Associate Member to represent the States of Jersey on the British-Irish Parliamentary Assembly
 - Resignation of Deputy Kevin Glyn Pamplin of St. Saviour from the Economic Affairs Scrutiny Panel
- Approx. 9.40 a.m. Summary of written questions
- Up to 2 hours Oral questions with notice
- Urgent questions (if any)*
- Up to 30 minutes, divided between the two Ministers Oral questions without notice:
- Minister for the Environment
 - Minister for Treasury and Resources
- Statements (if any)*
- Approx. 11.45 p.m. **Ratification of the Agreement between the Government of Jersey and the Government of the United Kingdom of Great Britain and Northern Ireland for the Elimination of Double Taxation with respect to Taxes on Income and on Capital Gains and the Prevention of Tax Evasion and Avoidance (P.97/2018)**
- Standing Orders of the States of Jersey: rescindment of Standing Order 141A(2)(c) (P.101/2018)**
- Arrangement of public business at subsequent meetings

Lunch adjournment likely around 12.45 p.m., until 2.15 p.m.

If business is not completed by around 5.30 p.m. the Assembly usually adjourns for the evening and will resume its meeting at 9.30 a.m. on Wednesday 26th and Thursday 27th September 2018 if necessary.



STATES OF JERSEY ORDER PAPER

25th SEPTEMBER 2018

CONSOLIDATED

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Sea Fisheries (Bag Limits) (Amendment No. 2) (Jersey) Order 2018. R&O.92/2018.
Minister for the Environment.

European Union (Repeal and Amendment) (Jersey) Law 2018 R&O.93/2018.
(Commencement) (Jersey) Order 2018.
Minister for External Relations.

Taxation (Exchange of Information with Third Countries) (Amendment of R&O.94/2018.
Regulations) (Jersey) Order 2018.
Minister for External Relations.

* Royal Court (Amendment No. 23) Rules 2018. R&O.95/2018.
Superior Number of the Royal Court.

* Service of Process (Amendment No. 3) Rules 2018. R&O.96/2018.
Superior Number of the Royal Court.

C. DOCUMENTS PRESENTED

Governance Arrangements for Health and Social Care. R.120/2018.
Presented: 13th September 2018, *Comptroller and Auditor General.*

Andium Homes: Annual Report 2017. R.121/2018.
Presented: 17th September 2018, *Minister for Treasury and Resources.*

Tourism Development Fund: Annual Report 2017. R.122/2018.
Presented: 18th September 2018, *Minister for Economic Development, Tourism, Sport and Culture.*

States of Jersey Law 2005: delegation of functions – Minister for Economic R.123/2018.
Development, Tourism, Sport and Culture – delegations to Assistant Ministers
September 2018.
Presented: 18th September 2018, *Minister for Economic Development, Tourism, Sport and Culture.*

States of Jersey Law 2005: delegation of functions – Minister for Health and R.124/2018.
Social Services – delegations to Assistant Minister September 2018.
Presented: 19th September 2018, *Minister for Health and Social Services.*

States of Jersey Law 2005: delegation of functions – Minister for Education – R.125/2018.
delegations to Assistant Minister September 2018.
Presented: 20th September 2018, *Minister for Education.*



* Office of the Comptroller and Auditor General: Annual Report and Accounts for the year ended 31 December 2017. R.126/2018.
Presented: 25th September 2018, *Comptroller and Auditor General*.

* Land Transactions under Standing Order 168(3) – La Palloterie, Les Marais Avenue, La Route de la Haule, St. Lawrence – sale of Assisted House Purchase property. R.127/2018.
Presented: 25th September 2018, *Minister for Infrastructure*.

D. NOTIFICATION OF LODGED PROPOSITIONS

Draft Amendment (No. 37) of the Standing Orders of the States of Jersey. P.103/2018.
Lodged: 18th September 2018, *Privileges and Procedures Committee*.

Importation of Waste for treatment in the Jersey Energy from Waste plant. P.104/2018.
Lodged: 20th September 2018, *Minister for Infrastructure*.

