



## STATES OF JERSEY ORDER PAPER

Monday 22nd September 2014  
CONSOLIDATED

### A. COMMUNICATIONS BY THE PRESIDING OFFICER

### B. TABLING OF SUBORDINATE ENACTMENTS

*(Explanatory note attached)*

Road Traffic (St. Saviour) (Amendment No. 8) (Jersey) Order 2014. R&O.153/2014.  
*Minister for Transport and Technical Services.*

Community Provisions (Restrictive Measures – Russia) (Amendment) (Jersey) Order 2014. R&O.154/2014.  
*Minister for External Relations.*

Community Provisions (Restrictive Measures – Ukraine) (Amendment No. 10) (Jersey) Order 2014. R&O.155/2014.  
*Minister for External Relations.*

Medical Practitioners (Registration) (General Provisions) (Jersey) Order 2014. R&O.156/2014.  
*Minister for Health and Social Services.*

Medical Practitioners (Registration) (Responsible Officers) (Jersey) Order 2014. R&O.157/2014.  
*Minister for Health and Social Services.*

\* Financial Services Ombudsman (Exempt Business) (Jersey) Order 2014. R&O.158/2014.  
*Minister for Economic Development.*

### C. DOCUMENTS PRESENTED OR LAID

\* Freedom For Life Ministries: grant from Criminal Offences Confiscation Fund (P.123/2014) – comments. P.123/2014.  
Presented: 19th September 2014. Com.  
*Minister for Home Affairs.*

\* Draft Budget Statement 2015 (P.129/2014): fifth amendment (P.129/2014 Amd.(5)) – comments. P.129/2014.  
Presented: 19th September 2014. Amd.(5)Com.  
*Public Accounts Committee.*

\* Sex Discrimination Consultation: summary of responses. R.137/2014.  
Presented: 19th September 2014.  
*Minister for Social Security.*

\* Scrutiny and Public Accounts Committee Legacy Report: November 2011 – November 2014. R.138/2014.  
Presented: 22nd September 2014.  
*Chairmen's Committee.*

\* Trackers Apprentice Programme (S.R.8/2014): response of the Minister for Education, Sport and Culture. S.R.8/2014.  
Presented: 19th September 2014. Res.  
*Minister for Education, Sport and Culture.*



- \* Health and Social Services Integrated Care Records Programme (P.A.C.2/2014): P.A.C.2/2014.  
response of Departments. Res.  
Presented: 19th September 2014.  
*Public Accounts Committee.*

#### **D. NOTIFICATION OF LODGED PROPOSITIONS**

- \* Draft Pet Travel Scheme (Amendment) (Jersey) Regulations 201-. P.150/2014.  
Lodged: 22nd September 2014.  
*Minister for Planning and Environment.*

#### **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 Treasury and Resources will table an answer to a question asked by Senator A. Breckon regarding Dwelling Houses Loan Fund withdrawals in each of the last 10 years.
2. The Minister for Treasury and Resources will table an answer to a question asked by Senator A. Breckon regarding when presentations were made to potential investors regarding the issue of a £250 million bond.
3. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding waste disposal charges applied to all third sector charities.
4. The Minister for Planning and Environment will table an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade charges for planning applications for all third sector charities.
5. The Chief Minister will table an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding the promotion of the employment of older skilled local residents.
6. 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 speed limits across the Island.
7. 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 sea defences and the monitoring of sea levels.
8. 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 drainage works at Snow Hill.



9. The Chairman of the Privileges and Procedures Committee will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the publication of members' attendance levels.
10. The Minister for Health and Social Services will table an answer to a question asked by the Connétable of St. John regarding clinical waiting times.
11. The Chief Minister will table an answer to a question asked by Deputy J.A.N. Le Fondrè of St. Lawrence regarding the significant reduction in the income forecasts compared to those included in the Medium Term Financial Plan.
12. The Minister for Treasury and Resources will table an answer to a question asked by Deputy J.A.N. Le Fondrè of St. Lawrence regarding when States members were informed of the significant reduction in income forecasts.
13. The Minister for Treasury and Resources will table an answer to a question asked by Deputy J.H. Young of St. Brelade regarding the substantial increase in the budget forecast in States income in 2016 and 2017 compared with the latest forecast for 2014.
14. The Minister for Treasury and Resources will table an answer to a question asked by Deputy J.H. Young of St. Brelade regarding the reliability of the financial forecasts.

