

STATES OF JERSEY ORDER PAPER

Tuesday 29th January 2008

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Shipping (Fees) (Jersey) Order 2008. R&O.9/2008.
Minister for Economic Development.

Road Traffic (Public Parking Places – Charges) (Jersey) Order 2008. R&O.11/2008.
Minister for Transport and Technical Services.

Income Support (General Provisions) (Jersey) Order 2008. R&O.12/2008.
Minister for Social Security.

Income Support (Transitional Provisions) (Jersey) Order 2008. R&O.13/2008.
Minister for Social Security.

Health Insurance (Determination of Claims and Questions) (Jersey) Order 2008. R&O.14/2008.
Minister for Social Security.

Health Insurance (Consequential Amendments) (Jersey) Order 2008. R&O.15/2008.
Minister for Social Security.

Health Insurance (Evidence) (Jersey) Order 2008. R&O.16/2008.
Minister for Social Security.

Invalid Care Allowance (Jersey) Order 2008. R&O.17/2008.
Minister for Social Security.

Social Security (Consequential Amendments) (Jersey) Order 2008. R&O.18/2008.
Minister for Social Security.

Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) R&O.19/2008.
(Amendment No. 5) (Jersey) Order 2008.
Minister for Social Security.

C. DOCUMENTS PRESENTED OR LAID

Review of the Proposed Waterfront Development: Esplanade Square, Les Jardins de la Mer and La Route de La Libération. S.R.2/2008.
Presented: 21st January 2008.
Corporate Services Scrutiny Panel.

D. NOTIFICATION OF LODGED PROPOSITIONS

Corporate Management Board: access to meetings and minutes. P.11/2008.
Lodged: 23rd January 2008.

Deputy G.C.L. Baudains of St. Clement.

Draft Public Elections (Amendment No. 2) (Jersey) Law 2008 (Appointed Day) Act 200-. P.12/2008.
Lodged: 25th January 2008.
Privileges and Procedures Committee.

Draft Public Elections (Amendment No. 2) (Jersey) Regulations 200-. P.13/2008.
Lodged: 25th January 2008.
Privileges and Procedures Committee.

E. WITHDRAWAL OF LODGED PROPOSITIONS

In accordance with Standing Order 34(1), the proposers of the following propositions lodged “au Greffe” have informed the Greffier of the States that they are to be withdrawn –

Draft Employment (Amendment No. 4) (Jersey) Law 200. P.178/2007.
Lodged: 21st November 2007.
Minister for Social Security.

Establishment of a Working Party to examine the operation of Third Party Planning Appeals. P.188/2007.
Lodged: 5th December 2007.
Deputy C.J. Scott Warren of St. Saviour.

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

G. MATTERS OF PRIVILEGE

H. PETITIONS

I. QUESTIONS

(a) – Written Questions *(attached)*

1. The Minister for Housing will table an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding the impact of current inflation rates on the housing market.
2. The Chairman of the Privileges and Procedures Committee will table an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding appointments made ‘in camera’.
3. The Minister for Housing will table an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding ‘j’ category house purchases and housing availability.
4. The Chairman of the Privileges and Procedures Committee will table an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding a Machinery of Government review of non elected members.
5. The Minister for Economic Development will table an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding Harbours charges.

6. The Minister for Housing will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding share transfer transactions.
7. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the Imagine Jersey 2035 event.
8. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding proposals to establish the Jersey Enterprise Board.
9. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding Winter Fuel Allowance for those in lodging houses.
10. The Minister for Planning and Environment will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding 'fuel poverty'.
11. The Chairman of the Privileges and Procedures Committee will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the regulation of election expenditure.
12. The Minister for Economic Development will table an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding a Search and Rescue incident in November 2006.
13. The Minister for Economic Development will table an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding parking facilities at Elizabeth Terminal.
14. The Minister for Economic Development will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding Port parking permits.
15. The Minister for Housing will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding protocols to govern the relationship between Housing and property developers.
16. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the Motor Traffic (Third Party Insurance) (Jersey) Law, 1948.
17. The Minister for Health and Social Services will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding incidents of whiplash injuries over the last five years.
18. The Minister for Economic Development will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding bio-fuel production in Jersey.
19. The Minister for Social Security will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the use of the Health Insurance Fund surplus.
20. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the installation of speed humps.
21. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding parking charges and vehicle emission levels.
22. The Minister for Home Affairs will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding an amendment to the Firearms (Jersey) Law 2000.
23. The Minister for Planning and Environment will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the use of the H2, H3 and H4 sites rezoned

by the 2002 Island Plan.

(b) – **Oral Questions**
(90 minutes)

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

“Will the Minister advise members how many applicants for Income Support have been informed exactly what their benefit (including the Household Medical Account) will be as of 28th January 2008, and what it will be after October 2008?”