* Immigration (Biometric Information) (Jersey) Order 2018: extension to Jersey by Order in Council. P.105/2018.
Lodged: 24th September 2018, *Chief Minister*.

* Draft Sexual Offences (Consequential Amendments) (Jersey) Regulations 201-. P.106/2018.
Lodged: 24th September 2018, *Minister for Home Affairs*.

* Draft Marriage and Civil Status (Sexual Offences Amendment) (Jersey) Regulations 201-. P.107/2018.
Lodged: 24th September 2018, *Minister for Home Affairs*.

* Draft Sexual Offences (Jersey) Law 2018 (Appointed Day) Act 201-. P.108/2018.
Lodged: 24th September 2018, *Minister for Home Affairs*.

E. WITHDRAWAL OF LODGED PROPOSITIONS

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

(Explanatory note attached)

Election of a Member and an Associate Member to represent the States of Jersey on the British-Irish Parliamentary Assembly.

Resignation of Deputy Kevin Glyn Pamplin of St. Saviour from the Economic Affairs Scrutiny Panel.

G. MATTERS OF PRIVILEGE

H. PETITIONS



I. QUESTIONS

(a) – Written Questions

(attached)

- WQ.150/2018 1. The Minister for Economic Development, Tourism, Sport and Culture will table an answer to a question asked by Deputy J.M. Maçon of St. Saviour regarding plans to commemorate the 75th anniversary of Liberation Day.
- WQ.151/2018 2. The Minister for Treasury and Resources will table an answer to a question asked by Deputy R.J. Ward of St. Helier regarding pay awards to employees of States-owned bodies.
- WQ.152/2018 3. The Minister for Infrastructure will table an answer to a question asked by Deputy R.J. Ward of St. Helier regarding measures to encourage cycling in Jersey.
- WQ.153/2018 4. The Chief Minister will table an answer to a question asked by Deputy R.J. Ward of St. Helier regarding the appointment of Assistant Ministers.
- WQ.154/2018 5. The Minister for Social Security will table an answer to a question asked by Deputy R.J. Ward of St. Helier regarding the usage of food banks in Jersey.
- WQ.155/2018 6. The Chief Minister will table an answer to a question asked by Deputy R. Labey of St. Helier regarding the establishment of a Sterling – Cryptocurrency exchange in Jersey.
- WQ.156/2018 7. The Chairman of the Privileges and Procedures Committee will table an answer to a question asked by Senator S.Y. Mézec regarding the impact of the Bailiff and Deputy Bailiff presiding in the States Assembly.
- WQ.157/2018 * 8. ***This question has been deferred to the sitting of 9th October 2018 to allow the department to collate the required data.***
(The Chairman of the States Employment Board will table an answer to a question asked by Deputy M.R. Le Hegarat of St. Helier regarding the 'One Gov' modernisation of the States of Jersey.)
- WQ.158/2018 9. The Minister for Treasury and Resources will table an answer to a question asked by Senator K.L. Moore regarding the contingency allocation.
- WQ.159/2018 10. The Minister for Health and Social Services will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding recruitment and retention in mental health services.
- WQ.160/2018 11. The Minister for Education will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding a breakdown of funding for States non-fee-paying schools.
- WQ.161/2018 12. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding funding for an Income Distribution Survey.
- WQ.162/2018 13. The Minister for Children and Housing will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the sale of social rental housing by Andium Homes.
- WQ.163/2018 14. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding parking spaces provided by social housing providers.
- WQ.164/2018 15. The Minister for Environment will table an answer to a question asked by Deputy C.S. Alves of St. Helier regarding the use of ground-based photovoltaic arrays.
- WQ.165/2018 16. The Minister for Infrastructure will table an answer to a question asked by Deputy C.S. Alves of St. Helier regarding States-owned buildings in which asbestos is present.



