



STATES OF JERSEY ORDER PAPER

9th OCTOBER 2018

SUMMARY

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| 9.30 a.m. | Communications by the Presiding Officer and other announcements <i>Appointments, matters of privilege, petitions (if any)</i> |
| Approx. 9.40 a.m. | Summary of written questions |
| Up to 2 hours | Oral questions with notice <i>Urgent questions (if any)</i> |
| Up to 30 minutes, divided between the two Ministers | Oral questions without notice: <ul style="list-style-type: none">• Minister for Children and Housing• Chief Minister <i>Statements (if any)</i> |
| Approx. 12.10 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) 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 10th and Thursday 11th October 2018 if necessary.



STATES OF JERSEY ORDER PAPER

9th OCTOBER 2018

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

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| Capacity and Self-Determination (Miscellaneous Provisions and Prescribed Fees and Forms) (Jersey) Order 2018. <i>Minister for Health and Social Services.</i> | R&O.97/2018. |
| Mental Health (Miscellaneous Provisions and Prescribed Forms) (Jersey) Order 2018. <i>Minister for Health and Social Services.</i> | R&O.98/2018. |
| Mental Health and Capacity (Review Tribunal) (Procedure) (Jersey) Order 2018. <i>Minister for Health and Social Services.</i> | R&O.99/2018. |
| Sea Fisheries (Bag Limits) (Amendment No. 3) (Jersey) Order 2018. <i>Minister for the Environment.</i> | R&O.100/2018. |
| Motor Traffic (Cabs – Fares and Charges) (Amendment) (Jersey) Order 2018. <i>Minister for Infrastructure.</i> | R&O.101/2018. |

C. DOCUMENTS PRESENTED

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|--|---------------------|
| Jersey Competition Regulatory Authority: appointment of Non-Executive Director. Presented: 26th September 2018, <i>Chief Minister.</i> | R.128/2018. |
| States of Jersey Law 2005: delegation of functions – Minister for Children and Housing – housing-related legislation – October 2018. Presented: 4th October 2018, <i>Minister for Children and Housing.</i> | R.129/2018. |
| Residential Property Transactions (S.R.2/2018): response of the Chief Minister. Presented: 27th September 2018, <i>Chief Minister.</i> | S.R.2/2018. Res. |

D. NOTIFICATION OF LODGED PROPOSITIONS

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|---|-------------|
| Draft Road Traffic and Vehicles (Vienna Convention – Miscellaneous Amendments) (Jersey) Regulations 201-. Lodged: 26th September 2018, <i>Minister for Infrastructure.</i> | P.109/2018. |
| Proposed Common Strategic Policy 2018–22. Lodged: 3rd October 2018, <i>Council of Ministers.</i> | P.110/2018. |
| Draft Education (Provided Schools – Amendment of Law No. 2) (Jersey) Regulations 201-. Lodged: 3rd October 2018, <i>Minister for Education.</i> | P.111/2018. |



E. WITHDRAWAL OF LODGED PROPOSITIONS

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

G. MATTERS OF PRIVILEGE

H. PETITIONS

I. QUESTIONS

(a) – Written Questions

(attached)

- WQ.157/2018 1. 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.173/2018 2. The Minister for the Environment will table an answer to a question asked by Deputy J.M. Maçon of St. Saviour regarding the response to the Asian hornet threat to Jersey.
- WQ.174/2018 3. The Minister for Education will table an answer to a question asked by the Deputy of St. Peter regarding the education of visually-impaired children.
- WQ.175/2018 4. The Assistant Minister for Education will table an answer to a question asked by Deputy R.J. Ward of St. Helier regarding the funding of Higher Education students at University College Jersey.
- WQ.176/2018 5. The Minister for Treasury and Resources will table an answer to a question asked by Deputy R.J. Ward of St. Helier regarding pay offers to the controlling executives of States-owned bodies.
- WQ.177/2018 6. The Minister for Economic Development, Tourism, Sport and Culture will table an answer to a question asked by Deputy R.J. Ward of St. Helier regarding the return to States funds arising from the triathlon series brought to Jersey.
- WQ.178/2018 7. The Minister for Economic Development, Tourism, Sport and Culture will table an answer to a question asked by Deputy R.J. Ward of St. Helier regarding busking licences.
- WQ.179/2018 8. The Chairman of the Comité des Connétables will table an answer to a question asked by Senator S.Y. Mézec regarding a workshop held in respect of recruitment to the Honorary Police.
- WQ.181/2018 9. The Minister for Education will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding departmental funding of fee-paying schools.
- WQ.182/2018 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 within mental health services.