**(b) – Oral Questions**

(120 minutes)

1. The Connétable of St Mary will ask the following question of the Chairman of the Privileges and Procedures Committee –

“Does the Chairman consider it satisfactory that complainants under the States Members Code of Conduct are not, as a matter of routine, contacted by the Committee to discuss their complaints or advised of the progress of proceedings and, in the absence of such communication, how does the Committee ensure that all elements of complaints are fully understood and dealt with?”
2. Deputy M.R. Higgins of St Helier will ask the following question of the Minister for Home Affairs –

“Will the Minister advise members whether the States of Jersey Police have failed to prosecute an alleged cyber-bully who has been making death threats and, if so, would he advise why?”
3. Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the Chief Minister –

“Does the Chief Minister consider that agencies like Andium should be subject, as soon as possible, to the full provisions of the Freedom of Information (Jersey) Law 2011?”
4. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Treasury and Resources –

“Given the anticipated rental income from States’ tenants of £50m per annum and the £28m return to States together with £12m per year average maintenance spend, could the Minister, as the shareholder representative, advise what the balance will be spent on?”



5. Deputy J.A.N. Le Fondre of St. Lawrence will ask the following question of the Minister for Treasury and Resources –

“Could the Minister confirm whether there has been a further worsening of the income position of approximately £5m compared to the figures included in the Budget, as identified on page 22 of the CIPFA report forming part of the scrutiny review of the budget, and are there any indications at all as to whether the position has changed since this June position was identified?”

6. Deputy J. H. Young of St. Brelade will ask the following question of the Minister for Treasury and Resources –

“Will the Minister disclose the variances reported by the States Income Monitoring reports for July and August 2014 and confirm whether these reports confirm the opinion of the Controller of Income Tax and his staff reported to CIPFA on 1st August 2014 (recorded in Para 4.13 of SR12/2014) that “the tax yield would be even worse than the established forecast position for 2014”.

7. The Connétable of St. John will ask the following question of the Minister for Health and Social Services –

“Would the Minister provide details of the average hospital waiting times to see specialists in all departments, particularly the eye clinic and will she advise whether there was some disruption in senior staffing in the eye department recently and, if so, explain how has this been resolved?”

8. Deputy J.A.N. Le Fondré of St Lawrence will ask the following question of the Minister for Treasury and Resources -

“Do the States have a structural deficit?”

9. Deputy R.G. Le Hérisier of St. Saviour will ask the following question of the Minister for Social Security -

“Will the Minister be introducing measures to reduce the cost of GP services to residents, particularly those under financial stress and, if so, when?”

10. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Health and Social Services –

“Given the Minister's indication that she takes patient complaints seriously, is she satisfied with the standard of treatment which stroke patients receive at Overdale and, if not, will she instigate an immediate independent review of treatment and procedures at that facility?”

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

1st question period – Minister for External Relations

2nd question period – Minister for Home Affairs

**J. PERSONAL STATEMENTS**

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



## L. PUBLIC BUSINESS

Draft Budget Statement 2015. Lodged: 18th July 2014. <i>Minister for Treasury and Resources.</i>	P.129/2014.
Draft Budget Statement 2015 (P.129/2014): amendment. Lodged: 5th September 2014. <i>Deputy J.H. Young of St. Brelade.</i>	P.129/2014. Amd.
Draft Budget Statement 2015 (P.129/2014): amendment (P.129/2014 Amd.) – comments. Presented: 16th September 2014. <i>Minister for Treasury and Resources.</i>	P.129/2014. Amd.Com.
Draft Budget Statement 2015 (P.129/2014): amendment (P.129/2014 Amd.) – amendment. Lodged: 15th September 2014. <i>Deputy J.H. Young of St. Brelade.</i>	P.129/2014. Amd.Amd.
Draft Budget Statement 2015 (P.129/2014): amendment (P.129/2014 Amd.) – second amendment. Lodged: 15th September 2014. <i>Minister for Treasury and Resources.</i>	P.129/2014. Amd.Amd.(2)
Draft Budget Statement 2015 (P.129/2014): second amendment. Lodged: 8th September 2014. <i>Deputy J.H. Young of St. Brelade.</i>	P.129/2014. Amd.(2)
Draft Budget Statement 2015 (P.129/2014): second amendment (P.129/2014 Amd.(2)) – amendment. Lodged: 15th September 2014. <i>Minister for Treasury and Resources.</i>	P.129/2014. Amd.(2)Amd.
Draft Budget Statement 2015 (P.129/2014): third amendment. Lodged: 8th September 2014. <i>Deputy M. Tadier of St. Brelade.</i>	P.129/2014. Amd.(3)
Draft Budget Statement 2015 (P.129/2014): third amendment (P.129/2014 Amd.(3)) – comments. Presented: 16th September 2014. <i>Minister for Treasury and Resources.</i>	P.129/2014. Amd.(3) Com.
Draft Budget Statement 2015 (P.129/2014): fourth amendment. Lodged: 8th September 2014. <i>Minister for Treasury and Resources.</i>	P.129/2014. Amd.(4)
Draft Budget Statement 2015 (P.129/2014): fifth amendment. Lodged: 16th September 2014. <i>Minister for Treasury and Resources.</i>	P.129/2014. Amd.(5)
* Draft Budget Statement 2015 (P.129/2014): fifth amendment (P.129/2014 Amd.(5)) – comments. Presented: 19th September 2014. <i>Public Accounts Committee.</i>	P.129/2014. Amd.(5)Com.



- Draft Finance (2015 Budget) (Jersey) Law 201-. P.141/2014.  
Lodged: 8th August 2014.  
*Minister for Treasury and Resources.*
- Draft Income Tax (Amendment No. 44) (Jersey) Law 201-. P.130/2014.  
Lodged: 18th July 2014.  
*Minister for Treasury and Resources.*
- Freedom For Life Ministries: grant from Criminal Offences Confiscation Fund. P.123/2014.  
Lodged: 25th June 2014.  
*Deputy M.R. Higgins of St. Helier.*
- \* Freedom For Life Ministries: grant from Criminal Offences Confiscation Fund P.123/2014.  
(P.123/2014) – comments. Com.  
Presented: 19th September 2014.  
*Minister for Home Affairs.*
- Draft Road Traffic (No. 61) (Jersey) Regulations 201-. P.140/2014.  
Lodged: 4th August 2014.  
*Minister for Transport and Technical Services.*
- Draft Freedom of Information (Miscellaneous Provisions) (Jersey) P.143/2014.  
Regulations 201-.  
Lodged: 12th August 2014.  
*Chief Minister.*
- Draft Social Security (Amendment No. 22) (Jersey) Law 201-. P.144/2014.  
Lodged: 12th August 2014.  
*Minister for Social Security.*
- Jersey Appointments Commission: appointment of Chairman. P.147/2014.  
Lodged: 26th August 2014.  
*Chief Minister (cannot be debated before 23rd September).*

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

### **25th November 2014**

- Draft Employment of States of Jersey Employees (Amendment No. 7) (Jersey) P.97/2014.  
Regulations 201-.  
Lodged: 21st May 2014.  
*States Employment Board*
- Draft Employment of States of Jersey Employees (Amendment No. 7) (Jersey) P.97/2014.  
Regulations 201- (P.97/2014): amendment. Amd.  
Lodged: 30th June 2014.  
*Chief Minister.*
- Draft Employment of States of Jersey Employees (Amendment No. 7) (Jersey) P.97/2014.  
Regulations 201- (P.97/2014): second amendment. Amd.(2)  
Lodged: 20th August 2014.  
*States Employment Board.*
- Bedrocan BV: possession for treatment purposes – petition. P.126/2014.  
Lodged: 16th July 2014.  
*Deputy M. Tadier of St. Brelade.*