- WQ.166/2018 17. The Minister for Social Security will table an answer to a question asked by Deputy C.S. Alves of St. Helier regarding the introduction of a diffuse mesothelioma payments scheme.
- WQ.167/2018 18. The Minister for Education will table an answer to a question asked by Deputy C.S. Alves of St. Helier regarding the level of headroom funding in the Island's 11 to 16 schools.
- WQ.168/2018 19. The Minister for Health and Social Services will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the prospect of tobacco sales being banned in Jersey.
- WQ.169/2018 20. The Minister for Health and Social Services will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the banning of smoking in places where children are present.
- WQ.170/2018 21. The Minister for the Environment will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding air quality in the Tunnel.
- WQ.171/2018 22. The Minister for Treasury and Resources will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the impact of the removal of marginal relief for non-resident pensioners.
- WQ.172/2018 23. The Chairman of the States Employment Board will table an answer to a question asked by Deputy L.M.C. Doublet of St. Saviour regarding the provision of breastfeeding facilities in States of Jersey work places.

(b) – Oral Questions

(120 minutes)

- OQ.127/2018 1. The Connétable of St. Ouen will ask the following question of the Minister for the Environment –
- “What plans does the Minister have to engage with bodies such as the Jersey Landlords’ Association to ensure that the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018 is implemented successfully?”
- OQ.128/2018 2. Deputy R.J. Ward of St. Helier will ask the following question of the Chairman of the States Employment Board –
- “Will the Chairman request the Communications Unit to issue a new statement about public sector pay awards, taking into account the information contained in the response to Written Question 136/2018?”
- OQ.129/2018 3. Deputy G.P. Southern of St. Helier will ask the following question of the Chief Minister –
- “What consideration, if any, has the Chief Minister given to the findings of the Social Metrics Commission’s report ‘A new measure of poverty for the U.K.’ and their applicability to Jersey; and, if none, will he undertake to review that report and, in particular, the aim of reducing income inequality for children, lone parents and households containing a person with a disability?”
- OQ.131/2018 4. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Health and Social Services –
- “Will the Minister provide the date on which the Legislative Drafting Office was given the instruction to amend the Misuse of Drugs (Jersey) Law 1978 to reflect the reclassification of Bedrocan and Tilray medication?”



OQ.126/2018 5. Senator S.Y. Mézec will ask the following question of the Chairman of the Privileges and Procedures Committee –

“Will the Chairman undertake to bring proposals to the Assembly to establish the office of elected Speaker so that the first Speaker may take office upon the retirement of the current Bailiff?”

OQ.133/2018 6. Senator S.C. Ferguson will ask the following question of the Minister for Health and Social Services –

“What plans does the Minister have to review and, if necessary, update the proposals for reform of health and social care services set out in P.82/2012, lodged on 11th September 2012?”

OQ.130/2018 7. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Infrastructure –

“Will the Minister state what information his Department considered when deciding to outsource cleaning and gardening services to ‘responsible employers’, particularly in respect of whether the terms and conditions offered were “appropriate to the sector they were operating in” and of how these terms related to those found in the States of Jersey?”

OQ.132/2018 8. Deputy M. Tadier of St. Brelade will ask the following question of the Chief Minister –

“Is it the Chief Minister’s assessment that the level of support for the recent e-petition on rental price caps highlights the critical nature of housing affordability in the private sector; and will he give an undertaking that all options, including various forms of rent control, will be explored in the work of the future Affordable Housing Policy Development Board?”

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

1st question period – Minister for the Environment

2nd question period – Minister for Treasury and Resources

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

L. PUBLIC BUSINESS

Ratification of the Agreement between the Government of Jersey and the Government of the United Kingdom of Great Britain and Northern Ireland for the Elimination of Double Taxation with respect to Taxes on Income and on Capital Gains and the Prevention of Tax Evasion and Avoidance.
Lodged: 3rd August 2018, *Minister for External Relations.*

P.97/2018.

Standing Orders of the States of Jersey: rescindment of Standing Order 141A(2)(c).