- WQ.183/2018** 11. The Minister for Children and Housing will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding a review of the policy underpinning the sale of social rented homes
- WQ.184/2018** 12. The Chairman of the States Employment Board will table an answer to a question asked by Deputy C.S. Alves of St. Helier regarding the subsidising of rents for essential employees.
- WQ.185/2018** 13. The Minister for Infrastructure will table an answer to a question asked by Deputy C.S. Alves of St. Helier regarding the lease agreements for States-owned properties on the Waterfront.
- WQ.186/2018** 14. The Minister for Education will table an answer to a question asked by Deputy C.S. Alves of St. Helier regarding the provisions for students diagnosed with Autism.
- WQ.187/2018** 15. The Minister for Education will table an answer to a question asked by Deputy C.S. Alves of St. Helier regarding the support for students who are home-schooled.
- WQ.188/2018** 16. H.M. Attorney General for will table an answer to a question asked by Senator S.C. Ferguson regarding the constitutionality of the Bailiff ceasing to be President of the States.
- WQ.189/2018** 17. 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 recruitment of Director Generals.
- WQ.190/2018** 18. 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.191/2018** 19. The Minister for Education will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding students taking GCSEs or A-Levels in modern foreign languages.
- WQ.192/2018** 20. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding parking permits on Andium Homes sites.
- WQ.193/2018** 21. The Chief Minister will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding access to, and education in, French in the Island.
- WQ.194/2018** 22. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the value for money of expenditure on communications.
- WQ.195/2018** 23. The Chief Minister will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the survey of health staff in respect of the new hospital development.
- WQ.196/2018** 24. The Minister for Economic Development, Tourism, Sport and Culture will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding grants and loans provided to arable farmers.
- WQ.197/2018** 25. The Minister for Economic Development, Tourism, Sport and Culture will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding grants and loans provided to dairy farmers.
- WQ.198/2018** 26. The Minister for Economic Development, Tourism, Sport and Culture will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding grants and loans to Woodside Farms.



(b) – Oral Questions
(120 minutes)

- OQ.152/2018 1. Deputy M.R. Higgins of St. Helier will ask the following question of the Chief Minister –
- “Given the commitment of the Council of Ministers to put children at the centre of everything we do in the States, why did Ministers or officers not agree earlier to a meeting with the lawyer representing children who had been sent to Les Chênes children’s home?”
- OQ.138/2018 2. Deputy S.M. Ahier of St. Helier will ask the following question of the Minister for Health and Social Services –
- “Will the Minister advise whether there will be an inquiry into whether there was any lack of care, attention and treatment which resulted in the death of an elderly man at the Jersey General Hospital, as reported in the Jersey Evening Post on 21st September 2018, and will he further assure the Assembly that any recommendations arising from any such inquiry will be met with defined and measurable actions?”
- OQ.136/2018 3. Deputy L.M.C. Doublet of St. Saviour will ask the following question of the Minister for Health and Social Services –
- “What was the process behind the decision not to fund a lead midwife with responsibility for breastfeeding and how does this fit in with the commitment of the new Council of Ministers to put children first?”
- OQ.148/2018 4. The Connétable of St. Helier will ask the following question of the Minister for Infrastructure –
- “Further to the reply to my oral question on 18th July 2017, when the Minister’s predecessor said that he would bring forward strategies to encourage travel by bicycle or on foot prior to the end of his term of office, will the Minister advise the Assembly when these strategies will be presented to the States?”
- OQ.137/2018 5. Deputy R. Labey of St. Helier will ask the following question of the Minister for Economic Development, Tourism, Sport and Culture –
- “Will the Chief Minister provide a progress report on implementation of the e-gov project’s People’s Directory, and advise what prospect there is of the People’s Directory being in place within the next 2 years?”
- OQ.142/2018 6. The Deputy of St. John will ask the following question of the Chief Minister –
- “Was an analysis of available parking and ease of accessibility conducted before the La Motte Street location was chosen as a single access point for Islanders who need to make personal contact with front-of-house services such as Social Security and the Taxes Office; and if such a study was conducted, what were the results?”
- OQ.135/2018 7. The Connétable of St. Ouen will ask the following question of the Chairman of the Privileges and Procedures Committee –
- “Does the Privileges and Procedures Committee intend to contribute to the working party established on the Bailiff’s role, in order to ensure that views from across the Chamber contribute to its work?”