2. Deputy P.V.F. Le Claire of St Helier will ask the following question of the Minister for Health and Social Services –

“Will the Minister advise whether the ‘out of hours’ GP service is in need of a computer so that doctors can verify records to ensure that they do not prescribe drugs to patients to which they may be allergic and, if so, when will such a computer be provided?”

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

“Will the Minister outline the options available to him to curb the growth of inflation in the Island and state what he intends to do about house price inflation in particular?”

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

“Will the Minister outline the policy of the States of Jersey Police in respect of the recruitment of officers with criminal convictions and the retention of serving officers who acquire criminal convictions, and advise whether this policy is compatible with that followed by the Honorary Police?”

5. Deputy C.J. Scott Warren of St. Saviour will ask the following question of the Minister for Health and Social Services–

“Would the Minister advise members the number of reported incidents of Clostridium Difficile at the General Hospital during 2006 and 2007, whether this infection is currently a significant problem in Jersey and, following the temporary closure of Corbière Ward to new admissions due to an increase in incidents of MRSA, whether a similar provision to ‘Operation Deep Clean’ in U.K. hospitals is considered necessary throughout the General Hospital?”

6. Deputy R.G. Le Herissier of St. Saviour will ask the following question of the Minister for Education, Sport and Culture –

“What policies are in place to ensure that local candidates are able to compete effectively for Principalships in Jersey Secondary Schools?”

7. Deputy W. Mezbourian of St. Lawrence will ask the following question of the Minister for Planning and Environment–

“Those members of the public who attended the recent Imagine Jersey 2035 event overwhelmingly rejected the idea of building on green field sites. Will the Minister please advise the Assembly whether, as a result of the current Island Plan consultation, any green field sites have yet been identified for consideration for rezoning?”

8. Deputy K.C. Lewis of St. Saviour will ask the following question of the Minister for Transport and Technical Services –

“Would the Minister advise whether confidential car registration details, names and personal addresses are supplied to wheel clamping companies and, if so, under what circumstances would such details be given?”

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

“During Oral Question Time on 20th November 2007, the Minister was unable to advise Members of the number of staff that will be required to support the Director to the Civil Aviation Authority and the annual staffing and administration costs: is the Minister now able to provide these details to the Assembly?”

10. Deputy K.C. Lewis of St. Saviour will ask the following question of the Minister for Transport and Technical Services –

“Will the Minister undertake to open the new bus and transport centre beyond 7 p.m. to enable waiting bus passengers to shelter from inclement weather, and if not, why not?”

11. Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the Chairman of Privileges and Procedures Committee –

“Would the Chairman update the Assembly as to the progress his Committee is making in delivering the States’ decision to introduce a Freedom of Information Law?”

12. The Connétable of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Would the Minister advise what work has been carried out by his Department to ensure that local businesses are ready for the implementation of GST?”

13. The Connétable of St. Helier will ask the following question of the Minister for Transport and Technical Services -

“Would the Minister state the balance of funds in the Car Parks Trading Account and agree to investigate using some of these funds to provide later operating times for car park lifts?”

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

1st question period – Minister for Housing

2nd question period – Chief Minister

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

L. PUBLIC BUSINESS

200-. Lodged: 25th October 2007. <i>Minister for Social Security.</i>	
Draft Advocates and Solicitors (Amendment No. 4) (Jersey) Law 200-. Lodged: 7th December 2007. <i>Chief Minister.</i>	P.189/2007.
Draft Court of Appeal (Amendment No. 8) (Jersey) Law 200-. Lodged: 7th December 2007. <i>Chief Minister.</i>	P.190/2007.
Draft Legitimacy (Amendment) (Jersey) Law 200-. Lodged: 7th December 2007. <i>Chief Minister.</i>	P.191/2007.
Ratification of the Agreement for the Exchange of Information Relating to Tax Matters between the Kingdom of the Netherlands and the States of Jersey. Lodged: 11th December 2007. <i>Chief Minister.</i>	P.192/2007.
Draft Taxation (Exchange of Information with Third Countries) (Jersey) Regulations 200-. Lodged: 11th December 2007. <i>Chief Minister.</i>	P.193/2007.
Legislation Advisory Panel: appointment of Members. Lodged: 7th January 2008. <i>Chief Minister.</i>	P.3/2008.
Jersey Overseas Aid Commission: appointment of non-States Commissioner. Lodged: 11th January 2008. <i>Deputy J.J. Huet of St. Helier.</i>	P.6/2008.
Draft Act annulling the Employment Relations (Codes of Practice) (Jersey) Order 2007. Lodged: 15th January 2008. <i>Deputy G.P. Southern of St. Helier.</i>	P.9/2008.