Lodged: 23rd August 2018, *Deputy R. Labey of St. Helier.*

P.101/2018.



M. ARRANGEMENT OF PUBLIC BUSINESS

9th October 2018

23rd October 2018

Public impact of Propositions: proposed amendment to Standing Orders. P.96/2018.
Lodged: 3rd August 2018, *Deputy G.C.U. Guida of St. Lawrence.*

Public impact of Propositions: proposed amendment to Standing Orders P.96/2018.
(P.96/2018) – comments. Com.
Presented: 23rd August 2018, *Privileges and Procedures Committee.*

Public impact of Propositions: proposed amendment to Standing Orders P.96/2018.
(P.96/2018) – comments. Com.(2).
Presented: 10th September 2018, *Chief Minister.*

Public impact of Propositions: proposed amendment to Standing Orders (P.96/2018) – amendment. P.96/2018.
Lodged: 20th August 2018, *Deputy S.M. Wickenden of St. Helier.* Amd.

Public impact of Propositions: proposed amendment to Standing Orders (P.96/2018) – second amendment. P.96/2018.
Lodged: 22nd August 2018, *Senator S.C. Ferguson.* Amd.(2)

Ratification of the Agreement between Jersey and the Principality of Liechtenstein for the Elimination of Double Taxation with Respect to Taxes on Income and on Capital and the Prevention of Tax Evasion and Avoidance. P.102/2018.
Lodged: 30th August 2018, *Minister for External Relations.*

6th November 2018

Draft Amendment (No. 37) of the Standing Orders of the States of Jersey. P.103/2018.
Lodged: 18th September 2018, *Privileges and Procedures Committee.*

Importation of Waste for treatment in the Jersey Energy from Waste plant. P.104/2018.
Lodged: 20th September 2018, *Minister for Infrastructure.*

* **Immigration (Biometric Information) (Jersey) Order 2018: extension to Jersey by Order in Council.** P.105/2018.
Lodged: 24th September 2018, *Chief Minister.*

* **Draft Sexual Offences (Consequential Amendments) (Jersey) Regulations 201-.** P.106/2018.
Lodged: 24th September 2018, *Minister for Home Affairs.*

* **Draft Marriage and Civil Status (Sexual Offences Amendment) (Jersey) Regulations 201-.** P.107/2018.
Lodged: 24th September 2018, *Minister for Home Affairs.*

* **Draft Sexual Offences (Jersey) Law 2018 (Appointed Day) Act 201-.** P.108/2018.
Lodged: 24th September 2018, *Minister for Home Affairs.*



20th November 2018

4th December 2018

Rejection of Planning Application relating to Retreat Farm, La Rue de La Frontière, St. Mary and Rue des Varvots, St. Lawrence: rescindment of Ministerial Decision. P.100/2018.

Lodged: 20th August 2018, *Deputy S.M. Wickenden of St. Helier.*

L.-M. HART
Deputy Greffier of the States

24th September 2018

Note –

In accordance with the meeting dates fixed for 2018 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 26th and Thursday 27th September 2018.

An asterisk * in the left-hand margin denotes either a new item added to this Order Paper since the Order Paper was first published on 6th September 2018, or an item which has been altered or moved.



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.95/2018.

Royal Court (Amendment No. 23) Rules 2018.

These Rules of Court amend the Royal Court Rules 2004 (“the principal Rules”).

Rule 1 defines the principal Rules.

Rule 2 amends Rule 3/1 of the principal Rules to provide that –

- (a) the Probate Division of the Royal Court shall become known as the “Probate and Protection” Division; and
- (b) its jurisdiction will encompass, in addition to the jurisdiction of the existing Probate Division, the determination of matters concerning –
 - (i) lasting powers of attorney (LPAs) under Part 2, and declarations and decisions, appointments of delegates, and directions, under Part 4, of the Capacity and Self-Determination (Jersey) Law 2016; and
 - (ii) the appointment and discharge of *tuteurs*, and the giving of directions, under the Children’s Property and Tuteurs (Jersey) Law 2016.