- OQ.134/2018 8. Senator K.L. Moore will ask the following question of the Minister for Infrastructure –
- “Will the Minister commit to providing a proper facility for breastfeeding mothers for both staff and members of the public in States-owned buildings such as sports centres, the hospital, the Customer and Local Services department and CAMHS?”
- OQ.143/2018 9. Deputy R.J. Ward of St. Helier will ask the following question of the Assistant Minister for Education –
- “Will the Assistant Minister confirm whether any additional monies from increased student fees for Higher Education courses at Highlands College this year only went directly to funding the costs of delivering Higher Education at the College?”
- OQ.150/2018 10. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Economic Development, Tourism, Sport and Culture –
- “What is the Minister’s assessment of the finding in the Statistics Jersey report, ‘Measuring Jersey’s Economy 2017’, that GDP per head of population has decreased in real terms and will he state what initiatives he has, if any, to address this and thereby to help improve the standard of living of residents?”
- OQ.140/2018 11. Deputy K.G. Pamplin of St. Saviour will ask the following question of the Chief Minister –
- “Will the Chief Minister confirm how many charities have been officially registered by the Charity Commissioner; and will he advise whether any provision has been made for the Commissioner to be provided with extra resources to process anticipated applications?”
- OQ.146/2018 12. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Infrastructure –
- “Further to the recent closure of certain parts of Fort Regent due to fears of asbestos contamination, will the Minister confirm whether the facility is safe for the public and staff; and will he advise whether any other health hazards, including the presence of legionella, have been tested for recently; and, if so, what were the results?”
- OQ.144/2018 13. Deputy R.J. Ward of St. Helier will ask the following question of the Minister for Treasury and Resources –
- “Will the Minister confirm the amount of money available from the current M.T.F.P. for restructuring of the public sector; and will she advise how much of this has been spent and how much money is left of contingency funding for 2019?”
- OQ.141/2018 14. Deputy K.G. Pamplin of St. Saviour will ask the following question of the Minister for Health and Social Services –
- “Given the recent report from the Comptroller and Auditor General on the governance arrangements for health and social care, in which she concluded that such arrangements were inadequate, will the Minister advise what measurable actions are being taken in response?”
- OQ.153/2018 15. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Treasury and Resources –
- “Following her answers in the States on 23rd September 2018 regarding the *de minimis* level for goods imported into the Island and whether they are subject to G.S.T., will the Minister provide an update on whether she plans to bring in new proposals on this matter in the Budget?”



- OQ.151/2018 16. Deputy G.P. Southern of St. Helier will ask the following question of the Chief Minister –
- “What measures is the Chief Minister considering to improve productivity to reduce population pressures, as stated in the Proposed Common Strategic Policy 2018 – 2022 (P.110/2018)?”
- OQ.147/2018 17. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Education –
- “Will the Minister explain what policy underpins Article 19 of the Education (Jersey) Law 1999 in determining what constitutes an “*act of worship*” for the purposes of the law; and will she advise what enforcement of this Article is carried out, if any?”
- OQ.149/2018 18. The Connétable of St. Helier will ask the following question of the Minister for Home Affairs –
- “What assessment has the Minister made of whether Jersey is a safe place in which to live and whether there are sufficient police resources available to ensure public safety, especially in urban areas during the hours of darkness?”
- OQ.139/2018 19. Deputy S.M. Ahier of St. Helier will ask the following question of the Minister for Health and Social Services –
- “Will the Minister inform the Assembly whether the Hospital has a recycling policy and, if not, will he assure members that such a policy will be introduced for the new hospital to insure that glass, plastic, cans and other recyclables are not put in with general waste?”
- OQ.145/2018 20. Deputy L.M.C. Doublet of St. Saviour will ask the following question of the Chief Minister –
- “Further to announcements from the U.K. Prime Minister that legislation there will be changed to allow mixed-sex couples the option of having a civil partnership, what plans, if any, are there for such provision to be made in Jersey’s legislation?”