M. ARRANGEMENT OF PUBLIC BUSINESS

12th February 2008

Draft Proceeds of Crime (Substitution of Schedule 2) (Jersey) Regulations 200-. Lodged: 24th September 2007. <i>Minister for Treasury and Resources.</i>	P.127/2007.
JT Group Limited (“Jersey Telecom”): proposed sale. Lodged: 9th October 2007. <i>Minister for Treasury and Resources.</i>	P.153/2007.
JT Group Limited (“Jersey Telecom”): proposed sale (P.153/2007) – amendment. Lodged: 26th October 2007. <i>Senator B.E. Shenton.</i>	P.153/2007. Amd.

Corporate Management Board: access to meetings and minutes. P.11/2008.
Lodged: 23rd January 2008.
Deputy G.C.L. Baudains of St. Clement.

26th February 2008

Draft Burials and Exhumations (Amendment) (Jersey) Law 200-. P.195/2007.
Lodged: 19th December 2007.
Chief Minister.

Draft Pilotage (Jersey) Law 200-. P.197/2007.
Lodged: 28th December 2007.
Minister for Economic Development.

Code of Practice for Scrutiny Panels and the Public Accounts Committee. P.198/2007.
Lodged: 28th December 2007.
Chairmen's Committee.

Draft Public Elections (Amendment No. 3) (Jersey) Law 200. P.2/2008.
Lodged: 7th January 2008.
Deputy G.P. Southern of St. Helier.

Draft Public Elections (Amendment No. 3) (Jersey) Law 200 (P.2/2008): P.2/2008.
amendment. Amd.
Lodged: 11th January 2008.
Deputy of St. Martin.

Draft Harbours (Amendment No. 41) (Jersey) Regulations 200. P.4/2008.
Lodged: 8th January 2008.
Minister for Economic Development.

Draft Boats and Surf-Riding (Control) (Amendment No. 27) (Jersey) P.5/2008.
Regulations 200-.
Lodged: 8th January 2008.
Minister for Economic Development.

Re-use and Recycling facilities: capital and revenue funding. P.7/2008.
Lodged: 15th January 2008.
Deputy J.B. Fox of St. Helier.

Waterfront Skateboard and Youth and Community Centre. P.8/2008.
Lodged: 15th January 2008.
Deputy J.B. Fox of St. Helier.

Draft Goods and Services Tax (International Services Entities) (Jersey) P.10/2008.
Regulations 200-.
Lodged: 15th January 2008.
Minister for Treasury and Resources.

11th March 2008

Draft Taxation (Land Transactions) (Jersey) Law 200-. P.185/2007.
Lodged: 4th December 2007.
Minister for Treasury and Resources.

Millennium Town Park: Funding from Strategic Reserve. P.1/2008.
Lodged: 3rd January 2008.
Deputy G.P. Southern of St. Helier.

Draft Public Elections (Amendment No. 2) (Jersey) Law 2008 (Appointed Day) P.12/2008.
Act 200-.
Lodged: 25th January 2008.
Privileges and Procedures Committee.

Draft Public Elections (Amendment No. 2) (Jersey) Regulations 200-. P.13/2008.
Lodged: 25th January 2008.
Privileges and Procedures Committee.

1st April 2008

Jersey Enterprise Board Limited: proposed establishment. P.194/2007.
Lodged: 19th December 2007.
Council of Ministers.

Jersey Enterprise Board Limited: proposed establishment (P.194/2007) – P.194/2007.
amendment. Amd.
Lodged: 28th December 2007.
Deputy J.B. Fox of St. Helier.

Jersey Enterprise Board Limited: proposed establishment (P.194/2007) – P.194/2007.
second amendment. Amd.(2)
Lodged: 15th January 2008.
Public Accounts Committee.

A.H. HARRIS
Deputy Greffier of the States

24th January 2008

Note –

In accordance with the meeting dates fixed for 2008 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 30th January and Thursday 31st January 2008.

Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.9/2008.

This Order increases, by 8%, fees payable in respect of licences, certificates, registration and inspections done under enactments made under the Shipping (Jersey) Law 2002. The increases take effect on 1st March 2008. The fees were last increased on 8th June 2005.

The Order was made on 16th January 2008 and comes into force on 1st March 2008.

R&O.11/2008.

This Order replaces the Road Traffic (Public Parking Places – Charges) (Jersey) Order 2006 (as amended in 2007) in order to increase in line with cost of living increases (rounded to 4%) from 1st February 2008 –

- (a) the value of a parking unit; and
- (b) the charges for season tickets.

These amounts were last increased 12 months earlier.

However, a discounted value for a parking unit and discounted charges for season tickets are introduced this year for vehicles that emit no more than 100 grams of carbon dioxide per kilometre (or in the case of hybrid vehicles, no more than 120 grams of carbon dioxide per kilometre).

The excess charges under the Order are not being increased.