Rule 3 inserts –

- (a) a new Part 14A in the principal Rules which will apply to proceedings in which the Royal Court exercises jurisdiction under Part 2 or Part 4 of the Capacity and Self-Determination (Jersey) Law 2016;
- (b) a new Part 14B in the principal Rules which would apply to proceedings in which the Court exercises jurisdiction under Part 2 of the Mental Health (Jersey) Law 2016.

Rule 4 inserts a new Part 15C in the principal Rules which will apply to appeals to the Royal Court from the Mental Health Review Tribunal under –

- (a) Article 54 of the Mental Health (Jersey) Law 2016; and
- (b) Article 58 of the Capacity and Self-Determination (Jersey) Law 2016.

Rule 5 inserts a new Part 16B in the principal Rules which will apply to TEO proceedings in the Royal Court under the Counter-Terrorism and Security Act 2015 as extended to Jersey by the Counter-Terrorism and Security (Jersey) Order 2017. (“TEO” refers to a temporary exclusion order imposed by the Minister for Home Affairs under the 2015 Act requiring an individual not to return to Jersey except in accordance with a permit issued by the Minister.)

Rule 6 amends Part 18 of the principal Rules (Registration of title, hypothecs, *etc.*) to take account of the Stamp Duties and Fees (Amendment) (Jersey) Law 2018 under which stamp duty is no longer payable by means of revenue stamps.

Rule 7 amends Schedule 1 to the principal Rules (listing provisions of the principal Rules in which references to “the Court” do not include references to the Judicial Greffier) to add certain additional provisions within that Schedule.

Rule 8 inserts a new Schedule 3 to the principal Rules which sets out a form of oath to be taken by a person appointed as a delegate under the Capacity and Self-Determination (Jersey) Law 2016.

Rule 9 is the citation provision.

These Rules of Court were made by the Superior Number of the Royal Court on 24th September 2018 and come into force on 1st October 2018.



R&O.96/2018.

Service of Process (Amendment No. 3) Rules 2018.

These Rules of Court amend the Service of Process Rules 1994 (“the 1994 Rules”).

Under Rule 5 of the 1994 Rules, leave is required for service out of the jurisdiction. Leave may be given under, among other provisions, Rule 7(o) of the 1994 Rules where the claim is made under the Proceeds of Crime (Cash Seizure) (Jersey) Law 2008 (“the 2008 Law”).

The reference in Rule 7(o) to the 2008 Law is now out-of-date, that Law having been repealed and replaced by the Forfeiture of Assets (Civil Proceedings) (Jersey) Law 2018 (“the 2018 Law”) which came into force on 22nd August 2018.

These Rules amend Rule 7(o) by replacing the reference to the 2008 Law with a reference to the 2018 Law.

These Rules were made by the Superior Number of the Royal Court on 24th September 2018 and came into force forthwith.



APPOINTMENTS

(See Item F)

BRITISH-IRISH PARLIAMENTARY ASSEMBLY

Following the recent elections it is necessary to appoint a Member and an Associate Member to represent the States of Jersey on the British-Irish Parliamentary Assembly (BIPA). Senator J.A.N. Le Fondré was appointed as Member during the term of the last States Assembly with Deputy K.C. Lewis of St. Saviour as the Associate Member. The Associate Member is invited to attend meetings of BIPA if the Member is unavailable.

Nominations will firstly be invited from the floor at the meeting for the position of Member and each nomination will need to be seconded (in accordance with Standing Order 102). If there is more than one nomination, a secret ballot will be held. If no candidate receives a majority of votes cast in the ballot the candidate with the lowest number of votes will withdraw from the contest and a further secret ballot will be held. This process will be repeated as necessary until one candidate receives a majority of votes cast.

Nominations will then be invited from the floor for the position of Associate Member. The selection process will be identical to the process set out above.

Those appointed will remain in office until the election of 2022.