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

1st question period – Minister for Children and Housing

2nd question period – Chief Minister

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.

P.97/2018.

Lodged: 3rd August 2018, *Minister for External Relations.*



M. ARRANGEMENT OF PUBLIC BUSINESS

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

Draft Road Traffic and Vehicles (Vienna Convention – Miscellaneous Amendments) (Jersey) Regulations 201-. P.109/2018.
Lodged: 26th September 2018, *Minister for Infrastructure.*



Proposed Common Strategic Policy 2018–22. P.110/2018.
Lodged: 3rd October 2018, *Council of Ministers*.

Draft Education (Provided Schools – Amendment of Law No. 2) (Jersey) Regulations 201- P.111/2018.
Lodged: 3rd October 2018, *Minister for Education*.

Draft Motor Vehicles (Removal from Private Land) (Jersey) Law 201- P.112/2018.
Lodged: 5th October 2018, *Minister for Home Affairs*.

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*.

DR. M. EGAN
Greffier of the States

4th October 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 10th and Thursday 11th October 2018.



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.97/2018.

Capacity and Self-Determination (Miscellaneous Provisions and Prescribed Fees and Forms) (Jersey) Order 2018.

This Order makes provision as to various matters of detail which are to be prescribed in relation to the operation of, and under powers in, the Capacity and Self-Determination (Jersey) Law 2016 (by *Article 1*, the “Law”) and the Capacity and Self-Determination (Supervision of Delegates etc.) (Jersey) Regulations 2018 (again by *Article 1*, the “Regulations”), including forms to be used for the purposes of the Law and Regulations, and fees chargeable under them.

Articles 2 to 6 and 11(1) relate to lasting powers of attorney under Part 2 of, and the Schedule to, the Law. *Article 2* prescribes the information which must be included in every lasting power of attorney, as to the effect of such an instrument. *Article 3* specifies the persons who may act as witnesses to the execution of a lasting power of attorney. *Article 4* prescribes the fees payable upon registration (a reduced fee is payable by anyone in receipt of a qualifying benefit). *Article 5* prescribes the 4 week period for registration, and *Article 6* specifies requirements for disclaimer of a lasting power of attorney. *Article 11(1)* provides that the form of an instrument conferring a lasting power of attorney and of an application for registration of a lasting power of attorney are those made available online by the Minister at www.gov.je/lastingpowerofattorney.

Articles 7 to 9 relate to supervision of delegates and to the fees which may be charged by delegates, under Part 4 of the Law and under Regulations 15 and 18 of the Regulations. *Article 7* prescribes the fees which may be charged by the Viscount for supervision of delegates. *Article 8* sets out the basis on which fees and expenses may be charged by delegates, both those who have been appointed by the Court and those who, having been curators, are now delegates by operation of Regulation 22 of the Regulations. Such payment (which must be reasonable and proportionate) may include the delegate’s own fees (in the case of a Court-appointed delegate, where the Court has so directed) and repayment of expenses incurred in employing other professionals. Since fees and expenses are payable out of the estate of the person on whose behalf the delegate acts, *Article 8* also requires that annual plans for, and reports of, expenditure and income, and inventories of the estate are to be supplied to the Judicial Greffe (except by delegates who are not professional delegates, as provided by *Article 8(2)(b)*). *Article 9* sets out a scale of (maximum) charges in relation to fees of delegates other than professional delegates.

Article 10 specifies, for the purposes of Article 56 of the Law (monitoring of authorizations of restrictions on liberty) information which must be disclosed to the Minister by certain persons, including the managers of places in which such restrictions are imposed.

Article 11(2) prescribes, for various purposes of the Law, the forms which are set out in the Schedule.

Article 12 gives the title by which this Order may be cited and provides for it to come into force immediately following the commencement of the Law.

The Order was made on 28th September 2018 and came into force on 1st October 2018.

R&O.98/2018.

Mental Health (Miscellaneous Provisions and Prescribed Forms) (Jersey) Order 2018.