The Order was made on 18th January 2008 and comes into force on 1st February 2008.

R&O.12/2008.

This Order makes certain provision concerning eligibility for income support and provides the mechanism for making claims for income support and special payments, for their determination and for appeals against determinations.

Article 1 contains interpretation provisions.

Part 2 is concerned with residence and membership of a household. *Article 2* prescribes 5 years as the period of ordinary residence necessary for a person to be eligible for income support. This period must be continuous. It must immediately precede the application for income support unless the person has been ordinarily resident in Jersey for a continuous period of at least 10 years.

However, a person who has previously been ordinarily resident for a continuous period of 5 years but less than 10 years need only to be ordinary resident immediately prior to the application for a period equal to the total time he or she has not been ordinarily resident in Jersey since the period of 5 years, less any time he or she has been ordinarily resident in Jersey since the period of 5 years.

Article 3 treats persons currently resident outside Jersey who have their principal residence in Jersey as being ordinary resident here. However, under *Article 4*, persons serving a custodial sentence are not treated as ordinarily resident in Jersey (though the period of residence immediately prior to incarceration is treated as immediately preceding release) and detached workers (those employed by a non-resident employer and covered by another territory's social security provisions) are also not treated as being ordinarily resident here for the period of that employment.

Under *Article 5* people who are married or in a marriage-like relationship and parents and children are treated as being members of the same household. Adult children still in full-time education (unless impaired to a certain

degree) are also treated as being in the household.

Part 3 deals with claims and payments. *Article 6* sets out how to make a claim for income support and circumstances in which it may be backdated. The information to be included in the claim is set out in *Part 1* of *Schedule 1*. *Article 7* is about information and evidence to be provided in support of a claim and in the case of possible entitlement to the impairment component, the determining officer may require an assessment by a health care professional. *Article 8* imposes a duty on adult members of a household to notify the Minister of a change of circumstances. *Article 9* enables the appointment of another person to act on behalf of the claimant in the event of the claimant's incapacity in the absence of any other formal arrangement.

Part 4, *Article 10* and *Schedule 2* are concerned with assessing the income of a household in respect of which income support is claimed.

Part 5 and *Article 11* apply *Articles 6, 7, and 9* to special payments. However the information to be included is that set out in *Schedule 1*, unless the person is part of a household receiving income support in which case it is that set out in *Part 2* of that Schedule.

Part 6 covers determination of claims. *Article 12* sets out the role of the determining officer in determining awards, notifying persons of the award and the reasons for the determination. In the case of a first determination the notification has to inform adult persons in the household of the right to have the matter redetermined within 21 days of the determination and the fact that if it is not exercised there is no further right of appeal. In the case of a second determination they have to be informed of their further rights of appeal. *Article 13* deals with the right of person to have a matter reconsidered by a second determining officer.

Part 7 covers reviews and appeals. *Article 14* sets out the procedure for appealing to a Medical Appeal Tribunal on medical grounds and *Article 15* establishes the Tribunal and provides for the appointment and terms of service of its members. *Article 16* is concerned with Tribunal procedure. *Article 17* provides for appeals on non-medical grounds to go to the Social Security Tribunal and *Article 18* provides for further appeals from either Tribunal to go to the Royal Court and for points of law to be referred to the Royal Court.

Part 8 and *Article 19* name the Order and provide for it to come into force on 28th January 2008.

The Order was made on 21st January 2008 and comes into force on 28th January 2008.

R&O.13/2008.

This Order makes provision for persons in receipt of benefits that cease on the implementation of the new income support scheme, and special provision for persons who move into residential care before new funding arrangements following on from income support are in place.

Article 1 contains definitions.

Article 2 treats applications or information furnished by or on behalf of a household entitled to a benefit under the old regime before the new scheme comes into force as being a valid claim for income support on the day it does come into force. It also treats purported determinations made in advance of the commencement of the scheme as being made on that day.

Article 4 sets out the general conditions that entitle a household to a protected payment. A member of the household must be eligible for and have claimed a "replaced benefit". This means any benefit that ceases to be payable on the commencement of the new income scheme, apart from the Health Insurance Exemption Scheme ("HIE") and, in the case of persons who do not meet the period of ordinary residence required for income support, childcare allowance and the school age discount scheme. The total payable to the person's household in respect of replaced benefits must be at least £2 a week.

A member of the person's household must claim income support to get a protected payment, even if the person or household is not eligible for income support (in which case the income support entitlement will be assessed as nil).

A protected payment is payable in addition to any income support that is payable to the household. A claim for a protected payment must be made within 1 month after the day that the new income support scheme starts and the replaced benefits are abolished (the "appointed day" – now set at 28th January 2008), unless there is sufficient reason for a claim to be made later.

