

STATES OF JERSEY ORDER PAPER

Tuesday 28th March 2006

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Road Traffic (St. Martin) (Amendment No. 8) (Jersey) Order 2006. R&O 25/2005.
Minister for Transport and Technical Services.

Diseases of Animals (Avian Influenza) (Amendment) (Jersey) Order R&O 26/2006.
2006.
Minister for Planning and Environment.

Evidence (Television and Video Recordings) Rules 2006. R&O 27/2006.
Superior Number of the Royal Court.

Royal Court (Amendment No. 2) Rules 2006. R&O 28/2006.
Superior Number of the Royal Court.

Advocates (Specified Examinations and Assessments) Rules 2006. R&O 29/2006.
Superior Number of the Royal Court.

Advocates and Solicitors (Qualifying Examination) (Amendment R&O 30/2006.
No. 2) Rules 2006.
Superior Number of the Royal Court.

C. DOCUMENTS PRESENTED OR LAID

Public Employees Contributory Retirement Scheme: Actuary's R.25/2006.
Valuation Report at 31st December 2004.
Presented: 21st March 2006.
Chief Minister.

States of Jersey Law 2005: delegation of functions – States R.26/2006.
Employment Board.
Presented: 21st March 2006.
Chief Minister.

States of Jersey Law 2005: delegation of functions – passing of R.27/2006.
contracts for land transactions.
Presented: 22nd March 2006.
Minister for Treasury and Resources.

Employment legislation: petition (P.214/2005) – comments – P.214/2005.
addendum. Com.Add.
Presented: 21st March 2006.
Minister for Social Security.

D. NOTIFICATION OF LODGED PROPOSITIONS

Draft States of Jersey (Powers, Privileges and Immunities) (Scrutiny P.15/2006.
Panels, PAC and PPC) (Jersey) Regulations 200- (P.15/2006): Amd.
amendment.

Lodged: 21st March 2006.
Privileges and Procedures Committee.

Legislation Advisory Panel: appointment of members. P.32/2006.
Lodged: 17th March 2006.
Chief Minister.

Higher Education 'top-up' fees: payment by the States. P.33/2006.
Lodged: 21st March 2006.
Senator B.E. Shenton.

E. WITHDRAWAL OF LODGED PROPOSITIONS

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

G. MATTERS OF PRIVILEGE

H. PETITIONS

I. QUESTIONS

(a) – Written Questions
(attached)

The Minister for Health and Social Services will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding procedures for the independent investigation of complaints.

The Minister for Education, Sport and Culture will table an answer to a question asked by the Connétable of St. Helier regarding the inclusion of a nursery unit in the redevelopment of St. Peter's Primary School and the allocation of free spaces in States day-nurseries.

The Chief Minister will table an answer to a question asked by the Connétable of St. Helier regarding the communication of decisions by the Council of Ministers and Ministers to States members.

The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding places for higher education in geographical areas outside the U.K., and student loans.

The Chairman of the Privileges and Procedures Committee will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding the proposed Freedom of Information Law.

The Minister for Home Affairs will table answers to questions asked by Deputy R.G. Le Hérisier of St. Saviour regarding the budget for H.M. Prison, La Moye, the purchase of a recent police speed car, and the implementation of the 2001 HMI Report of H.M. Prison, La Moye.

The Chief Minister will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding coming into force of the Law Society of Jersey Law and anti discrimination legislation.

The Minister for Home Affairs will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding matters relating to firearms.

The Minister for Treasury and Resources will table an answer to a question asked by Senator

B.E. Shenton regarding application of FRS17 in actuarial reports on public sector pension schemes.

The Minister for Treasury and Resources will table answers to questions asked by Deputy G.P. Southern of St. Helier regarding matters relating to tax reforms, the impact of GST on fee paying schools and his position as a governor of one such school.

The Chief Minister will table answers to questions asked by Deputy G.P. Southern of St. Helier regarding community involvement initiatives and matters relating to the draft Strategic Plan 2006-2011.

The Minister for Social Security will table answers to questions asked by Deputy G.P. Southern of St. Helier regarding matters relating to the draft Strategic Plan 2006-2011, the calculation of gross and net replacement rates for Jersey as related to pensions, income levels relating to the loss of HIE, the updating of the income distribution survey, and the refurbishment of Oakfield Industries.

The Minister for Housing will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding estimated rent rebate in respect of the Le Coie development and the total cost of the development to the public.