This Order makes provision for miscellaneous matters which are to be prescribed under the Mental Health (Jersey) Law 2016 (the “Law”), and in particular (by *Article 6* and Part 2 of the Schedule) prescribes forms to be used for certain applications, nominations and authorizations etc. under the Law.

Article 1 is an interpretation provision. *Articles 2 and 3* specify the training and experience requirements for, respectively, authorized officers under Article 6 of the Law and approved practitioners under Article 16



of the Law. *Article 4* states the qualifications which are required for a registered medical practitioner to act as a SOAD (second opinion approved doctor) under Part 6 of the Law (treatment requiring consent). *Article 5* re-enacts provision previously in Article 11 of the Mental Health (General Provisions) (Jersey) Order 1971, which is revoked upon the commencement of the Law, to enable the age of a patient to be determined where the age is not known or cannot be ascertained by reference to Jersey registers. (A form of certificate of age is prescribed in Part 2 of the Schedule.)

Article 7 gives the title by which this Order may be cited and provides for it to come into force immediately after the commencement of the Law.

The Order was made on 28th September 2018 and came into force on 1st October 2018.

R&O.99/2018.

Mental Health and Capacity (Review Tribunal) (Procedure) (Jersey) Order 2018.

This Order replaces the Mental Health (Review Tribunal) (Procedure) (Jersey) Order 1971, and makes updated provision to reflect the Mental Health Review Tribunal's new role under both the Mental Health (Jersey) Law 2016 (the "Mental Health Law") and the Capacity and Self-Determination (Jersey) Law 2016 (the "Capacity Law").

Article 1 is the interpretation provision. *Article 2* states the overriding objective of the Order, which is to enable a Tribunal to deal with cases fairly and justly. *Article 3* permits the Tribunal, with that objective in mind, to encourage parties to seek alternative dispute resolution where this would be proportionate to the issues to be considered.

Articles 4 to 8 deal with matters prior to a hearing by the Tribunal. However, procedural requirements which are prescribed by these Articles, and by *Articles 11 to 26* (which deal with hearings and related matters) are to be read subject to the overriding objective, and also to the wide discretion conferred on the Tribunal by *Article 10*, which enables the Tribunal largely to regulate its own procedures, including by making practice directions.

Article 4 makes provision for applications to the Tribunal, and in particular sets out the matters which all applications (whether they are made in a form and manner set out by the Tribunal, or in writing to the same effect) must include. *Article 5* requires the Tribunal to notify the "responsible authority" (defined in Article 1 as the manager of an approved establishment under the Mental Health Law or of the relevant place under the Capacity Law, or the Minister in a case of guardianship) of an application made to it. *Article 6* sets out the information which the responsible authority must then supply to the Tribunal, namely the factual information and reports specified further in the Schedule to this Order, described (together with any documentary evidence) as the "authority's statement". The authority must also give access to documents (including psychiatric records) in its possession, to the Tribunal and to the applicant, upon request, subject to the restriction in *Article 6(3)* where the applicant is a patient, and also to the ability to specify "restricted matters" – that is, matters which in the authority's opinion should not be disclosed to the applicant or the patient (if the applicant is not the patient), for which provision is made by *Article 7*. Under *Article 8* the Tribunal must provide the applicant with a copy of the authority's statement and the opportunity to comment on it, and must also give notice of the application to the Minister, or as the case may be to a private guardian, and (again, subject to certain restrictions in *Article 7(4)*) may give notice to the patient's nearest person. *Article 9* requires the president to appoint the members of the Tribunal who are to hear an application.

Article 11 permits the parties (that is, the applicant, the responsible authority and any other person to whom notice has been given under *Article 8*) to be represented in their dealings with the Tribunal.

Article 12 confers power on the medical member of the Tribunal to examine a patient in order to form an opinion of the patient's mental condition.

Article 13 requires the Tribunal to provide the parties with copies of all documents and information sent to the Tribunal for the purposes of the proceedings, and to give them a reasonable opportunity to consider such documents and information. *Article 14* permits the Tribunal to call for evidence and examine witnesses, including on oath. *Article 15* makes provision for withdrawal of applications, and by *Article 15(2)* proceedings are deemed to be withdrawn if a patient ceases to be liable to be detained or



subject to guardianship or if a person (“P” within the meaning of Part 5 of the Capacity Law) ceases to be subject to a standard authorization.