Actual entitlement to a protected payment depends on *Article 3*. First, the household must be entitled to a top-up sum ("TUS"). This is calculated by deducting from the weekly amount of the replaced benefits to which the household was entitled immediately before the appointed day the amount of income support payable to the household on the appointed day. The protected payment is then calculated by taking the amount of the TUS remaining (after any reduction required by *Article 5*), adding to it the amount of income support payable to the household on the appointed day and deducting from that total the current amount of income support payable to the household. Where a protected payment as calculated under *Article 3* is a nil or negative amount, entitlement to a protected payment shall cease.

Article 5 covers changes in entitlement to a protected payment. Where a replaced benefit, if still payable, would have ceased to be payable due to a change in the household's circumstances, the TUS is recalculated on the basis of such other replaced benefits as would nevertheless have been payable immediately before the appointed day (had they not been abolished). The calculation is on the basis that the change in circumstances had existed then and on the basis of the income support that would have been payable on the appointed day if the change in circumstances had existed then. Protected payments are phased out completely after 30th September 2012.

The amount of the top-up sum is subject to the phasing out and percentage reductions set out *Article 6* and the *Schedule* as follows:

- (1) In the case of a household whose calculated income puts it more than 3 times over the amount that would entitle it to income support, the TUS is phased out completely from 1st October 2008.
- (2) In the case of a household other than as described in (1) above, where the TUS is more than 25% of the household's calculated income plus its income support payment on the appointed day, the TUS is not reduced until 1st October 2008. It is then reduced to 80%. Thereafter the percentage is reduced each year to 60%, 40% and then 20% from 1st October 2011, which date begins the last year in which protected payments are paid.
- (3) In the case of a household other than as described in (1) or (2) above where a member of the household was over 65 or was entitled to attendance allowance, disabled adult's allowance, disabled child's allowance or disability transport allowance, the TUS is not reduced until 1st October 2008. It is then reduced to 75% and thereafter the percentage is reduced each year to 50%, 25% and then 0% from 1st October 2011.
- (4) In any other case the TUS is not reduced until 1st October 2008, when it is reduced to 66% and then the following year to 33% and then 0% from 1st October 2010.

Article 7 provides that in the case of persons in residential care, the TUS is not subject to any reduction under *Article 5* until the Minister has approved a contract for the payment of fees in respect of the person's care.

Article 8 provides that where persons were, immediately prior to the start of the income support scheme, in receipt of benefits relating to the person's medical condition, the household is entitled to specified levels of the impairment component of income support until a determining officer determines entitlement to that component under the Income Support (Jersey) Regulations 2008.

Article 9 is a special provision to cover people who meet the criteria for the highest level of the personal care element of the impairment component of income support and who move into residential care after the appointed day but before the new contracts referred to in relation to *Article 6* are in place. For the period until those contracts apply, there is provision for the Minister to pay to persons in need of assistance who meet the criteria for the level of impairment requiring residential care, such sum as the Minister considers appropriate up to the reasonable cost of providing care to someone of the person's age and level of impairment.

Article 10 applies the provisions of the Income Support (General Provisions) (Jersey) Order 2008 governing claims, determinations and appeals to claims for payment under this Order.

Article 11 provides for the citation of the Order and for it to come into force on 28th January, the day appointed for the new income support scheme to come in.

The Order was made on 21st January 2008 and comes into force on 28th January 2008.

R&O.14/2008.

This Order replaces the Health Insurance (Determination of Claims and Questions) (Jersey) Order 1967. The new

Order provides for a second determination prior to a person being allowed to appeal to the Social Security Tribunal and applies the procedure for appeals to that Tribunal under the relevant social security legislation to appeals under the Health Insurance legislation.

The Order was made on 21st January 2008 and comes into force on 28th January 2008.

R&O.15/2008.

This Order makes changes to 2 Orders made under the Health Insurance (Jersey) Law 1967 and revokes the Health Insurance (Persons over Compulsory Insurance Age) (Jersey) Order 1967, as it is no longer the policy to prescribe a form to be used by persons over compulsory insurance age. The other changes are consequential on changes to the 1967 Law or related to the introduction of income support. In particular the changes reflect the situation that all adults are now to be insured persons in their own right and the abolition of means tested higher rates of medical benefit (“HIE”).

The Order was made on 21st January 2008 and comes into force on 28th January 2008, when the Income Support (Jersey) Law 2007 comes into force.

R&O.16/2008.

This Order revises and replaces a similar Order made under the Health Insurance (Jersey) Law 1967 consequential on changes to the 1967 Law made by the Income Support (Jersey) Law 2007, and reflects the situation that all adults are now to be insured persons in their own right.

The Order was made on 21st January 2008 and comes into force on 28th January 2008.

R&O.17/2008.

