



STATES OF JERSEY ORDER PAPER

Tuesday 17th June 2014

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Community Provisions (Restrictive Measures – Syria) (Amendment No. 14) (Jersey) Order 2014. R&O.58/2014.

Minister for External Relations.

Community Provisions (Restrictive Measures – Ukraine) (Amendment No. 6) (Jersey) Order 2014. R&O.59/2014.

Minister for External Relations.

Royal Court (Amendment No. 17) Rules 2014. R&O.65/2014.

Superior Number of the Royal Court.

C. DOCUMENTS PRESENTED OR LAID

States of Jersey Prison Service: H.M. Prison La Moye – Annual Report 2013. R.75/2014.
Presented: 10th June 2014.

Minister for Home Affairs.

Land Transactions under Standing Order 168(3) – Maison D’Azette (1 to 18), La Grande Route de la Côte, St. Clement – proposed conversion of long leaseholds to flying freehold. R.76/2014.

Presented: 10th June 2014.

Minister for Treasury and Resources.

D. NOTIFICATION OF LODGED PROPOSITIONS

Draft Shops (Regulation of Opening) (Amendment) (Jersey) Regulations 201- (P.76/2014): second amendment. P.76/2014.
Amd.(2)

Lodged: 10th June 2014.

Deputy A.K.F. Green of St. Helier.

Draft Connétables (Miscellaneous Provisions – Consequential Amendments) (Jersey) Regulations 201- (P.78/2014): amendment. P.78/2014.
Amd.

Lodged: 12th June 2014.

Comité des Connétables.

Draft Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 201- (P.90/2014): amendment. P.90/2014.
Amd.

Lodged: 12th June 2014.

Deputy J.A. Martin of St. Helier.



Draft Income Support (Amendment No. 12) (Jersey) Regulations 201- (P.91/2014): amendment. Lodged: 12th June 2014. <i>Deputy J.A. Martin of St. Helier.</i>	P.91/2014. Amd.
Draft Planning and Building (Amendment No. 6) (Jersey) Law 201- (P.94/2014): amendment. Lodged: 13th June 2014. <i>Minister for Planning and Environment.</i>	P.94/2014. Amd.
Income Support: free GP access (P.101/2014) – amendment. Lodged: 12th June 2014. <i>Deputy R.G. Le Hérissier of St. Saviour.</i>	P.101/2014. Amd.
Draft Medical Practitioners (Registration) (Amendment No. 4) (Jersey) Law 2011 (Appointed Day) Act 201-. Lodged: 9th June 2014. <i>Minister for Health and Social Services.</i>	P.114/2014.

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 Social Security will table an answer to a question asked by Deputy J.A. Martin of St. Helier regarding free prescriptions.
2. The Chairman of the Comité des Connétables will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding parish welfare payment in the last whole year that system existed.
3. The Chairman of the Privileges and Procedures will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding facilities for States members.
4. The Minister for Treasury and Resources will table an answer a question asked by Deputy G.C.L. Baudains of St. Clement regarding the JT fibre broadband service.
5. The Minister for Economic Development will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding a review by the Regulator of JT's proposed price increases.



6. The Minister for Social Security will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding Income Support payments.
7. The Minister for Home Affairs will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding data protection subject access requests made to the States of Jersey Police.
8. The Chief Minister will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding applications for registration cards under the new Control of Housing and Work Law 2012.
9. The Minister for Social Security will table an answer to a question asked by the Deputy of Grouville regarding sickness benefit entitlement.
10. The Chief Minister will table an answer to a question asked by Senator S.C. Ferguson regarding Ministerial decisions in 2014.
11. The Minister for Treasury and Resources will table an answer to a question asked by Senator S.C. Ferguson regarding Ministerial decisions in 2014.
12. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding visits to secondary schools by States members.
13. The Chairman of the Comité des Connétables will table an answer to a question asked by Deputy R.G. Le Herissier of St. Saviour regarding unoccupied properties in the Island.
14. The Minister for Health and Social Services will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the definitions used to assess allegations of abuse.
15. The Chief Minister will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the inclusion of States funded foster homes under the historic abuse redress scheme.
16. The Minister for Health and Social Services will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the number of cases of sexual abuse reported the Children's Service since 1995.
17. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the loss of tax from the zero/ten regime.
18. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding statutory redundancy payments.
19. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the Gateway to social housing.

(b) – Oral Questions

(120 minutes)

1. Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the Minister for Health and Social Services –

“Could the Minister inform the Assembly of the number of Serious Case Reviews which have been initiated or completed in the last two years and how many are ongoing at present, and would she state what major changes, if any, have been made as a result of these Reviews?”