Article 16 requires the Tribunal to determine an application by way of a hearing, unless the Tribunal otherwise directs, either under *Article 10* where a hearing on the papers is considered appropriate, or under *Article 16(2)* where the Tribunal is satisfied that it would be detrimental to the patient to do so, or disproportionate to do so in the light of the overriding objective.

Article 17 makes provision as to the conduct of hearings. In particular, they must be conducted in private unless the applicant requests otherwise or the Tribunal is satisfied that a public hearing would not be detrimental to the patient. *Article 18* confers additional miscellaneous powers on the Tribunal to interview persons, request information, and adjourn or resume hearings.

Article 19 provides that a decision of the Tribunal must be a majority decision and makes provision as to how the decision is to be recorded and to whom it must be communicated. *Article 20* requires the Tribunal to send a statement of reasons for the decision to the applicant and to the responsible authority. Where there is no decision disposing of an application by the appointed members, *Article 21* permits the president to appoint further members.

Article 22 makes provision as to extensions of time allowed, and *Article 23* deals with the sending of notices, under the Order. *Article 24* gives the Tribunal power to correct clerical or other errors or irregularities.

Article 25 gives the title by which this Order may be cited and provides for it to come into force on 1st October 2018, i.e. the date of commencement of the Mental Health Law and the Capacity Law.

The Order was made on 28th September 2018 and came into force on 1st October 2018.

R&O.100/2018.

Sea Fisheries (Bag Limits) (Amendment No. 3) (Jersey) Order 2018.

This Order amends the Sea Fisheries (Bag Limits) (Jersey) Order 2016 to set the bag limit for bass (*Dicentrarchus labrax*) on any day to one fish during the months of October, November and December 2018 and zero fish on any day after 31st December 2018.

Article 2 gives the title of this Order and provides that it will come into force on the day after it is made.

The Order was made on 28th September 2018 and came into force on 29th September 2018.

R&O.101/2018.

Motor Traffic (Cabs – Fares and Charges) (Amendment) (Jersey) Order 2018.

This Order amends the Motor Traffic (Cabs – Fares and Charges) (Jersey) Order 2017 to increase by approximately 3.3% the fares and charges payable for the hire of cabs. The fares and charges were last increased on 1st July 2017.

The Order was made on 1st October 2018 and comes into force on 15th October 2018.



WRITTEN QUESTIONS

(See Item I(a))

1. The Chairman of the States Employment Board will table an answer to the following question asked by Deputy M.R. Le Hegarat of St. Helier –

“Further to the response to Written Question 1(565) on 31st October 2017, will the Chairman –

- (a) advise how many people (including interim appointments) have worked on the ‘OneGov’ modernisation of the States of Jersey since October 2017 (when the Transition Team arrived) to date, with the breakdown by cost and F.T.E. as follows:
 - i. States of Jersey employees (whether contracted or permanent);
 - ii. people employed through agencies;
 - iii. people paid through a supplier such as KPMG, EY etc.;
 - (b) include within this breakdown any costs associated with the above in respect of travel, accommodation and other expenses;
 - (c) provide the forecasted costs of this work until the end of 2018; and
 - (d) state when this work on reviewing and amending the operations of the public service will be complete?”
2. The Minister for the Environment will table an answer to the following question asked by Deputy J.M. Maçon of St. Saviour –

“Will the Minister explain how his Department has prioritised responding to the Asian hornet threat to Jersey and will he advise whether it is intended to make the response a higher priority and, if so, how; and will he further explain what has been committed in the way of resources by the Department to this issue, if any, and, if none, will he explain why?”

3. The Minister for Education will table an answer to the following question asked by the Deputy of St. Peter –

“How many children in education in Jersey are registered as visually impaired; and what is the funding mechanism to ensure they receive the necessary support so they have, as far as possible, equal opportunities?”

4. The Assistant Minister for Education will table an answer to the following question asked by Deputy R.J. Ward of St. Helier –

“Will the Assistant Minister advise –

- (a) what formulae are used to calculate funding for Higher Education students at University College Jersey;
- (b) what formulae are used to calculate Higher Education student fees at University College Jersey; and
- (c) what the mechanism is for awarding waivers for Higher Education fees to students wanting to complete either the Access to Higher Education course or degree courses at University College Jersey?”



5. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy R.J. Ward of St. Helier –

“Further to the response to Written Question 151/2018, will the Minister, as shareholder representative, advise –

- (a) what pay rises, if any, have been awarded to members of the controlling executive of States-owned bodies for which the Minister is shareholder representative (such as Ports of Jersey and the States of Jersey Development Company) during the term of the current Medium Term Financial Plan;
 - (b) what pay offers for this group have been made for 2018 and 2019 by such States-owned bodies; and
 - (c) what the current levels of pay of the chief executives (or equivalent) of these States-owned bodies are?”
6. The Minister for Economic Development, Tourism, Sport and Culture will table an answer to the following question asked by Deputy R.J. Ward of St. Helier –

“Given the investment of States funds to bring the triathlon series to Jersey, what is the estimated return to States funds from the event, if any; and how was this estimate calculated?”

7. The Minister for Economic Development, Tourism, Sport and Culture will table an answer to the following question asked by Deputy R.J. Ward of St. Helier –

“What consideration, if any, is being given to amending the current provisions for busking (particularly in relation to amplified instruments) with regard to reducing or abolishing the license fee and to allowing buskers to keep their earnings during December?”

8. The Chairman of the Comité des Connétables will table an answer to the following question asked by Senator S.Y. Mézec –

“Further to the response to Written Question 102/2018, will the Chairman provide an update on the outcome of the workshop held on 14th July 2018 to begin reviewing recruitment to the Honorary Police?”

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

“In order that a direct comparison of the relevant figures may be made, will the Minister give a full breakdown of departmental funding for 2018 of all fee-paying primary and secondary schools using the formula presented in her response to Written Question 160/2018; and, further to the figures presented in response to Written Question 167/2018, will she further state what the current level of headroom funding is in the 11 to 16 sections of Victoria College and Jersey College for Girls?”



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

“Will the Minister state –

- (a) what additions have been made to the budget for mental health services for the use of bank or agency nurses and temporary locum staff in 2017 to 2018;
- (b) what lengths of contract are put in place with such staff to ensure continuity within the services delivered;
- (c) whether the Ambitions for 2017 and the Data Quality Improvement Plan (contained in the ‘Mental Health Quality Report 2017’) have been achieved; and
- (d) what specific measures, if any, he has in place in respect of mental health services to respond to items (vii) and (viii) of the ten fundamental failings of the care system, as listed on page 52 of the report of the Independent Jersey Care Inquiry (R.59/2017), regarding staff recruitment, retention and development?”

11. The Minister for Children and Housing will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

“Further to the response to Written Question 162/2018, which reported a doubling in the number of social rental homes sold each year by Andium Homes (and the former Housing Department) during the period 2010 to 2018 and a commitment to further increases in annual sales, will the Minister agree to implement a fundamental review of policy in this area that will include all providers of social rental homes and the Affordable Housing Gateway?”

12. The Chairman of the States Employment Board will table an answer to the following question asked by Deputy C.S. Alves of St. Helier –

“What policies or practices, if any, are there in place to subsidise rents for essential employees?

How many times has the States subsidised rent for an essential employee in the last 5 years?”

13. The Minister for Infrastructure will table an answer to the following question asked by Deputy C.S. Alves of St. Helier –

“When are the lease agreements for States-owned properties on the Waterfront, such as the Aquasplash, due for renewal?

What consideration, if any, has been given to alternative options with regard to the ownership of those sites?”

14. The Minister for Education will table an answer to the following question asked by Deputy C.S. Alves of St. Helier –

“What provisions are currently in place for students who are diagnosed with Autism both in and out of mainstream schools?”



15. The Minister for Education will table an answer to the following question asked by Deputy C.S. Alves of St. Helier –

“What support and resources are provided to students who are home schooled?”

16. H.M. Attorney General for will table an answer to the following question asked by Senator S.C. Ferguson –

“Further to his answers to questions on the matter during the debate on ‘Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment’ (P.84/2017) on 15th November 2017, could H.M. Attorney General indicate whether his advice on whether the removal of the Bailiff from the role of President of the Assembly raises a constitutional issue for the Island remains his considered view; and does he have anything further to add to his comments to the Assembly during that debate?”