Bedrocan BV: possession for treatment purposes – petition (P.126/2014) – comments. Presented: 9th September 2014. <i>Minister for Health and Social Services.</i>	P.126/2014. Com.
Sativex: possession for treatment purposes – petition. Lodged: 16th July 2014. <i>Deputy M. Tadier of St. Brelade.</i>	P.127/2014.
Sativex: possession for treatment purposes – petition (P.127/2014) – comments. Presented: 8th September 2014. <i>Minister for Health and Social Services.</i>	P.127/2014. Com.
Cannabis: possession of cannabis for treatment purposes – petition. Lodged: 16th July 2014. <i>Deputy M. Tadier of St. Brelade.</i>	P.128/2014.
Cannabis: possession of cannabis for treatment purposes – petition (P.128/2014) – comments. Presented: 8th September 2014. <i>Minister for Health and Social Services.</i>	P.128/2014. Com.
Draft Freedom of Information (Jersey Heritage Trust) (Jersey) Regulations 201-. Lodged: 14th August 2014. <i>Chief Minister.</i>	P.146/2014.
Freedom of Information: extension to companies owned or controlled by the States. Lodged: 16th September 2014. <i>Deputy of Grouville.</i>	P.149/2014.
* Draft Pet Travel Scheme (Amendment) (Jersey) Regulations 201-. Lodged: 22nd September 2014. <i>Minister for Planning and Environment.</i>	P.150/2014.

**M.N. DE LA HAYE, O.B.E.**  
**Greffier of the States**

19th September 2014

**Note –**

**An asterix \* in the left-hand margin denotes either a new item added to this Order Paper since the principal Order Paper was published on 17th September 2014, or an item which has been altered or moved.**



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

(See Item B)

### **R&O.158/2014.**

This Order exempts certain business from being relevant financial services business for the purpose of the Financial Services Ombudsman (Jersey) Law 2014.

*Article 1* defines the Financial Services Ombudsman (Jersey) Law 2014 as the “Law”. It also relies on the definition of “main business” in Article 9(2) of the Law, which allows for some business to be classed as ancillary in relation to other business that is classed as main.

*Article 2* exempts all business except those described in any one or more of the sub-paragraphs of paragraph (2). Sub-paragraphs (a) to (i) of paragraph (2) mainly relate to business that cannot be carried on without registration with, or other permission from, the Jersey Financial Services Commission (“JFSC”) under the Financial Services (Jersey) Law 1998, the Banking Business (Jersey) Law 1991, the Collective Investment Funds (Jersey) Law 1988 or the Insurance Business (Jersey) Law 1996.

Sub-paragraph (a) means that deposit-taking business is not exempt if it must be registered under the Banking Business (Jersey) Law 1991. Sub-paragraph (b) means that deposit-taking business by the Channel Islands Co-operative Society Limited and Community Savings & Credit Limited is not exempt, even though they are exempt from registration with JFSC. Similarly, although industrial and provident societies do not need to register with JFSC to accept sums in the form of withdrawable share capital, sub-paragraph (b) means that that activity is not exempt for the purposes of the Ombudsman scheme.

Sub-paragraph (c) means that money service business is not exempt if it must be registered under the Financial Services (Jersey) Law 1998. Sub-paragraph (d) means that other money service business is not exempt, if the reason that it does not require registration with JFSC is the operation of Article 4 or 5 of the Financial Services (Money Service Business (Exemptions)) (Jersey) Order 2007 (which relate to certain low turnover businesses and registered deposit-taking businesses).

Sub-paragraph (e) means that the business of a functionary, in relation to a recognized fund, is not exempt (but other business in relation to collective investment funds and alternative investment funds is exempt unless caught by any of the other sub-paragraphs).

Sub-paragraph (f) means that general insurance mediation business is not exempt if it must be registered under the Financial Services (Jersey) Law 1998. Sub-paragraphs (g) and (h) mean that insurance business is not exempt if it must be covered by a permit under the Insurance Business (Jersey) Law 1996, or if no permit is required because the insurance business is carried on under authority of another enactment (such as the Jersey Mutual Fire Insurance Society Incorporated (Alteration of Names and Rules) Law 1952).

Sub-paragraph (i) means that investment business is not exempt if it must be registered under the Financial Services (Jersey) Law 1998.

Sub-paragraph (j) means that relevant pension business is not exempt, unless exempted by *Article 3*, which deals with occupational pensions (or by *Article 6*).

Sub-paragraph (k) means that relevant credit business is not exempt, unless exempted by *Article 4*, which deals with store credit, or by *Article 5*, which deals with debt advice (or by *Article 6*).

Sub-paragraph (l) means that relevant ancillary business is exempt, but only if the main business is itself exempt, or if the ancillary business is exempted by *Article 6*, which deals with brokerage that is not the principal business of the person carrying it on (see below).

There are some types of business that appear in Article 9(1) of the Law, but do not appear in *Article 2* of this Order in their own right, and are therefore exempt unless they also fall under one of the other descriptions in this Article in another capacity. They are trust company business under the Financial Services (Jersey) Law 1998 (but for example such business might not be exempt if it relates to pensions); the business of an AIF, of an AIFM or of a service provider under the Alternative Investment Funds (Jersey) Regulations 2012; business falling within paragraph 7 of Part B of Schedule 2 to the Proceeds of Crime (Jersey) Law 1999, for which registration is required under Article 10 of the Proceeds of Crime





(Supervisory Bodies) (Jersey) Law 2008 (but for example such business might not be exempt if it relates to credit); and other forms of business that are exempted from requirements for registration or other permission from JFSC.

*Article 3* exempts relevant pension business carried on by employers in relation to their occupational pension schemes, where the employer's principal business is not financial services. So if the employer relies on an external financial service provider for some or all aspects of the scheme, only the employer's business is exempt and not the financial service provider's (but the employee would only be an eligible complainant if they have the required relationship with the financial service provider, under Article 8(6) of the Law, taking account of the guidelines under that Article). The business will still not be exempt if it also falls under one of the other descriptions in *Article 2(a) to (i)* in another capacity.

*Article 4* exempts relevant credit business carried on by those selling goods or supplying services (other than financial services), where the business mainly comprises the provision of credit by the seller or supplier to the customer to facilitate the sale or supply, and the provision of that credit does not require registration under the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008. Again such business will not be exempt if it also falls under one of the other descriptions in *Article 2(a) to (i)* in another capacity.

*Article 5* exempts relevant credit business that is merely debt-counselling (defined by Schedule 4 to the Law as the giving of advice to debtors about the liquidation of debts due under credit agreements) or debt-adjusting. Any debt-adjusting must only involve "negotiating with the creditor, on behalf of the debtor, terms for the discharge of a debt" (as described in paragraph 5(a) of that Schedule), or similar activity, and must not involve taking over the debtor's obligation to discharge the debt. In addition, the advice or negotiation must not be connected with provision of credit, or brokerage of credit, by the person doing the advising or negotiating. Lastly the service must be provided without charge (and without deriving an income from it), or by a charity, or as an incidental business by a person whose principal business is not financial services in the broader meaning of Article 9(1) of the Law (sub-paragraphs (a) to (e), (h) and (i), which includes relevant credit business). Again such business will not be exempt if it also falls under one of the other descriptions in *Article 2(a) to (i)* in another capacity.

*Article 6* exempts relevant ancillary business if it is brokerage of financial services provided by others, and is carried on incidentally by a person who is not principally a financial service provider. Again such business will not be exempt if it also falls under one of the other descriptions in *Article 2(a) to (i)* in another capacity (such as registered general insurance mediation business). This exemption also only applies to the business of the person acting as the broker, not the business to which introductions are made. So if a shop selling goods refers buyers to a financial service provider for credit, or an employer refers employees to a financial service provider for a pension or other financial service, then that financial service provider's business will not be exempt as such, but the shop's or employer's business in making the referral will be exempt (as long as it is incidental to their principal business).

*Article 7* names the Order and would bring it into force on the commencement of Article 9 of the Law.

The Order was made on 19th September 2014 and comes into force in accordance with Article 7.