2. The Connétable of St. John will ask the following question of the Chief Minister –

“Would the Chief Minister state how many residents have applied for a registration card under the Control of Housing and Work Law and would he clarify whether long standing residents who may have been qualified to live in Jersey for over 30 years are being required to produce 3 different proofs of residency which then need to be checked with the author before a registration card is issued?”
3. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Transport and Technical Services –

“Would the Minister confirm that the present road-works at the Dicq are expected to last eight weeks and does he not consider that the residents from the east of the Island have already suffered enough as a result of the previous JEC cable conduit laying?”
4. Deputy S.S.P.A Power of St. Brelade will ask the following question of the Minister for Home Affairs –

“Following the fire at the former Plemont holiday camp on the 4th January 2014 when the Jersey Fire and Rescue Service suspected arson, would the Minister state whether the States of Jersey Police has investigated this incident and arson claim in the 5 months since January and, without going into operational detail, could the Minister give a synopsis of the current status of the investigation?”
5. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Social Security –

“Does the Minister accept that the delivery of insolvency benefit to support those made redundant as a result of insolvency proceedings should be prompt and does he consider that the administration of this benefit is capable of doing so in all cases?”
6. Deputy S.Y. Mézec of St. Helier will ask the following question of the Chief Minister -

“Following his support earlier this year for an end to the dual role of the Bailiff, does the Chief Minister also support an end to the prosecution role of the Attorney General and the establishment of a separate prosecution service?”
7. The Connétable of St. Lawrence will ask the following question of the Minister for Health and Social Services –

“What travel subsidies or supplements, if any, are available from Health and Social Services to people who have medical conditions that prevent them from driving a car?”
8. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Home Affairs –

“Will the Minister give Members an update on the work of the Police internet investigators who took up their post on 31st January 2014 and inform Members how many cyber bullying complaints have been received since the beginning of 2014 and how they have been dealt, with including how many prosecutions have been brought against the perpetrators of these acts and the penalties imposed on those convicted of an offence?”



9. Senator S.C. Ferguson will ask the following question of the Minister for Planning and Environment –

“Following the launch by the Environment Department of the “app” on which to record occurrences of Japanese knotweed, and in light of the considerable effort which has been made by the public to report occurrences of it, what action is the Department taking to deal with the problem of this pernicious weed which can invalidate insurance cover for properties?”

10. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Social Security–

“Will the Minister give consideration to lifting or increasing the cap on Social Security contributions for those earning above £45,336 and £150,000 per annum respectively in order to fund 26 weeks of statutory maternity leave?”

11. The Deputy of Grouville will ask the following question of the Minister for Transport and Technical Services –

“Could the Minister inform members of the age at which bus drivers have to retire and could he also explain at what age bus drivers of school buses have to retire and, if there is a difference, explain why?”

12. Deputy S.Y. Mézec of St. Helier will ask the following question of the Minister for Home Affairs -

“What steps, if any, is the Minister taking in cooperation with his ministerial colleagues to divert more of the less serious offenders with mental illness and drug dependency into treatment rather than prison?”

13. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Economic Development -

“Would the Minister advise how many foot and vehicle passengers, on average, use Condor’s Weymouth service in a full year?”

14. The Connétable of St. John will ask the following question of the Minister for Economic Development –

“Following the Jersey International Motoring Festival held during the weekend of 6th June would the Minister state whether an application was made to the Tourism Development Fund for a grant to assist in staging this event and, if so, would he give details of amount of the grant and, if no grant was given, would he give the reasons why?”

15. Senator S.C. Ferguson will ask the following question of H.M. Attorney General –

“Could the Attorney General explain whether a ‘Pauline action’ could have been brought against the principals in the Sunstone and De Lec case so that the assets might be traced and used to reimburse those who were defrauded and, if so, why was this not done?”

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

“Given the apparent inability of PPC to promote the relevant legislation, as explained in a written answer on 3rd June 2014, what alternative steps, if any, is the Committee taking to ensure the credibility of the referendum proposed for October 2014?”



17. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Home Affairs –

“Can the Minister assure members and the public that all cases of alleged child abuse and child protection issues are fully investigated by the States of Jersey Police and that they liaise fully with the various child protection bodies, the Law Officers’ Department and the Judiciary?”

18. Deputy M. Tadier of St. Brelade will ask the following question of the Chairman of the Education and Home Affairs scrutiny panel -

“Would the Chairman state what action, if any, his panel is taking to ensure the implementation of the recommendation in relation to dog fouling of the Education and Home Affairs Scrutiny Report of 18th July 2011, which in section 3.3 recommended that the Minister for Home Affairs should work with the Police and Parishes to establish a Dog Warden role; and consider on-the spot fines for fouling (3.2)?”

19. Deputy S.S.P.A. Power of St. Brelade will ask the following question of the Minister for Economic Development –

“Can the Minister confirm that if he signs a 15 year agreement with Condor, he will ensure with his Guernsey colleagues that this does not restrict any new operator from providing a roll-on, roll-off freight or passenger service from any other port in the UK or France and can he confirm whether there is any financial grant, subsidy or loan involved in any acquisition of a new Condor vessel?”