Background Information

Jersey was invited to join the British-Irish Inter-Parliamentary Body (as BIPA was known until 2008) in 2000 although Jersey's initial involvement was limited. The history of the Body is available on its website (www.britishirish.org).

The running of the Body and the control of its business is in the hands of a Steering Committee consisting of 3 Members from Dublin, 3 from Westminster, and 3 from among the other participating institutions, led by the 2 Co-Chairmen, one from Westminster and one from Dublin. The 3 Crown Dependencies have one place on the Committee between them and this is filled on an annual rotation basis. Jersey has filled the Crown Dependency place on the Committee in 2017 and will next do so in 2020.

The Body is funded by grant-in-aid from the Treasury in London and the Department of Finance in Dublin. The day-to-day administration is carried out by 2 Clerks, one from Dublin and one from Westminster, with assistance from several of their colleagues from both jurisdictions.

There are normally 2 Plenary sessions every year, of a day and a half or 2 days each, which provide a forum for the mutual exchange of views between parliamentarians. The practice to date has been to alternate Plenaries between Ireland and the UK (although one plenary was held in the Isle of Man in 2010) and they have usually been held at venues other than Dublin and London. Each Plenary has a Question Time at which a Minister from the host country answers Questions (of which notice is given in the Programme of Business) put by Members of both parliaments - which can lead to a Minister from one jurisdiction having to deal with extremely probing supplementaries from Members from the other. Apart from the Ministerial Statement and Questions, the main business is always a debate on a motion on Recent Political Developments. At first, those debates were held in private on the grounds that politicians from Ireland and Great Britain would feel inhibited about discussing sensitive issues with journalists in attendance. Once the Body found its feet, however, it became routine to hold all debates in public, even those on sensitive security issues; and a private sitting is now a very rare event - and then only to discuss domestic, organisational matters.

The primary function of Plenary Sessions is to provide a forum for debate and the exchange of views, while the day-to-day work of the Body is carried out through its 4 Committees: Committee A deals with Sovereign (i.e. East-West) Matters, Committee B covers European Affairs, Committee C is concerned with Economic Affairs, and Committee D with Environmental and Social Affairs. Each Committee has a



Chairman from one delegation and a Shadow Chairman from the other, so that the British and the Irish each have 2 full Chairmanships. They are supported by 4 Clerks from Westminster and, from the Irish side, 2 officers from the Department of Foreign Affairs. The Steering Committee assigns each full Member of the Body and each Associate to one of the 4 Committees, normally by agreement with the person concerned, and with an eye both to party-political balance and equality of representation from the delegations. Jersey did not initially participate in Committee work but after his appointment in 2013 then Deputy Le Fondré became a member of Committee C.

The total membership of the Body at present is –

- 25 members of the Oireachtas (plus up to 20 Associate members);
- 25 members of the UK Parliament (including peers) (plus up to 20 Associate members);
- 5 members of the National Assembly for Wales (plus up to 4 Associate members);
- 5 members of the Northern Ireland Assembly (plus up to 4 Associate members);
- 5 members of the Scottish Parliament (plus up to 4 Associate members);
- one member of Tynwald (plus one Associate member);
- one member of the States of Jersey (plus one Associate member);
- one member of the States of Guernsey (plus one Associate member).

In recent years Jersey has been represented by former Senator A. Breckon (2006 to 2012), the late Connétable D.J. Murphy of Grouville (2012 to 2013) and Senator Le Fondré (2013 to date). All have attended Plenary sessions on a regular basis and have made useful contacts for the Island.

The cost of participation is not excessive with the only expense being the fares and hotel accommodation which are paid by each jurisdiction and not by the host. The External Relations Department has made an officer available to accompany Jersey's Member to recent plenary sessions and this has been done at the expense of that Department.



ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

Questions without notice 2018

October 9th	Children and Housing	Chief Minister
October 23rd	External Relations	Social Security
November 6th	Home Affairs	Chief Minister
November 20th	International Development	Infrastructure
December 4th	Health and Social Services	Chief Minister