This Order repeals and replaces an earlier Order that covered disability allowances as well as invalid care allowance. This Order reproduces the provisions covering invalid care allowance with no substantial amendment, save that there is now provision for determination by a second determining officer. The disability allowances are being replaced by the new income support scheme and this Order comes into force on 28th January 2008, when the new income support scheme comes in.

The Order was made on 21st January 2008 and comes into force on 28th January 2008.

R&O.18/2008.

This Order makes amendments to certain Orders made under the Social Security (Jersey) Law 1974. These amendments are largely consequential on the replacement of certain non-contributory benefits with income support and changes to the Social Security (Jersey) Law 1974 made by the Income Support (Jersey) Law 2007. Further modifications have been made to assimilate as far as possible the adjudication procedures for income support and social security. In particular, changes are made to the Social Security (Determination of Claims and Questions) (Jersey) Order 1974 consequent on there now being a redetermination by a second determining officer before there can be any appeal, and to provide for the constitution of the Social Security Tribunal. There is also a new provision inserted into that Order that provides that an appeal shall be treated as abandoned where the applicant fails to provide further particulars required by the Tribunal within a given time. The procedure for both the Social Security Tribunal and the Medical Appeal Tribunal that deals with disabled questions now mirror that

for the Medical Appeal Tribunal governing income support appeals on medical grounds.

The Order was made on 21st January 2008 and comes into force on 28th January 2008, when the Income Support (Jersey) Law 2007 comes into force.

R&O.19/2008.

This Order provides for pharmaceutical benefit to be supplied on prescription without charge. It amends the Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Jersey) Order 2002 (“principal Order”).

Article 1 is an interpretation provision.

Article 2 amends *Article 7* of the principal Order by removing the provisions relating to prescription charges. Previously the standard prescription charge was £2.10; the prescription charge for items described in Part 1 of Schedule 4 was 70p. *Article 2* also makes consequential amendments to the principal Order by removing provisions relating to the Health Insurance Exception card that exempts the card holder from prescription charges.

Articles 3 and 4 make further consequential amendments to the principal Order by removing references to prescription charges in that Order.

Article 5 sets out the title of this Order and provides that it will come into force on 1st February 2008.

The Order was made on 21st January 2008 and comes into force on 1st February 2008.

WRITTEN QUESTIONS

(See Item I(a))

1. The Minister for Housing will table an answer to the following question asked by Deputy P.V.F. Le Claire of St. Helier -

“With current rates of inflation in house prices allegedly at 20 per cent, what does the Minister propose to do to address the problems in the current housing market for those who are on low to middle incomes?”

2. The Chairman of the Privileges and Procedures Committee will table an answer to the following question asked by Deputy P.V.F. Le Claire of St. Helier -

“In July 2006 the issue of appointments in-camera led to consideration of a review of future appointments, for which the Privileges and Procedures Committee circulated an extensive list; some of which were covered by law. Would the President update members as to the progress that has been made, if any, in these areas?

Will the Chairman advise whether changes will be brought to the States to remove the need for uncontentious appointments to be made in-camera and if so, will he ensure that amendments to the list of appointments can be brought if desired by States members?”

3. The Minister for Housing will table an answer to the following question asked by Deputy P.V.F. Le Claire of St. Helier -

“On 4th December 2007 it was alleged by Deputy G.P. Southern of St. Helier that J category house purchases represented 7% of the market, despite the fact that this sector equated to only 2% of the population. Does the Minister agree with these calculations and, if so, does he consider that this is affecting the movement within the housing market and the availability of housing in Jersey?”

4. The Chairman of the Privileges and Procedures Committee will table an answer to the following question asked by Deputy P.V.F. Le Claire of St. Helier -

“Does the Privileges and Procedures Committee plan to begin a consultation process regarding the Review of the Machinery of Government in relation to the non-elected members of the States?”

5. The Minister for Economic Development will table an answer to the following question asked by Deputy P.V.F. Le Claire of St. Helier -

“What increases, if any, have been made in Harbours fees which reflect the cost of living of 4.3% rather than the States recommended anti inflationary level of 2.5%?”

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

“Will the Minister inform members what proportion of new-build flats have been offered for sale as share transfer transactions over the past two years and advise how many of these have been sold as block purchases to either local or overseas investors?”

Can the Minister advise the proportion of properties, including 3-bed houses that are purchased by those with qualifications, either resident or not, as investments, thereby reducing the housing stock available for purchase?

Does he accept that with house prices continuing to rise faster here than in other parts of the United Kingdom, the attraction of the Jersey housing market for investment purposes is increasing and if so, will he advise what action, if any, he plans to take to protect the interests of locals who wish simply to purchase and occupy housing?”

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

“Will the Chief Minister explain to members why the proposals to set up the Jersey Enterprise Board (JEB) were released to the Corporate Services Scrutiny Panel in June 2007 on a strictly confidential basis and will he advise why the proposition (Jersey Enterprise Board Limited: proposed establishment P.194/2007) was not lodged until late December 2007?”