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

“In the light of moves to encourage those in need of care to remain in their own homes for as long as possible does the Minister consider that the changes to Invalid Care Allowance (now Home Care Allowance) as agreed in P.101/2012 (Social Security (Amendment of Law No. 4) (Jersey) Regulations 2012) provide sufficient financial support for carers?”

21. The Connétable of St. Lawrence will ask the following question of the Minister for Social Security–

“What travel subsidies or supplements, if any, are available to people who are not on Income Support but who have medical conditions that prevent them from driving a car?”

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

1st question period – Minister for Health and Social Services

2nd question period – Minister for Economic Development

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

L. PUBLIC BUSINESS



Draft Air Navigation (Jersey) Law 201-. Lodged: 29th April 2014. <i>Minister for External Relations.</i>	P.63/2014.
Draft Air Navigation (Jersey) Law 201- (P.63/2014): amendment. Lodged: 3rd June 2014. <i>Minister for External Relations.</i>	P.63/2014. Amd.
Draft Civil Aviation (Amendment of Law) (No. 2) (Jersey) Regulations 201-. Lodged: 14th April 2014. <i>Minister for External Relations.</i>	P.51/2014.
Draft Public Finances (Transitional Provisions – States Trading Operations) (Amendment) (Jersey) Regulations 201-. Lodged: 14th April 2014. <i>Minister for Treasury and Resources.</i>	P.50/2014.
Draft States of Jersey (Transfer of Functions No. 7) (Economic Development to External Relations) (Jersey) Regulations 201-. Lodged: 15th April 2014. <i>Chief Minister.</i>	P.54/2014.
Draft Community Provisions (Goods Suspected of Infringing Intellectual Property Rights) (Jersey) Regulations 201-. Lodged: 30th April 2014. <i>Minister for Home Affairs.</i>	P.64/2014.
Draft Rehabilitation of Offenders (Exceptions) (Amendment) (Jersey) Regulations 201-. Lodged: 1st May 2014. <i>Minister for Home Affairs.</i>	P.65/2014.
Ratification of the Agreement between the Government of the United Kingdom and Northern Ireland and the Government of Jersey to improve international tax compliance. Lodged: 6th May 2014. <i>Chief Minister.</i>	P.66/2014.
Draft Taxation (Implementation) (International Tax Compliance) (United Kingdom) (Jersey) Regulations 201-. Lodged: 6th May 2014. <i>Chief Minister.</i>	P.67/2014.
Draft Taxation (Implementation) (International Tax Compliance) (United Kingdom) (Jersey) Regulations 201- (P.67/2014): amendment. Lodged: 3rd June 2014. <i>Senator Sir P.M. Bailhache.</i>	P.67/2014. Amd.
Ratification of the Agreement between the Government of the United States of America and the Government of Jersey to improve international tax compliance and to implement FATCA. Lodged: 6th May 2014. <i>Chief Minister.</i>	P.68/2014.



- Draft Taxation (Implementation) (International Tax Compliance) (United States of America) (Jersey) Regulations 201-. P.69/2014.
Lodged: 6th May 2014.
Chief Minister.
- Draft Income Support (Special Payments) (Long-Term Care) (Jersey) Regulations 201-. P.70/2014.
Lodged: 6th May 2014.
Minister for Social Security.
- Draft Income Support (Amendment No. 11) (Jersey) Regulations 201-. P.71/2014.
Lodged: 6th May 2014.
Minister for Social Security.
- Draft Social Security (Amendment of Law No. 7) (Jersey) Regulations 201-. P.73/2014.
Lodged: 8th May 2014.
Minister for Social Security.
(cannot be debated before 19th June 2014)
- Jersey Financial Services Commission: appointment of Chairman. P.80/2014.
Lodged: 19th May 2014.
Chief Minister (consideration 'in camera')

M. ARRANGEMENT OF PUBLIC BUSINESS

30th June 2014

- Plémont Holiday Village: grant to National Trust for Jersey. P.107/2014.
Lodged: 3rd June 2014.
Senator Sir P.M. Bailhache.
- Committee of Inquiry: sale of Broad Street post office building. P.61/2014.
Lodged: 28th April 2014.
Senator A. Breckon.
- Draft Community Provisions (Food Supplements) (Jersey) Regulations 201-. P.74/2014.
Lodged: 8th May 2014.
Minister for Health and Social Services.
- Draft Community Provisions (Nutrition and Health Claims on Foods) (Jersey) Regulations 201-. P.75/2014.
Lodged: 8th May 2014.
Minister for Health and Social Services.
- Draft Shops (Regulation of Opening) (Amendment) (Jersey) Regulations 201-. P.76/2014.
Lodged: 12th May 2014.
Minister for Economic Development.
- Draft Shops (Regulation of Opening) (Amendment) (Jersey) Regulations 201- P.76/2014.
(P.76/2014): amendment. Amd.
Lodged: 2nd June 2014.
Comité des Connétables.