(b) – Oral Questions

Deputy J.A. Martin of St. Helier will ask the following question of the Chief Minister –

“On Page 4 of the draft Strategic Plan 2006-2011, it states that a balance has been made between delivering better services while maintaining a sustainable level of spending, and that the Plan is both ‘*achievable and affordable*’. Have any financial studies or business plans been undertaken in support of this statement and, if so, will the Minister guarantee to provide copies to all States members ahead of the States debate?”

Deputy A. Breckon of St. Saviour will ask the following question of the Minister for Social Security –

“In the light of evidence produced from cost of living comparisons between the U.K. and Jersey, is the Minister satisfied that the rate at which the minimum wage has been set is adequate?”

The Connétable of St. Helier will ask the following question of the Minister for Education, Sport and Culture –

“Would the Minister account for the delay in fulfilling the pledge contained in the draft proposals for early years education, ‘Investing in Our Future’, that, following the consultation period, which ended on 30th September 2005, all the responses received would be used to assist in the formation of more detailed options for the future which were to be published later in 2005?”

Deputy A. Breckon of St. Saviour will ask the following question of the Minister for Economic Development –

“Would the Minister inform members of the total cost of his part in the recent visit to the Middle East and explain the reasons why he considered it appropriate to attend?”

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

“Will the Minister inform members what progress, if any, he has made towards finalizing the package of tax measures that constitute the fiscal strategy and, if not, when progress will be made?”

Deputy J.A. Martin of St. Helier will ask the following question of the Chairman, Comité des Connétables –

“In view of the recent attention surrounding the possession of firearms under the Firearms (Jersey) Law 2000, would the Chairman advise whether the Connétables will voluntarily cease issuing licences under the Law until a full review of its provisions has been undertaken and, if not, the reasons why?”

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

“Would the Minister outline the policy options that were considered in relation to the extra monies required to meet the cost of “top-up” fees for higher education and why was the eventual decision not announced earlier?”

Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Economic Development –

“Will the Minister inform members what further consideration has been given, if any, to the potential impact of the revised fulfilment policy on the industry and, particularly, on the revenues of Jersey Post?”

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

“What decisions, if any, has the Minister made regarding the future provision of cardiology services?”

Deputy S.C. Ferguson of St. Brelade will ask the following question of the Minister for Home Affairs –

“When did the Minister learn of the press interview by the Deputy Chief Officer of Police concerning firearms and would she explain the reasons, if any, why States members were not notified in advance?”

Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Home Affairs –

“Was the Minister consulted by the States of Jersey Police regarding its contribution to recent articles concerning machine guns and, if not, what action, if any, will she be taking to review procedures in this respect?”

Senator S. Syvret will ask the following question of the Minister for Home Affairs –

“Is the Minister satisfied with the provisions of the Firearms (Jersey) Law 200-, which appear to allow a licence to be issued to an individual, enabling him/her to build up an arsenal of multiple weapons, even though that individual has criminal convictions for firearms and drugs offences?”

Senator S. Syvret will ask the following question of the Chairman, Comité des Connétables –

“Is the Chairman satisfied that all Parish Connétables are correctly discharging their duties under the Firearms (Jersey) Law 2000, and, if not, would he explain whether there are any deficiencies in the application of the Law that he is aware of and to which Parishes this applies, if any, and whether any difficulties exist for the Parishes in issuing firearms licences?”

Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Home Affairs –

“Would the Minister inform members whether automatic weapons, such as M2 Brownings, are defined as “prohibited weapons” in accordance with Article 33 (1) of the Firearms (Jersey) Law 2000, requiring the Minister’s authority, following consultation with the Connétable, before such a firearm can be purchased or transferred and, if so, on how many occasions, if any, has such permission been granted in the last three years?”

Senator B.E. Shenton will ask the following question of the Chief Minister –

“Following the HMI report on H.M. Prison, La Moye, would the Chief Minister confirm whether he retains full confidence in the Minister for Home Affairs whom he nominated for this position in December 2005?”

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

1st question period – Minister for Home Affairs.

2nd question period – Minister for Treasury and Resources.

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

L. PUBLIC BUSINESS

Draft Postal Services (Transfer) (Jersey) Regulations 200-. P.9/2006.
Lodged: 31st January 2006.
Minister for Treasury and Resources.

Draft Postal Services (Transfer) (Jersey) Regulations 200- (P.9/2006): P.9/2006.
amendment. Amd.
Lodged: 28th February 2006.
Minister for Treasury and Resources.