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

- (a) Will the Chief Minister explain to members why no meaningful figures for the Social Security contribution rates required to break even on pension provision to 2035 were given to participants who attended the “Imagine Jersey 2035” event on 19th January?
- (b) Will he agree to release the figures produced in the Actuarial Report on the condition of the Social Security Fund of December 2000 updated for current projections to members and thereby to the public so that they can be more fully informed about some of the options for coping with demographic change?
- (c) Does the Chief Minister accept that the inclusion of non-mutually exclusive options in Section 6 of the “Imagine Jersey 2035” on-line survey undermines the validity of any results produced?
- (d) Does he further accept that the inclusion of 2 factors (housing the elderly and housing immigrants) in Section 7 of the survey calls any results into serious doubt?
- (e) Furthermore, does the Chief Minister accept that the change in formulation between questions during the conduct of the 2035 consultation on 19th January from “should people (in general) work longer?” to “how much additional tax would you pay?” to fund the elderly skewed the results and rendered them invalid for comparison purposes?
- (f) Will the Chief Minister inform members how much the “Imagine Jersey 2035” consultation cost and how much was paid to the “Involve” organisation for their contribution to the

consultation process, and what elements they were responsible for / contributed to? In the light of the basic survey design flaws indicated above, does the Chief Minister consider that value for money was achieved from “Involve”?

- (g) Can the Chief Minister confirm that the scenarios of net annual inward migration levels 325 and 650 heads of households (700 and 1400 persons) in the 2035 consultation were set by economic growth targets of 1% and 2% respectively? Is it not the case that the current economic growth target is 2% and if so, does he accept that this may result in population growth of up to 1400?
- (h) Does the Chief Minister accept that economic growth of 7% and the associated rise in immigration of 700 in 2006 is unsustainable? What information does the Chief Minister have on whether this trend will continue into 2007? What targets will he set for managing or controlling growth in 2008?
- (i) Would the Chief Minister explain how using population growth to solve the demographic problem of the ageing society can be effective in the long term, given that the increased population will itself age and eventually cost more? Is he prepared to accept that the most sustainable solution is to accept lower economic growth and higher tax/contributions at some stage?
- (j) Will the Chief Minister release to members the results of the questions posed to the public during the Imagine Jersey 2035 consultation day, which were already in his possession on the following day, and if not why not?
- (k) Will the Chief Minister outline for members the extent of the involvement, if any, of the Corporate Management Board in the research and planning of the Imagine Jersey 2035 consultation process, and will he release to members any notes or minutes of such involvement?

9. 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 release to members the number of recipients of Income Support who are resident in lodgings and who will not qualify for a Winter Fuel Allowance under his department’s regulations? Will he further inform members what the estimated cost of their inclusion would be?

Will the Minister also inform members what evidence he has to support his Assistant Minister’s assertion in the debate on this issue on 16th January 2008, that many lodgers’ heating bills are not separate but included in overall rent?”

10. The Minister for Planning and Environment will table an answer to the following question asked by Deputy G.P. Southern of St. Helier -

“Recently published U.K. figures show a rise in households suffering from “fuel poverty” to 4.4 million; what are the equivalent figures in Jersey? What measures, if any, will the Minister introduce to eliminate such poverty and in particular what consideration will he give to the introduction of social tariffs for poorer households or measures to improve the energy efficiency of housing?”

11. The Chairman of the Privileges and Procedures Committee will table an answer to the following question asked by Deputy G.P. Southern of St. Helier -

“Will the Chairman advise whether his Committee proposes to register “lobby organisations” who wish to involve themselves in elections, and if not how does he propose to regulate or restrict in a proportionate manner such activities?

Would he advise whether he proposes to regulate or police “money received from donations or professional services” knowingly received by candidates and if so, how?

What “wide-ranging assistance” will continue to be allowed from “volunteers”, and what activities, if any, will be disallowed?

Will the Chairman advise whether he proposes to regulate and police any “websites that are created for the purposes of encouraging the electorate to vote for or against any particular candidates” and if so, how?

How will the Committee propose to act, should it prove necessary, if such websites are hosted in the USA or elsewhere?

Will the Chairman agree to the release of the law drafting instructions on these matters to members in order that they may gain early insight into what is to be proposed and be ready to work on any improvements that may be needed in a timely manner, and if not why not?”

12. The Minister for Economic Development will table an answer to the following question asked by Deputy S.S.P.A. Power of St. Brelade -

“Can the Minister explain the circumstances surrounding a SAR (Search and Rescue Incident) on the 30th November 2006 involving the French Yacht ‘Pamplemousse’? If there was human error on the part of Marine Officer staff, is the Minister satisfied that recruitment procedures for such posts are adequate, and what other action has been taken so as to maintain the highest standards?”