Draft Shops (Regulation of Opening) (Amendment) (Jersey) Regulations 201- (P.76/2014): second amendment. Lodged: 10th June 2014. <i>Deputy A.K.F. Green of St. Helier.</i>	P.76/2014. Amd.(2)
Draft Connétables (Miscellaneous Provisions) (Jersey) Law 2012 (Appointed Day) Act 201-. Lodged: 15th May 2014. <i>Comité des Connétables.</i>	P.77/2014.
Draft Connétables (Miscellaneous Provisions – Consequential Amendments) (Jersey) Regulations 201-. Lodged: 15th May 2014. <i>Comité des Connétables.</i>	P.78/2014.
Draft Connétables (Miscellaneous Provisions – Consequential Amendments) (Jersey) Regulations 201- (P.78/2014): amendment. Lodged: 12th June 2014. <i>Comité des Connétables.</i>	P.78/2014. Amd.
Draft Honorary Police (Amendment No. 2) (Jersey) Regulations 201-. Lodged: 15th May 2014. <i>Comité des Connétables.</i>	P.79/2014.
Draft Freedom of Information (Schedule 1 to Law) (Amendment) (Jersey) Regulations 201-. Lodged: 20th May 2014. <i>Chief Minister.</i>	P.81/2014.
Draft Social Security (Bonus) (Jersey) Law 201-. Lodged: 20th May 2014. <i>Minister for Social Security.</i>	P.82/2014.
Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 6) (Jersey) Regulations 201-. Lodged: 20th May 2014. <i>Minister for Economic Development.</i>	P.83/2014.
Draft Sea Fisheries (Log Books, Transhipment and Landing Declarations) (Jersey) Regulations 201-. Lodged: 20th May 2014. <i>Minister for Economic Development.</i>	P.84/2014.
Draft Sea Fisheries (Vessel Monitoring Systems) (Jersey) Regulations 201-. Lodged: 20th May 2014. <i>Minister for Economic Development.</i>	P.85/2014.
Draft States of Jersey Police Force Law 2012 (Appointed Day) (No. 2) Act 201-. Lodged: 20th May 2014. <i>Minister for Home Affairs.</i>	P.86/2014.
Draft States of Jersey Police Force (Amendment) Law 201-. Lodged: 20th May 2014. <i>Minister for Home Affairs.</i>	P.87/2014.



Draft States of Jersey Police Force (Consequential Amendments) (Jersey) Regulations 201-. Lodged: 20th May 2014. <i>Minister for Home Affairs.</i>	P.88/2014.
Draft Sex Offenders (Amendment No. 2) (Jersey) Law 201-. Lodged: 20th May 2014. <i>Minister for Home Affairs.</i>	P.89/2014.
Draft Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 201-. Lodged: 20th May 2014. <i>Minister for Social Security.</i>	P.90/2014.
Draft Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 201- (P.90/2014): amendment. Lodged: 12th June 2014. <i>Deputy J.A. Martin of St. Helier.</i>	P.90/2014. Amd.
Draft Income Support (Amendment No. 12) (Jersey) Regulations 201-. Lodged: 20th May 2014. <i>Minister for Social Security.</i>	P.91/2014.
Draft Income Support (Amendment No. 12) (Jersey) Regulations 201- (P.91/2014): amendment. Lodged: 12th June 2014. <i>Deputy J.A. Martin of St. Helier.</i>	P.91/2014. Amd.
Draft Income Support (Special Payments) (Cold Weather Payments) (Amendment No. 2) (Jersey) Regulations 201-. Lodged: 20th May 2014. <i>Minister for Social Security.</i>	P.92/2014.
Draft Criminal Justice (Young Offenders) (Jersey) Law 201-. Lodged: 20th May 2014. <i>Minister for Home Affairs.</i>	P.93/2014.
Draft Planning and Building (Amendment No. 6) (Jersey) Law 201-. Lodged: 20th May 2014. <i>Minister for Planning and Environment.</i>	P.94/2014.
Draft Planning and Building (Amendment No. 6) (Jersey) Law 201- (P.94/2014): amendment. Lodged: 13th June 2014. <i>Minister for Planning and Environment.</i>	P.94/2014. Amd.
Draft Regulation of Care (Jersey) Law 201-. Lodged: 20th May 2014. <i>Minister for Health and Social Services.</i>	P.95/2014. (re-issue)
Draft Explosives (Jersey) Law 201-. Lodged: 20th May 2014. <i>Minister for Home Affairs.</i>	P.96/2014.



Draft Employment of States of Jersey Employees (Amendment No. 7) (Jersey) Regulations 201-. Lodged: 21st May 2014. <i>States Employment Board (cannot be debated before 2nd July)</i>	P.97/2014.
Draft Comptroller and Auditor General (Jersey) Law 201-. Lodged: 22nd May 2014. <i>Council of Ministers (cannot be debated before 3rd July)</i>	P.98/2014.
Comptroller and Auditor General: re-appointment. Lodged: 27th May 2014. <i>Chief Minister.</i>	P.99/2014.
States owned or controlled companies: rights and responsibilities. Lodged: 28th May 2014. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.100/2014.
Income Support: free GP access. Lodged: 28th May 2014. <i>Deputy G.P. Southern of St. Helier.</i>	P.101/2014.
Income Support: free GP access (P.101/2014) – amendment. Lodged: 12th June 2014. <i>Deputy R.G. Le Hérisssier of St. Saviour.</i>	P.101/2014. Amd.
Civil marriages: same sex couples. Lodged: 28th May 2014. <i>Deputy S.Y. Mézec of St. Helier.</i>	P.102/2014.
<u>14th July 2014</u>	
Grouville School: parking facilities. Lodged: 4th March 2014. <i>Connétable of Grouville.</i>	P.24/2014.
Grouville School: parking facilities (P.24/2014) – comments. Presented: 31st March 2014. <i>Minister for Education, Sport and Culture.</i>	P.24/2014. Com.
Draft Road Traffic (No. 60) (Jersey) Regulations 201-. Lodged: 18th March 2014. <i>Minister for Transport and Technical Services.</i>	P.30/2014.
Island Plan 2011: revised draft revision – approval. Lodged: 21st March 2014. <i>Minister for Planning and Environment.</i>	P.37/2014.
Island Plan 2011: revised draft revision – approval (P.37/2014) – amendment. Lodged: 17th April 2014. <i>Connétable of St. Clement.</i>	P.37/2014. Amd. (re-issue).



Island Plan 2011: revised draft revision – approval (P.37/2014) – second amendment. Lodged: 30th April 2014. <i>Deputy R.G. Le Hérisssier of St. Saviour.</i>	P.37/2014. Amd.(2)
Island Plan 2011: revised draft revision – approval (P.37/2014) – third amendment. Lodged: 1st May 2014. <i>Deputy of St. Martin.</i>	P.37/2014. Amd.(3)
Island Plan 2011: revised draft revision – approval (P.37/2014) – fourth amendment. Lodged: 1st May 2014. <i>Connétable of St. Ouen.</i>	P.37/2014. Amd.(4)
Island Plan 2011: revised draft revision – approval (P.37/2014) – sixth amendment. Lodged: 6th May 2014. <i>Deputy J.H. Young of St. Brelade.</i>	P.37/2014. Amd.(6)
Island Plan 2011: revised draft revision – approval (P.37/2014) – seventh amendment. Lodged: 6th May 2014. <i>Deputy J.H. Young of St. Brelade.</i>	P.37/2014. Amd.(7)
Island Plan 2011: revised draft revision – approval (P.37/2014) – eighth amendment. Lodged: 6th May 2014. <i>Deputy J.H. Young of St. Brelade.</i>	P.37/2014. Amd.(8)
Island Plan 2011: revised draft revision – approval (P.37/2014) – ninth amendment. Lodged: 6th May 2014. <i>Deputy J.H. Young of St. Brelade.</i>	P.37/2014. Amd.(9)
Island Plan 2011: revised draft revision – approval (P.37/2014) – tenth amendment. Lodged: 6th May 2014. <i>Deputy J.H. Young of St. Brelade.</i>	P.37/2014. Amd.(10)
Island Plan 2011: revised draft revision – approval (P.37/2014) – eleventh amendment. Lodged: 6th May 2014. <i>Minister for Economic Development.</i>	P.37/2014. Amd.(11)
Island Plan 2011: revised draft revision – approval (P.37/2014) – eleventh amendment (P.37/2014 Amd.(11)) – amendment. Lodged: 20th May 2014. <i>Deputy J.H. Young of St. Brelade.</i>	P.37/2014. Amd.(11) Amd.
Draft Restriction on Smoking (Amendment No. 4) (Jersey) Law 201-. Lodged: 29th May 2014. <i>Minister for Health and Social Services.</i>	P.103/2014.
Maternity leave: rights of employees. Lodged: 2nd June 2014. <i>Deputy G.P. Southern of St. Helier.</i>	P.104/2014.



Draft Income Support (Amendment No. 13) (Jersey) Regulations 201-. Lodged: 3rd June 2014. <i>Minister for Social Security.</i>	P.105/2014.
Draft Social Security (Amendment of Law No. 8) (Jersey) Regulations 201-. Lodged: 3rd June 2014. <i>Minister for Social Security.</i>	P.106/2014.
Draft Charities (Jersey) Law 201-. Lodged: 3rd June 2014. <i>Chief Minister.</i>	P.108/2014.
Draft Employment (Amendment No. 8) (Jersey) Law 201-. Lodged: 3rd June 2014. <i>Minister for Social Security.</i>	P.109/2014.
Draft Health Insurance (Performers List for General Medical Practitioners) (Jersey) Regulations 201-. Lodged: 3rd June 2014. <i>Minister for Health and Social Services.</i>	P.110/2014.
Draft Residential Tenancy (Deposit Scheme) (Jersey) Regulations 201-. Lodged: 3rd June 2014. <i>Minister for Housing.</i>	P.111/2014.
Draft Proceeds of Crime and Terrorism (Tipping-Off Exceptions) (Jersey) Regulations 201-. Lodged: 3rd June 2014. <i>Chief Minister.</i>	P.112/2014.
Draft Criminal Justice (Life Sentences) (Jersey) Law 201-. Lodged: 4th June 2014. <i>Chief Minister.</i>	P.113/2014.
Draft Medical Practitioners (Registration) (Amendment No. 4) (Jersey) Law 2011 (Appointed Day) Act 201-. Lodged: 9th June 2014. <i>Minister for Health and Social Services.</i>	P.114/2014.

M.N. DE LA HAYE
Greffier of the States

12th June 2014

Note –

In accordance with the meeting dates fixed for 2014 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 18th and Thursday 19th June 2014.



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.58/2014.

This Order amends the Community Provisions (Restrictive Measures – Syria) (Jersey) Order 2012 by giving effect in Jersey to the amendments made by Council Implementing Regulation (EU) No. 578/2014 (OJ No. L160, 29.5.2014, p.11) to Council Regulation (EU) No. 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria. The amendments remove two persons and one entity from the list of persons and entities that are subject to restrictive measures and updates information relating to certain persons and entities in that list.

The Order was made on 4th June 2014 and came into force forthwith.

R&O.59/2014.

This Order amends the Community Provisions (Restrictive Measures – Ukraine) (Jersey) Order 2014 by giving effect in Jersey to the amendments made by Council Implementing Regulation (EU) No. 577/2014 (OJ No. L160, 29.5.2014, p.7) to Council Regulation (EU) No. 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, which amends the list of persons, entities and bodies that are subject to restrictive measures in view of the gravity of the situation in Ukraine.

The Order was made on 4th June 2014 and came into force forthwith.

R&O.65/2014.

These Rules amend the Royal Court Rules 2004. The amendments fall under 2 broad headings.

1. Registration of Social Security hypothecs – Rules 4 and 6 (and the Schedule)

The Social Security Hypothecs (Jersey) Law 2014 (“the Law”) was registered by the Royal Court on 14th March 2014 and came into force 7 days thereafter. To quote from the Draftsman’s Explanatory Note to the Law when it was before the States –

‘This Law [creates] a new form of legal hypothec for the purpose of securing debts arising under the Long-Term Care (Jersey) Law 2012 (“2012 Law”) and the Income Support (Jersey) Law 2007 (“2007 Law”).

Debts may arise under the 2012 Law by reason of a loan made to an individual under Article 4(1) of that Law in order to enable the individual to meet all or part of the payments that an individual is required to make towards the costs of long-term care. (This is referred to in the draft Law as a “long-term care loan”.)

Debts may arise under the 2007 Law by reason of any of the following –

- (a) special payments to an individual (such as for goods and services or clinical costs) that take the form of a loan;*
- (b) awards to an individual under the 2007 Law which have been wrongly made and which the [Social Security] Minister is seeking to recover; or*
- (c) amounts of capital or income that have been disregarded by an officer exercising his or her discretion under the 2007 Law in calculating a household’s income, that is, a household where one or more adults are eligible for income support.*

Such debts under the 2007 Law are referred to in the draft Law as an “income support debt.”

Article 2(2) of the Law provides that the Minister for Social Security (“the Minister”) “shall have a legal hypothec on all the immovable property of a debtor and the debtor’s partner (whether owned separately,



jointly or in common) if, following an application by the Minister, the hypothec is registered in the Public Registry.”

This hypothec known as a ‘social security hypothec’ and has certain attributes by virtue of *Article 2* of the Law *viz* –

- the hypothec is created whether or not the immovable property is owned jointly with a third party (*Article 2(3)*);
- where the property is jointly owned and a *dégrévement* is ordered, title converts to ownership in common¹ and the hypothec, along with the debt secured by it, is apportioned accordingly (*Article 2(4)*);²
- the hypothec dates from the date it is registered in the Public Registry and ranks in priority to other hypothecs from that date (*Article 2(8)*).

The Law requires the Minister to give notice of registration of a social security hypothec to the debtor as soon as reasonably practicable following its registration (*Article 2(9)*).

Rules of Court may be made to give effect to the Law (*Article 5*).

The accompanying Rules have been prepared by the Law Officers’ Department in consultation with the Deputy Judicial Greffier and the Registrar of Deeds, together with the Social Security Department and the Rules Committee of the Jersey Law Society. The Rules prescribe the procedures connected with an application by the Minister to register (and extinguish) a social security hypothec in the *Registre*. A new *Rule 18/4A* is inserted, requiring the Judicial Greffier, on the application of the Minister, to register a form of notification of legal hypothec in the Register of Obligations. The Minister is required to furnish documentary evidence sufficient to satisfy the Judicial Greffier that –

- (a) the person who has entered into the arrangement; and
- (b) any person whose immovable property is subject to the legal hypothec,

is aware of the hypothec and has acknowledged the Minister’s right to apply for it to be registered. The hypothec bears the date of such registration.

The new *Rule* sets out the precise details required in the form of notification of the hypothec, and prescribes a Form of application for this purpose in a new *Schedule 6A*. The Form includes written confirmation by the Minister that the person concerned (and their partner in appropriate cases) has been advised to take independent professional advice prior to entering into the arrangement by which the charge on their property is taken.

The formal details prescribed by the Rules include the dimensions of the paper for Public Registry purposes, as well as provision for affixing the appropriate stamp duty and provision regarding times during which the application may be made (to cater for Judicial Greffe opening hours).

These provisions are similar in part to those contained in Rule 18/4 of the Royal Court Rules 2004 governing the procedure to register judicial hypothecs. The administrative duties upon the Judicial Greffier include the requirement, on the date of registration, to sign and seal the form of notification of the hypothec, which is immediately to be enrolled in the Register of Obligations.

The Judicial Greffier is required to treat a written confirmation from the Minister, that the debt secured by the social security hypothec has been extinguished, as evidence of the extinguishment of the debt secured by the hypothec.

2. Other amendments

Part 15 of the 2004 Rules – Rule 2

Rules 15/2(1) and 15/3D(3) of the 2004 Rules are amended to make it clear that personal service is required in connection with certain pleadings in 3rd party planning appeals. In other words, this is simply a correction.

¹ Similarly to the position under Article 11(4) of the Bankruptcy (Désastre)(Jersey) Law 1990.

² But the court may, if the *dégrévement* is discontinued, or for any other reason, make an order to restore the pre-*dégrévement* position as far as possible (*Article 2(5)*).



Part 17 of the 2004 Rules – Rule 3

Rule 17/3(1)(c) of the 2004 Rules – relating to non-contentious business before the Judicial Greffier – is amended to delete a spent reference to “*a pharmacist under the Pharmacy and Poisons (Jersey) Law 1952*”.

Part 19 of the 2004 Rules – Rule 5

Part 19 is now spent, in view of the Procureurs du Bien Public (Terms of Office) (Jersey) Law 2013, which came into force on 26th July 2013.

The Rules were made on 10th June 2014 and come into force 7 days after being made.



WRITTEN QUESTIONS

(See Item I(a))

1. The Minister for Social Security will table an answer to the following question asked by Deputy J.A. Martin of St. Helier –

“Following the decision in February 2008 to provide free prescriptions to Islanders, would the Minister advise -

- (a) how many prescriptions were issued the 5 years before that date by year;
- (b) how many prescriptions have been issued since they became free by year up to the last full year’s figures available?”

2. The Chairman of the Comité des Connétables will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement -

“Would the Chairman advise how much, approximately, was distributed by parishes in welfare payments in the last whole year that system existed?”

3. The Chairman of the Privileges and Procedures Committee will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement -

“Does the Chairman consider that the lack of proper parking facilities for States members is a disgrace and that the discontinuation of food at lunchtime was a retrograde step and, if so, would he advise whether his Committee has any plans to resolve these issues?”

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

“Would the Minister, as the shareholder representative, advise how many JT customers were on the 2MB service at the end of May 2014, and, of those scheduled to be compulsorily moved to the more expensive 50MB service, how many are on fibre?

Should any still be on copper, would the Minister confirm that they too will also receive 50MB at the higher price, or will they remain on the cheaper 2MB service?”

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

“Does the Minister consider that moving Jersey Telecom customers to a higher tariff compulsorily, whether or not they need or want it, amounts to a price increase (in the order of 28 per cent) and, if so, could he advise whether the Regulator is looking into this matter and, if not, why not?”

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

“Would the Minister advise approximately how much his Department has paid out in each of the first five years of Income Support?”



7. The Minister for Home Affairs will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier -

“Will the Minister set out for members -

- (a) the number of subject access requests made to the States of Jersey Police under the Data Protection (Jersey) Law 2005 for each year since 2008 together with details of how many were completed within the 40 day period stated in Article 7(11) of the Law, how many are still outstanding and the period of time they have been outstanding;
- (b) set out the number of requests seeking for information which have been refused each year in the period prescribed in (a) and the grounds for refusal;
- (c) set out the number of requests to rectify inaccurate data held by the Police for each year since 2008 together with details of how long it took for the information to be rectified or, if the information was not rectified, the reasons for not doing so?”

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

“Will the Chief Minister set out for members the number of people who have applied for registration cards under the new Control of Housing and Work (Jersey) Law 2012, breaking down the numbers into the nationality and country of origin of all those who have applied during the period 1st January 2014 to 31st March 2014?”

9. The Minister for Social Security will table an answer to the following question asked by the Deputy of Grouville -

“Would the Minister confirm that a person, having contributed 2 quarters of social security contributions, is entitled to claim sickness benefit?

Could he advise whether someone who has subsequently returned to their country of origin is still entitled to claim sickness benefit from the Jersey Social Security system, if they can produce a doctor's certificate?

Is there a time limit on the length of time someone can claim sickness benefit, having contributed for 6 months, if they are no longer resident in the Island?”

10. The Chief Minister will table an answer to the following question asked by Senator S.C. Ferguson -

“Given that there are 25 Ministerial decisions which have not been listed on the gov.je website for 2014, would the Chief Minister provide a list, including titles of these decisions, and the reason for their exemption from publication?”

11. The Minister for Treasury and Resources will table an answer to the following question asked by Senator S.C. Ferguson -

“Given that there are 13 Ministerial decisions for 2014 for the Treasury and 6 for Property Holdings which have not been listed on the gov.je website, would the Minister provide a list, including titles of these decisions and the reason for their exemption from publication?”



12. The Minister for Education, Sport and Culture will table an answer to the following question asked by Deputy S.Y. Mézec of St. Helier –

“Would the Minister provide a list of visits to the Island’s secondary schools and 6th form colleges which have been undertaken since the beginning of the year by sitting States Members to talk to students, including which schools and on what dates the visits took place?

Could the Minister also outline the rules/ guidelines which determine whether a visit by a States Member to a school is appropriate, and what safeguards, if any, exist to ensure that no school is inadvertently biased in allowing some members more opportunities to meet potential young voters than other members?”

13. The Chairman of the Comité des Connétables will table an answer to the following question asked by Deputy R.G. Le Herissier of St. Saviour -

“Given its access to rating information, can the Comité des Connétables advise the number of properties in the Island currently unoccupied and provide the data, indicating which are domestic and commercial dwellings?”

14. The Minister for Health and Social Services will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier -

“Will the Minister -

- (a) set out the definitions of sexual, physical and emotional abuse used by the Children’s Department when assessing allegations of such abuse;
- (b) set out the procedures adopted internally by the Department when such abuse is alleged;
- (c) explain in full the various steps and bodies that are consulted or involved in deciding whether abuse actually took place;
- (d) state what safeguards there are to ensure that the various bodies in (c) are given complete and accurate information regarding the alleged abuses and the procedures that are adopted by the Department to ensure that any factually incorrect information that is forwarded to decision makers is corrected as rapidly as possible?”

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

“Will the Chief Minister advise Members -

- (a) whether the Council of Ministers has decided to include under the historic abuse redress scheme claims against abuse that occurred in States funded foster homes;
- (b) whether the Council of Ministers has received any further claims for abuse that occurred after the cut off date for compensation under the scheme and whether or not it has allowed these claims to be considered for compensation and, if not, why not?”



16. The Minister for Health and Social Services will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier -

“Will the Minister advise members of the number of cases of sexual abuse of children that were reported to the Children’s Service in each and every year since 1995 together with the following information -

- (a) whether the alleged offences took place on private property or public property such as States homes, schools, institutions or foster homes funded by the States;
- (b) whether all the alleged offences were reported to the States of Jersey Police and, if not, why not;
- (c) what action was taken in each case to protect the children concerned and bring the perpetrators to court;
- (d) how many successful prosecutions were carried out in these cases and what penalties were imposed on the perpetrators?”

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

“In response to question 3781 asked on the 13th May 2008 on the loss of tax receipts from International Business Companies (IBCs) and Exempt Companies due to the transition to the zero/ten tax regime the then Minister estimated losses of £11.7m by 2009 from zero rating Exempt Companies and a gradual reduction to a net loss of £16m from the 10% rate applied to IBCs by 2013, but stated that “ it will only be in 2013 that the complete effect of zero/ten will be known”. Is that effect now known and, if so, will he inform members what figure it is, and if it is not known, will he explain why?”

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

“Can the Minister explain why, following the closure of Just Glass & Windows with associated redundancies at the beginning of May, there has still been no payment of statutory redundancy pay or insolvency benefit for the workers concerned and state what action will he take to ensure that these ex-employees receive appropriate support in the immediate future? Since the system introduced in 2009 was intended to deliver support promptly following redundancies, does the Minister consider that the scheme is correctly set up and, if not, will he address its faults, if any?”

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

“Would the Chief Minister set out for members details of the new relationship between Andium Homes, the Minister for Housing and the Population Office, which is now in charge of the gateway to social housing and thereby the waiting list, and state who States members should approach over often complex problems involving the allocation of homes?”



ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

2014

1st Session 2014

June 30th p.m.
July 14th p.m.

Housing
Planning and Environment

Chief Minister
Social Security

2nd Session 2014

September 9th
September 22nd
(Monday)
November 25th
December 9th

Transport and Technical Services
External Relations

Chief Minister
Home Affairs

Treasury and Resources
Education, Sport and Culture

Chief Minister
Health and Social Services