Draft Postal Services (Transfer) (Jersey) Regulations 200- (P.9/2006): second amendment. Lodged: 14th March 2006. <i>Minister for Treasury and Resources.</i>	P.9/2006. Amd. (2)
Draft Postal Services (Jersey) Law 2004 (Appointed Day) (No. 2) Act 200-. Lodged: 31st January 2006. <i>Minister for Economic Development.</i>	P.8/2006.
Exclusivity of postal services within Jersey: termination of Agreement between the States of Jersey and the United Kingdom. Lodged: 14th February 2006. <i>Minister for Economic Development.</i>	P.13/2006.
Draft Water Pollution (Amendment No. 2) (Jersey) Law 200. Lodged: 2nd February 2006. <i>Minister for Planning and Environment.</i>	P.11/2006.
Sea Transport: revised policy. Lodged: 28th February 2006. <i>Deputy J.B. Fox of St. Helier.</i>	P.24/2006.
Waterfront Enterprise Board Limited: appointment of directors. Lodged: 14th March 2006. <i>Chief Minister.</i>	P.30/2006.
Composting facilities at La Collette II: approval by States Assembly. Lodged: 14th March 2006. <i>Connétable of St. Helier.</i>	P.31/2006.

M. ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

4th April 2006

Employment legislation: petition. Lodged: 4th October 2005. <i>Deputy G.P. Southern of St. Helier.</i>	P.214/2005.
Employment legislation: petition (P.214/2005) – comments. Presented: 11th January 2006. <i>Minister for Social Security.</i>	P.214/2005. Com.
Employment legislation: petition (P.214/2005) – comments – addendum. Presented: 21st March 2006. <i>Minister for Social Security.</i>	P.214/2005. Com.Add.
Draft States of Jersey (Powers, Privileges and Immunities) (Scrutiny panels, PAC and PPC) (Jersey) Regulations 200-. Lodged: 21st February 2006. <i>Privileges and Procedures Committee.</i>	P.15/2006.
Draft States of Jersey (Powers, Privileges and Immunities) (Scrutiny Panels, PAC and PPC) (Jersey) Regulations 200- (P.15/2006): amendment. Lodged: 21st March 2006.	P.15/2006. Amd.

Privileges and Procedures Committee.

Legislation Advisory Panel: appointment of members. P.32/2006.
Lodged: 17th March 2006.
Chief Minister.

Higher Education 'top-up' fees: payment by the States. P.33/2006.
Lodged: 21st March 2006.
Senator B.E. Shenton.

25th April 2006

Draft Sexual Offences (Jersey) Law 200-. P.196/2005.
Lodged: 13th September 2005.
Minister for Home Affairs, (formerly the Home Affairs Committee).
(debate suspended on 18.01.06 and remained such on 31.01.06 as item referred to Scrutiny under S.O. 79(i)).

Draft Employment Relations (Amendment) (Jersey) Law 200-. P.5/2006.
Lodged: 30th January 2006.
Deputy G.P. Southern of St. Helier.

Draft Employment Relations (Amendment) (Jersey) Law 200- P.5/2006. Com.
(P.5/2006): comments.
Presented: 8th February 2006.
Minister for Social Security.

Political activities by States employees. P.17/2006.
Lodged: 24th February 2006.
Council of Ministers.

Draft Housing (General Provisions) (Amendment No. 23) (Jersey) P.19/2006.
Regulations 200-.
Lodged: 28th February 2006.
Minister for Housing.

Bailiff's Consultative Panel. P.20/2006.
Lodged: 28th February 2006.
Privileges and Procedures Committee.

Bailiff's Consultative Panel (P.20/2006): amendment. P.20/2006. Amd.
Lodged: 3rd March 2006.
Connétable of St. Helier.

Bailiff's Consultative Panel (P.20/2006): amendment P.20/2006.
(P.20/2006 Amd.)– comments. Amd.Com.
Presented: 10th March 2006.
Privileges and Procedures Committee.

Draft Restriction on Smoking (Vending Machines) (Jersey) Regulations P.21/2006.
200-.
Lodged: 28th February 2006.
Minister for Health and Social Services.

Draft Restriction on Smoking (Public Transport) (Amendment) (Jersey) P.22/2006.
Regulations 200-.
Lodged: 28th February 2006.

Minister for Health and Social Services.

Draft Restriction on Smoking (Sales of Cigarettes to Children) (Amendment No. 2) (Jersey) Regulations 200-. P.23/2006.
Lodged: 28th February 2006.
Minister for Health and Social Services.

Draft Restriction on Smoking (Amendment) (Jersey) Law 2006 (Appointed Day Act) 200-. P.28/2006.
Lodged: 14th March 2006.
Minister for Health and Social Services.

Draft Housing (General Provisions) (Amendment No. 24) (Jersey) Regulations 200-. P.25/2006.
Lodged: 14th March 2006.
Minister for Housing.

Draft States of Jersey (Transfer of Functions No. 1) (Home Affairs to Transport and Technical Services) (Jersey) Regulations 200-. P.26/2006.
Lodged: 14th March 2006.
Chief Minister.

Draft Amendment (No. 4) of the Standing Orders of the States of Jersey. P.27/2006.
Lodged: 14th March 2006.
Privileges and Procedures Committee.

Draft Trusts (Amendment No. 4) (Jersey) Law 200-. P.29/2006.
Lodged: 14th March 2006.
Minister for Economic Development.

16th May 2006

Milk Subsidy for Delivery to Special Classes. P.145/2005.
Lodged: 5th July 2005.
Deputy G.P. Southern of St. Helier, and referred to the Ministers for Economic Development and Social Security, (formerly the Economic Development and the Employment and Social Security Committees).

Draft Taxation (United States of America) (Jersey) Regulations 200-. P.264/2005.
Lodged: 8th November 2005.
Chief Minister, (formerly the Policy and Resources Committee).

Draft Employment (Amendment No. 2) (Jersey) Law 200-. P.270/2005.
Lodged: 15th November 2005.
Deputy G.P. Southern of St. Helier.

Draft Employment (Amendment No. 2) (Jersey) Law 200- (P.270/2005): P.270/2005. Com.
comments.
Presented: 17th January 2006.
Minister for Social Security.

23rd May 2006

Composting facilities. P.258/2005.
Lodged: 1st November 2005.
Deputy P.V.F. Le Claire of St. Helier, (formerly in the name of Senator P.V.F. Le Claire), and referred to the Ministers for Health and Social Services, Planning and Environment, and Transport and Technical Services, (formerly the Health and Social Services and the Environment and Public Services Committees).

Composting facilities (P.258/2005): comments. P.258/2005. Com.
Presented: 19th December 2005.
Comité des Connétables.

Composting facilities (P.258/2005): comments. P.258/2005. Com.
Presented: 9th March 2006. (2)
Minister for Health and Social Services.

Composting facilities (P.258/2005): comments. P.258/2005. Com.
Presented: 9th March 2006. (3)
Minister for Transport and Technical Services.

6th June 2006

Senators and Deputies: terms of office. P.227/2004.
Lodged: 14th December 2004.
*Deputy A. Breckon of St. Saviour.
(debate commenced and States adopted move to next item of public business on 1st Feb 2005)*

Senators and Deputies: terms of office (P.227/2004) – comments. P.227/2004. Com.
Presented: 18th January 2005.
Presented by the Minister for Treasury and Resources, (formerly the Finance and Economics Committee).

Draft Water Resources (Jersey) Law 200-. P.206/2005.
Lodged: 27th September 2005.
Minister for Planning and Environment, (formerly the Environment and Public Services Committee).

Draft Water Resources (Jersey) Law 200- (P.206/2005): comments. P.206/2005. Com.
Presented: 1st November 2005.
Minister for Economic Development, (formerly the Economic Development Committee).

Draft Water Resources (Jersey) Law 200- (P.206/2005): amendment. P.206/2005. Amd.
Lodged: 25th October 2005.
Deputy R.C. Duhamel of St. Saviour.

Draft Water Resources (Jersey) Law 200- (P.206/2005): amendments P.206/2005.
(P.206/2005 Amd.)– comments. Amd.Com.
Presented: 22nd November 2005.
Minister for Planning and Environment, (formerly the Environment and Public Services Committee).

Draft Water Resources (Jersey) Law 200- (P.206/2005): second P.206/2005. Amd. amendments. (2)

Lodged: 1st November 2005.

Deputy P.N. Troy of St. Brelade.

Draft Water Resources (Jersey) Law 200- (P.206/2005): second P.206/2005. Amd. amendments (P.206/2005 Amd.(2))– comments. (2) Com.

Presented: 29th November 2005.

Minister for Planning and Environment, (formerly the Environment and Public Services Committee).

20th June 2006

4th July 2006

18th July 2006

**M.N. DE LA HAYE
Greffier of the States**

23rd March 2006

Note –

In accordance with a decision of the States on 25th October 2005, this meeting will continue, if necessary, on Wednesday 29th and Thursday 30th March 2006.

Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O 25/2006

The object of this Order is to prohibit parking for extended periods in 3 sections of road in St Martin (*Articles 2 and 6*), to specify 2 sections of road in that parish where wide vehicles are not to park (*Articles 3 and 5*), and to revise 2 existing prohibitions on parking (*Article 4*).

The Order was made on 15th March 2006, and comes into force on 22nd March 2006.

R&O 26/2006

Article 1 is an interpretation provision.

Article 2 inserts a definition of “import” that excludes from the meaning of that word racing pigeons returning to Jersey after being taken overseas and released. Because *Article 5 and 6* of this Order introduce a requirement that the *export* of racing pigeons (other than for breeding or sale purposes) be licensed, it is appropriate to clarify, via this definition, that only one licence – for export – will be needed, and that provisions relating to *import* (with which free-flying pigeons can’t comply) will not apply to them.

Article 3 amends the Part heading to reflect new *Articles 5 and 6*.

Article 4 amends *Article 3* of the principal Order to ensure that poultry carcasses may only be imported from outside the EEC without a licence if they are imported from a country or territory outside the EEC that has not had a reported case of avian influenza in the 12 month period before the import. This adds to the current requirements that the carcasses be cooked, or eviscerated and prepared for human consumption, before import.

Articles 5 and 6 of this Order introduce a requirement that the export of racing pigeons, other than for the purposes of sale or breeding, be licensed. This is to ensure that such birds do not introduce avian influenza by flying back to Jersey with the virus.

Article 7 ensures that *Article 11* of the principal Order, which enables a notice to be served on an occupier of premises requiring the occupier not to permit movement of poultry, or requiring the poultry to be isolated from other poultry, does not apply in relation to wild birds (over which the occupier will have no control).

Article 8 ensures that poultry, litter and fodder may all be subject, via a notice served on the occupier of premises, to a requirement that they be kept indoors or in such a way that they cannot come into contact with wild birds or their droppings. The requirement does not apply in relation to wild birds (over which the occupier will have no control).

Article 9 inserts a new *Article 20A*, which establishes a requirement that a person importing or using a vaccine that may be used to vaccinate poultry against avian influenza shall only do so under a licence. This is to enable the enforcement of a policy decision that vaccination against bird flu shall not be required or permitted.

That *Article* also inserts a new *Article 20B*, which enables the Minister to require persons possessing poultry to provide information to the Minister (e.g. for the purpose of establishing a register of ownership of outdoor birds).

The *Article* also inserts a new *Article 20C*, which permits vehicles carrying poultry (including poultry that has just entered Jersey) to be taken to a place and inspected at that place. While there, poultry may be slaughtered under the power of the Minister to slaughter set out in *Article 24* of the Law.

Article 10 gives the citation of the Order and specifies that the Order shall come into effect 7 days after it is made.

The Order was made on 20th March 2006, and came into force on 27th March 2006.

R&O 27/2006

The Criminal Justice (Evidence of Children) (Jersey) Law 2002 was brought into force on 1st August 2005. This Law replaced the Criminal Justice (Evidence and Procedure) (Jersey) Law 1997 and, in so doing, took account of the reforms effected by the Children (Jersey) Law 2002 (which were brought into force at the same time).

With the repeal of the Criminal Justice (Evidence and Procedure) (Jersey) Law 1997, the Evidence (Television and Video Recordings) Rules 1997 ceased to have effect. Unfortunately, this was overlooked when the Criminal Justice (Evidence of Children) (Jersey) Law 2002 was brought into force on 1st August 2005 along with the Children (Jersey) Law 2002. Thankfully, this has not been fatal to any existing procedures as the absence of fresh Rules of Court does not defeat the Law – which still enables applications to be made, and the Court to hear,

evidence through a television link or from a video recording.

The Evidence (Television and Video Recordings) Rules 2006 would do no more than re-enact the Evidence (Television and Video Recordings) Rules 1997.

The Rules consist of five *Rules* and two *Schedules*.

Rule 1 defines “Greffier”, “Judge”, “Law” and “relevant date” for the purposes of the *Rules*.

Rule 2 makes provision for applications under Article 2(1) of the Law for leave for evidence to be given through a live television link.

Such an application is to be made in the form prescribed in *Schedule 1* or a form to the like effect.

Rule 3 makes provision as to applications under Article 3 of the Law for leave to tender in evidence a video recording of testimony from a witness.

Such an application must be made by notice in the form set out in *Schedule 2* or a form to the like effect.

Rule 4 provides for several matters of procedure (including time limits within which certain actions are required to be taken).

The Judge is empowered, on a written application being made, to extend the period within which applications may be made and notices given under the *Rules*.

Rule 5 is the usual citation provision and provides for the *Rules* to come into force 7 days after they are made.

The Rules were made on 23rd March 2006, and come into force on 30th March 2006.

R&O 28/2006

These Rules would amend further the Royal Court Rules 2004 (“the principal Rules”).

The amendment relates to the use of English in contracts and other deeds passed before the Royal Court. The Rules would provide for certain matters to be determined by practice directions. The Bailiff has by custom issued practice directions for many years; but, because the Rules would in this instance make specific mention of practice directions, they go on to make express provision empowering the Bailiff to issue directions in exercise of the inherent jurisdiction of the Royal Court to regulate its own process.

The draft consists of 5 *Rules*.

Rule 1 would merely define the principal Rules.

Rule 2 would insert a short definition of “practice directions”.

Rule 3 would amend Rule 20/9 of the principal Rules so as to require all contracts passed before the Royal Court to be in English, but in the form that was customary when contracts were drafted in French (see the inserted *Rule 20/9(2)*). The term ‘contracts’ includes hypothecs and *rentes*.

Practice directions would make provision as to the mechanics of conveyancing in English (see the inserted *Rule 20/9(4)* and (5)).

Specific provision would also be made requiring any application referred to in Rule 17/3(1)(a), (f), (j) or (k) of the principal Rules to be in English. The relevant applications are –

- (i) applications for the registration of wills of immovables;
- (ii) applications for the registration of notices served under the Electricity Law, the Drainage Laws, the Planning Laws and the Water Law;
- (iii) applications for the registration of co-ownership declarations under the ‘Flying Freeholds’ Law.

Rule 4 would insert a new *Rule 20/11* to make provision (referred to at the beginning of this note) under which the Bailiff would be able to issue practice directions in exercise of the inherent jurisdiction of the Royal Court to regulate its own process.

Rule 5(1) is the usual citation provision.

Rule 5(2) to (4) would make the following commencement provisions:

The provisions specifically empowering the Bailiff to make practice directions (*Rules 1, 2 and 4*) would come into force 7 days after the Rules were made.

The main provision relating to contracts in English (*Rule 3*) would come into force on 1st June 2006.

However, *Rule 5(4)* would make a transitional provision under which until 31st October, 2006 contracts would be able to be passed before the Royal Court in English or in French, so that it would not be mandatory until 1st November 2006 for contracts passed before the Royal Court to be in English.

The Rules were made on 23rd March 2006, and come into force in accordance with Rule 5.

R&O 29/2006

Article 3 of the Advocates and Solicitors (Jersey) Law 1997 makes certain requirements for admission to the Jersey Bar amongst which is the requirement to have passed either –

- (i) the examinations and assessments included in any course validated by the Bar Council for call to the Bar of England and Wales by any one of the Inns of Court in England; or
- (ii) the examinations and assessments included in any course validated by the Law Society of England and Wales for admission as a Solicitor of the Supreme Court of England and Wales.

The Superior Number of the Royal Court is empowered under Article 3(2)(a)(i) of the 1997 Law to specify other examinations and assessments as an alternative to the examinations and assessments referred to in (i) and (ii) above.

The draft Rules would specify –

- (a) the examinations and assessments included in any course validated by the Faculty of Advocates in Scotland for admission as a member of the Faculty of Advocates in Scotland; and
- (b) the examinations and assessments included in any course accredited by the Law Society of Scotland for admission to the Roll of Solicitors in Scotland,

as alternative examinations and assessments for the purposes of Article 3(2) of the 1997 Law. Also specified would be the examinations and assessments leading to the award of a Certificate of Professional Legal Studies by the Institute of Professional Legal Studies of the Queen's University of Belfast or the equivalent for the time being recognized by –

- (i) the Executive Council of the Honourable Society of the Inn of Court of Northern Ireland; or
- (ii) the Law Society of Northern Ireland.

The Rules were made on 23rd March 2006, and come into force on 30th March 2006.

R&O 30/2006

Rule 1 of the Advocates and Solicitors (Qualifying Examinations) Rules 1997 sets out certain educational requirements for persons who wish to sit the qualifying examination to become an advocate or a solicitor of the Royal Court.

Such a person must have either a legal qualification or the general qualification.

A person has a legal qualification if that person has –

- (a) a law degree of a British University or of such other university or institution as the Board approves which conforms to the requirements in Rule 2;
- (b) passed the examinations and assessments included in any course validated by the Common Professional Examination Board in England and Wales;
- (c) passed the examinations and assessments included in any course validated by the Law Society of England and Wales for admission as a solicitor of the Supreme Court of England and Wales or the examinations formerly set by the Law Society of England and Wales for that purpose; or
- (d) passed the examinations and assessments included in any course validated by the Bar Council for call to the Bar of England and Wales by any one of the Inns of Court in England or the examinations formerly set by the Council of Legal Education for that purpose.

The attached draft Rules would include the examinations and assessments included in any course –

- (i) accredited by the Law Society of Scotland for admission to the Roll of Solicitors in Scotland; or
- (ii) validated by the Faculty of Advocates in Scotland for admission as a member of the Faculty of Advocates in Scotland,

as a legal qualification for the purposes of the 1997 Rules. The Rules would also include as such a legal qualification the examinations and assessments leading to the award of a Certificate of Professional Legal Studies by the Institute of Professional Legal Studies of the Queen's University of Belfast or the equivalent for the time being recognized by –

- (i) the Law Society of Northern Ireland; or
- (ii) the Executive Council of the Honorable Society of the Inn of Court of Northern Ireland.

The Rules were made on 23rd March 2006, and come into force on 30th March 2006.

WRITTEN QUESTIONS

(See Item I(a))

The Minister for Health and Social Services will table an answer to the following question asked by Deputy R.G. Le Hérissier of St. Saviour –

“Will the Minister give the date, if any, upon which procedures for independent investigation of complaints will come into effect?”

The Minister for Education, Sport and Culture will table an answer to the following question asked by the Connétable of St. Helier –

“Would the Minister confirm whether a nursery unit is being created as part of the planned redevelopment of St. Peter’s Primary School and, if so, would he explain the reasons why given his recent admission that the current system of allocating a limited number of free places in States day-nurseries is inequitable?”

The Chief Minister will table an answer to the following question asked by the Connétable of St. Helier –

“Would the Chief Minister outline his policy, if any, on communicating decisions made by the executive to non-executive members of the States and confirm what measures, if any, have been put in place to ensure that members do not have to hear of the majority of decisions made by the Council of Ministers or by individual ministers through the media?”

The Minister for Education, Sport and Culture will table an answer to the following question asked by Deputy R.G. Le Hérissier of St. Saviour –

“Would the Minister inform members –

- (a) in the light of his recent investigations into higher education places in Australasia, what other countries and areas, if any, are being investigated for similar possibilities? and,
- (b) given the inability to access the services of the Student Loans Company in the U.K., will the Minister confirm the mechanisms the department will be putting in place, if any, for Jersey higher education students who require student loans?”

The Chairman of the Privileges and Procedures Committee will table an answer to the following question asked by Deputy R.G. Le Hérissier of St. Saviour –

“When does the Committee intend to bring the Freedom of Information Law to the States and does the Committee accept the restriction in paragraph 5.1.4 of the draft Strategic Plan, that the Law ‘will incur no additional cost to the States’”?

The Minister for Home Affairs will table answers to the following questions asked by Deputy R.G. Le Hérissier of St. Saviour –

- “1. Would the Minister inform members whether any additional funding was placed in the Prison Budget for each of the financial years 2000-2005 and, if so, how much and how was it allocated?
- “2. Would the Minister inform members from what budget area monies came from for the recent purchase of a new police speed car?”

“3. What specific group, if any, was set up to progress implementation of the 2001 Report of the Prisons Inspectorate and, if so, are its minutes accessible to members?”

The Chief Minister will table an answer to the following question asked by Deputy R.G. Le Hérisier of St. Saviour –

“Will the Chief Minister inform members –

- (a) when the Law Society of Jersey Law will be brought into force? and,
- (b) whether anti discrimination legislation will be brought to the States and, if so, when?”

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

“Would the Minister advise -

- (a) how many M2 Brownings are currently held in the Island by individuals, and the weight of each of those guns?
- (b) whether there are any other firearms held in the Island that could bring an aircraft down and, if so, what are they?
- (c) when the concerns recently reported in the media regarding the licensing of firearms were first raised?
- (d) the date when the matter was raised with her and who briefed her?
- (e) whether she briefed the media and, if not, is she aware who did, and the reasons why States members were not notified beforehand?
- (f) what research has been undertaken, if any, into the correlation between gun crime and legitimate gun ownership in Jersey? and,
- (g) what changes, if any, will be made to current firearms legislation and how will this be achieved?”

The Minister for Treasury and Resources will table an answer to the following question asked by Senator B.E. Shenton –

“Following the publication of the actuarial assessment of the Public Employees’ Contributory Retirement Scheme, would the Minister confirm whether the assessment was in accordance with Financial Reporting Standard 17 (FRS17), and would the Minister provide members with the most recent actuarial assessments of the Teachers’ Superannuation Fund pension as calculated under the same Standard?”

The Minister for Treasury and Resources will table answers to the following questions asked by Deputy G.P. Southern of St. Helier –

- “1. (a) Has the Minister considered or consulted the contents of the PriceWaterhouseCoopers (PWC) report of 31st January 2006, entitled “*Analysis of the responses to the second consultation document on the States of Guernsey future economic and taxation strategy*”, and, in particular, section 5.4 on the taxation of Guernsey resident shareholders?

- (b) if so, what consideration, if any, has he given to the evidence presented in the report by PWC that look-through, or attribution provisions -
- *requiresubstantial policing and anti-avoidance legislation..... an unprecedented level of disclosure by Guernsey taxpayers..... (and) are likely to prompt a major change in the culture of tax compliance...*
 - *there are significant legal obstacles that could potentially render attribution unworkable and expose the States to judicial challenge. Our understanding (based on discussions with legal experts) is that an attribution regime is potentially very vulnerable to challenge under both company law and human rights law.*
 - *it is likely that enforcement of the attribution rules would require provisions forcing the company to act as agent for the resident shareholders in certain circumstance. It is doubtful that such provisions would comply with the (EU) Code of Conduct (on Business Taxation)?*
- (c) What legal advice, if any, has the Minister received concerning the vulnerability of “attribution” to legal challenge and non-compliance with the EU Code of Conduct on Business Taxation and if he has not sought any, the reasons why; if he has received legal advice, what did it state?
- (d) In the light of the Guernsey decision to abandon attribution for a distribution-only system to recover tax from local shareholders, will he also reconsider and review the proposals for look-through?
2. Will the Minister inform members what progress, if any, has been made in reviewing the “20 means 20” proposals and when he intends to bring fresh proposals to the Assembly?
3. (a) What consideration, if any, is the Minister giving to the protection offered to fee paying schools from the impact of GST on school fees and will consideration also be given to how this compares with medical bills and prescription fees?
- (b) What conflict exists, if any, for the Minister as a governor of one of the private schools in considering the matter outlined in (a) above?
4. Appendix IV of the PriceWaterhouseCoopers (PWC) report of 31st January 2006, entitled “*Analysis of the responses to the second consultation document on the States of Guernsey future economic and taxation strategy*” shows a table illustrating the schedules of the Isle of Man proposed taxation rates. Will the Minister produce the equivalent table showing his proposals for Jersey corporate tax rates, and where differences occur, will he explain to members the reasons for such differences?

The Chief Minister will table answers to the following questions asked by Deputy G.P. Southern of St. Helier –

- “1. (a) Would the Chief Minister inform members what involvement, if any, Scrutiny Officers had in the meeting of 35 senior and front line civil servants to discuss community involvement initiatives in January 2006 referred to under A1. of the Council of Ministers Minutes of 28th February 2006?
- (b) Following the adoption by the States of P.16/2006 (Establishment of a Citizens’ Panel: Approval by States Assembly), will the Chief Minister indicate whether he still intends to establish an “Oversight Panel” or use expert witnesses to survey the opinions of Islanders and, if so, how will the appointments process operate independently and without duplication of the legitimate aims of scrutiny?
2. Will the Chief Minister state whether the actions outlined in paragraph 5.2.8 of the draft Strategic Plan

2006-2011, namely “to meet, where possible, international standards set through the extension of international treaties and conventions” extends to include the International Labour Organisation conventions 87 (on freedom of association and protection of the right to organise) and 98 (on right to organise and to bargain collectively)?

3. What measures does the Chief Minister envisage to correct “the deficiency in the Teachers’ Pension scheme” as noted on page 11 of the draft Strategic Plan 2006-2011?
4. Based on the target for 2% economic growth over the 5 year period of the draft strategic Plan 2006-2011, how much revenue does the Chief Minister estimate being placed in the ‘Stabilisation Fund’ proposed on page 11 of the Plan?”

The Minister for Social Security will table answers to the following questions asked by Deputy G.P. Southern of St. Helier –

“1. