

STATES OF JERSEY ORDER PAPER

Tuesday 19th April 2005

SUPPLEMENTARY

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Court of Appeal (Remuneration of Ordinary Judges) (Jersey) Order 2005. <i>Finance and Economics Committee.</i>	R&O 26/2005.
Royal Court (Remuneration of Commissioners) (Jersey) Order 2005. <i>Finance and Economics Committee.</i>	R&O 27/2005.
Competition (Mergers and Acquisitions) (Jersey) Order 2005. <i>Economic Development Committee.</i>	R&O 28/2005.
Royal Court (Competition) Rules 2005. <i>Superior Number of the Royal Court.</i>	R&O 29/2005.

D. PRESENTATION OF PAPERS

(a) Papers for information

Matters presented under Standing Order 6A(1)(a)

Public and private sector construction workflow projections. <i>Economic Development Committee.</i>	R.C.23/2005.
Equalisation of Welfare (P.57/2004): comments. <i>Finance and Economics Committee.</i>	P.57/2004. Com. (3)
Land in St. Lawrence near Tesson Mill and Field 621, St. Brelade: rezoning (P.33/2005) – comments. <i>Environment and Public Services Committee.</i>	P.33/2005. Com.
Land in St. Lawrence near Tesson Mill and Field 621, St. Brelade: rezoning (P.33/2005) – additional comments. <i>Environment and Public Services Committee.</i>	P.33/2005. Com. (2)
Economic Growth Plan (P.38/2005): comments. <i>Policy and Resources Committee.</i>	P.38/2005. Com.
Economic Growth Plan (P.38/2005): comments. <i>Finance and Economics Committee.</i>	P.38/2005. Com. (2)
Land in St. Clement: rezoning (P.40/2005) – comments. <i>Environment and Public Services Committee.</i>	P.40/2005. Com.
Fiscal Strategy (P.44/2005): amendment (P.44/2005 Amd.)– comments. <i>Finance and Economics Committee.</i>	P.44/2005. Amd.Com.
Draft Planning and Building (Amendment No. 2) (Jersey) Law 200	P.47/2005.

(P.47/2005): amendments (P.47/2005) – comments. Amd.Com.
Finance and Economics Committee.

(d) Papers to be lodged “au Greffe” under Standing Order 17A(1)(a)

Fiscal Strategy (P.44/2005): second amendment. P.44/2005.
Senator S. Syvret. Amd.(2)

Island Plan 2002: changes to Built-up Area boundary. P.77/2005.
Environment and Public Services Committee.

Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law P.78/2005.
200-.
Legislation Committee.

Day Surgery Unit Extension and Accident and Emergency Extension P.79/2005.
Phase 1: approval of drawings.
Health and Social Services Committee.

Draft Criminal Justice (Mandatory Minimum Periods of Actual P.80/2005.
Imprisonment) (Jersey) Law 200-.
Home Affairs Committee.

E. STATEMENTS AND PROPOSITIONS RELATING TO THE ARRANGEMENT OF PUBLIC BUSINESS AT THIS OR ANY SUBSEQUENT MEETING

The President of the Policy and Resources Committee has given notice that he will propose that the items of public business proposed for 10th May 2005, be considered in the following order –

Fiscal Strategy. P.44/2005.
Lodged: 8th March 2005.
Finance and Economics Committee.

Fiscal Strategy (P.44/2005): amendment. P.44/2005.
Lodged: 15th March 2005. Amd.
Senator S. Syvret.

Fiscal Strategy (P.44/2005): second amendment. P.44/2005.
Lodged: 19th April 2005. Amd.(2)
Senator S. Syvret.

Draft Employment Relations (Jersey) Law 200-. P.19/2005.
Lodged: 1st February 2005.
Employment and Social Security Committee.

Draft Employment Relations (Jersey) Law 200- (P.19/2005): P.19/2005. Com.
comments.
Presented: 8th March 2005.
Finance and Economics Committee.

Draft Employment Relations (Jersey) Law 200- (P.19/2005): P.19/2005.
amendments. Amd.
Lodged: 1st March 2005.
Deputy G.P. Southern of St. Helier.

Draft Employment Relations (Jersey) Law 200- (P.19/2005):
amendments (P.19/2005 Amd.)– comments.
Presented: 15th March 2005.
Employment and Social Security Committee.

P.19/2005.
Amd.Com.