13. The Minister for Economic Development will table an answer to the following question asked by Deputy S.S.P.A. Power of St. Brelade -

“Will the Minister advise whether the parking control barriers at the car-park at the Elizabeth Terminal have been broken and inoperable for about three months, thereby allowing free 24 hour parking at this car-park and if so, would he confirm when this situation will be rectified ?

Can the Minister estimate the lost income to the Harbours Department?”

14. The Minister for Economic Development will table an answer to the following question asked by Deputy R.G. Le Hérissier of St. Saviour -

“Which groups, if any, were consulted concerning the recent proposed increases in charges for Port Parking Permits?

How do the recent proposed increases in Port Parking Permit charges accord with the Minister's expressed desire to increase economic returns from Marina activities?”

15. The Minister for Housing will table an answer to the following question asked by Deputy R.G. Le

Hérissier of St. Saviour -

“What specific protocols are in place to govern relationships between the Minister of Housing and property developers?”

16. The Minister for Transport and Technical Services will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement -

“The Motor Traffic (Third Party Insurance) (Jersey) Law, 1948, allows vehicles owned by certain persons (eg States of Jersey, Parishes and persons who have deposited certain funds with the Accountant-General of the Supreme Court of England in accordance with section 144 (1) of the Road Traffic Act, 1988 of the UK) to be used without a third party insurance policy.

Would the Minister advise the amount that is currently required under that Act?”

17. The Minister for Health and Social Services will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement -

“Would the Minister advise whether his Department keeps statistics relating to car whiplash injuries and, if so, would he give figures for each of the last five years?”

18. The Minister for Economic Development will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement -

“Would the Minister advise whether he is currently investigating the possibility of bio-fuel production in Jersey? If so, would he further advise:

- (a) whether he is working in conjunction with the Minister for Planning & Environment,
- (b) approximately how many vergées of land he believes may be available for such an enterprise,
- (c) whether he is contemplating a States’ owned processing plant or a co-operative,
- (d) which type of crop he believes would be most appropriate, or whether he is considering a range of different ones?”

19. The Minister for Social Security will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement -

“With regard to his recent decision to dispense with prescription charges, can the Minister confirm that this will not be achieved by using cheaper, less effective, brands of drug?”

Would the Minister confirm that his decision was based on addressing a surplus in the Health Insurance Fund (established under Article 30 of the Health Insurance (Jersey) Law, 1967) that subsidises prescriptions and, if so, state whether he considered using the surplus to assist with

other medical charges, such as dentists' fees? If the Fund cannot be used for other medical charges, has the Minister considered bringing an amendment to the Health Insurance (Jersey) Law, 1967?"

20. The Minister for Transport and Technical Services will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement -

"Would the Minister advise how long his Department has been installing speed humps which combine a pedestrian crossing, approximately how many exist, and whether his Department has any safety concerns with such an arrangement?"

21. The Minister for Transport and Technical Services will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement -

"With regard to his recent decision to adjust parking charges according to a vehicle's emission levels, would the Minister:

- (a) advise why he has chosen exhaust emissions instead of lifetime carbon footprint and if his decision was based on concern about the possible effect on climate change caused by transport, would he advise whether this was based on conclusive evidence; in which event would he give references for this scientific evidence?
- (b) advise whether he has considered the implications on the less well-off who are unable to afford the latest more energy efficient models?
- (c) advise the current level of emission of 3-nitrobenzanthrone and 1.8-dinitropyrene from the Connex bus fleet, together with the level of CO₂, expressed in kg CO₂/ passenger mile.

22. The Minister for Home Affairs will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement -

"With reference to answers to an oral question on 15th January 2008, regarding the carrying of weapons such as knives, would the Minister clarify whether the amendment to the Firearms (Jersey) Law 2000 to which she referred is already in place, or whether it is a matter which will come before the States for debate in due course? Further, as knives are clearly not firearms, would she explain why she has chosen the Firearms Law as the appropriate vehicle with which to address this issue?"

23. The Minister for Planning and Environment will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement -

"Would the Minister, with regard to the H2, H3 and H4 sites rezoned in the 2002 Island Plan, update members as to how many homes have been envisaged, but not yet built, on each of those sites?"

ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

1st Session –

	First 15 minute period	Second 15 minute period
	Minister	Minister
12th February	Education, Sport and Culture	Transport & Technical Services
26th February	Health and Social Services	Chief Minister
11th March	Economic Development	Planning and Environment
1st April	Social Security	Chief Minister
29th April	Home Affairs	Housing
13th May	Treasury and Resources	Chief Minister
3rd June	Transport & Technical Services	Economic Development
17th June	Health and Social Services	Chief Minister
1st July	Planning and Environment	Education, Sport and Culture
15th July	Social Security	Chief Minister