17. The Chairman of the States Employment Board will table an answer to the following question asked by Deputy M.R. Le Hegarat of St. Helier –

“With regard to the recent recruitment to the new Director General roles, can the Minister advise:

- (a) how many applicants there were for each of the new Director General roles;
- (b) how many applicants for each role were local, and how many were from the U.K., stating which region of the U.K.;
- (c) how many local applicants were interviewed;
- (d) what salary range the Director Generals have been appointed to;
- (e) the annual salary cost of the team of Director Generals;
- (f) the salary range of the previous Chief Officers;
- (g) the annual salary cost of the previous team of Chief Officers; and
- (h) how many of the new Director Generals have worked with the Chief Executive previously in the U.K.?”

18. The Minister for the Environment will table an answer to the following question asked by Deputy M. Tadier of St. Brelade –

“Further to the Minister’s answer to Written Question 170/2018 regarding air quality in the Tunnel, which stated that ‘people walking or cycling through the Tunnel are safe’ –

- (a) what evidence does the Minister and the Environmental Health Department have to justify that statement;
- (b) what levels of air pollution and exposure would be necessary for the Minister to deem it ‘unsafe’;
- (c) what is the maximum amount of weekly peak-time exposure that the Minister would deem as ‘safe’;
- (d) what action, if any, does the Minister intend to take to assist cyclists and pedestrians to ‘minimize the time they spend in the Tunnel’, in accordance with the advice given in answer to WQ.170/2018?”



19. The Minister for Education will table an answer to the following question asked by Deputy M. Tadier of St. Brelade –

“Will the Minister provide statistics for the last ten years for the number of pupils being entered for GCSE and A-Level modern foreign languages, including a breakdown of figures by school and language?”

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

“Further to the response to Written Question 163/2018 can the Minister advise –

- (a) why more permits have been issued to tenants than there are spaces available for parking at Andium Homes sites, including De Quetteville Court; and
- (b) why members of the public have been issued parking permits for Andium Homes sites, such as Liberation Court?”

21. The Chief Minister will table an answer to the following question asked by Deputy M. Tadier of St. Brelade –

“What assessment has the Chief Minister made of the benefits to the Island of retaining French as an official language of the States? Given that French is an official language of the States, what obligations, if any, does government have to ensure access to French, and education in French, for citizens, particularly in view of French not being a compulsory subject in schools after Year 9?”

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

“What assessment, if any, has the Chief Minister made of the value for money of spending over £3 million per annum on communications, as detailed in the November 2017 ‘Audit and review of communications in the States of Jersey’?”

23. The Chief Minister will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“In respect of his role in establishing a policy development board on the future hospital, will the Chief Minister advise members who initially drafted the survey of doctors, nurses and other health workers regarding the new hospital development; who was involved in making any amendments to the draft prior to distribution; and who approved the final draft before it was distributed?”

24. The Minister for Economic Development, Tourism, Sport and Culture will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Will the Minister provide members with a table showing the following information in respect of arable farmers?

- (a) the number of arable farmers in the Island for each of the last five years;
- (b) the number of such farmers who were given grants or loans in each year, with the amount and purpose of any such grants or loans;



- (c) in the case of any loans provided, the terms under which they were made (including interest rates and repayment periods); and
- (d) any other assistance provided by the Department to these farmers during each year.”
25. The Minister for Economic Development, Tourism, Sport and Culture will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –
- “Will the Minister provide members with a table showing the following information in respect of dairy farmers?
- (a) the number of dairy farmers in the Island for each of the last five years and the size of their herds;
- (b) the number of such farmers who were given grants or loans in each year, with the amount and purpose of any such grants or loans;
- (c) in the case of any loans provided, the terms under which they were made (including interest rates and repayment periods); and
- (d) any other assistance provided by the Department to these farmers during each year.”
26. The Minister for Economic Development, Tourism, Sport and Culture will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –
- “Will the Minister advise members whether any grants or loans have been made to Woodside Farms over the last five years and, if so, will be state the purpose, terms and repayments made in respect of any such loans or grants?”



ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

Questions without notice 2018

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| 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 |