Machinery of Government: relationship between the Parishes and the Executive. P.66/2005.
Lodged: 22nd March 2005.
Policy and Resources Committee.

Machinery of Government: relationship between the Parishes and the Executive (P.66/2005) – amendment. P.66/2005.
Lodged: 5th April 2005. Amd.
Connétable of St. Helier.

Draft Policing of Parks (Jersey) Regulations 200-. P.43/2005.
Lodged: 8th March 2005.
Environment and Public Services Committee.

I. PERSONAL STATEMENTS

Senator E.P. Vibert will make a personal statement regarding his websites.

J. COMMITTEE STATEMENTS

Deputy R.C. Duhamel of St. Saviour, one of the Chairmen of the Shadow Scrutiny Panels, will make a statement regarding scrutiny of the proposed Goods and Services Tax.

M.N. DE LA HAYE
Greffier of the States

18th April 2005.

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 26/2005

The effect of this Order is to increase from £686 to £706 per day (i.e. by 2.9%), with effect from 1st April 2005, the remuneration of ordinary judges of the Court of Appeal for actual sittings of the Court.

The Order was made by the Finance and Economics Committee on 14th April 2005.

R&O 27/2005

The effect of this Order is to increase from £686 to £706 per day (i.e. by 2.9%), with effect from 1st April 2005, the remuneration of Commissioners of the Royal Court for actual sittings of the Court.

The Order was made by the Finance and Economics Committee on 14th April 2005, after consultation with the Bailiff.

R&O 28/2005

This Order prescribes the types of mergers and acquisitions that must not be executed except with and in accordance with the approval of the Jersey Competition Regulatory Authority.

The Order was made on 14th April 2005, and comes into force on 1st May 2005.

R&O 29/2005

1. The Competition (Jersey) Law 200- (“the Law”) prohibits an undertaking from entering into arrangements with another or other undertakings which have the object or effect of hindering to an appreciable extent competition in the supply of goods or services in Jersey (anti-competitive arrangements), from abusing a dominant position in trade for goods or services in Jersey and from executing a merger or acquisition without the approval of the Jersey Competition Regulatory Authority (“the Authority”). These prohibitions are set out in Articles 8(1), 16(1) and 20(1) of the Law.
2. Article 51 confers on “an aggrieved person” – defined as a person who has suffered or is likely to suffer economic loss or damage as a result of an actual or apprehended breach of Articles 8(1), 16(1) or 20(1) of the Law or of a direction issued by the Authority – the right to institute civil proceedings (including application for an injunction).
3. Article 59 of the Law provides that:
 - “(1) Where the Court is considering civil proceedings brought by virtue of this Law, other than by the Authority, the Authority shall be notified in accordance with Rules of Court made by the Court.
 - (2) In a case to which paragraph (1) applies, the Authority shall, on giving notice in accordance with the Rules referred to in that paragraph at any time during the proceedings, be joined as a party to the proceedings.
 - (3) Where the Authority has been joined as a party to proceedings as a result of a notice under paragraph (2) it may, with leave, appeal against the decision in the proceedings.”
4. The Rules set out the mechanism by which the Authority is to be notified of such civil proceedings.
5. *Rule 1* sets out definitions of words used in the Rules.
6. *Rules 2 and 3* set out the type of proceedings to which the Rules apply - those described in paragraph 2 above - and provide that the party instituting such proceedings or contending that a breach of the Law has taken place is required to give written notice the Authority of such proceedings within two days of the date upon which the order of justice, answer or other pleading is filed with the Judicial Greffe.
7. *Rules 4 and 5* stipulate that the written notice is to be served on the Authority by the Viscount together with a copy of the pleadings in the case and that, as soon as practicable thereafter, the Judicial Greffe and any other parties to the proceedings must be informed that the Authority has been duly notified.
8. *Rules 6 and 7* provide that upon receipt of the written notification the Authority has 21 days within which to

decide whether it wishes to be joined as a party to the proceedings. During this period the action is stayed. If the Authority wishes to be joined as party it must notify the Judicial Greffier who is empowered to make such orders as may be necessary as to the filing of pleadings etc. In any event, the Authority may apply at any time to be joined as a party to civil proceedings concerned with a breach of the Law.

9. *Rule 8* provides for the Judicial Greffier to notify the Authority in the event that the party required to give notice failed to do so.
10. The Rules were made on 14th April 2005, and are to come into force on the date that the Law comes into force.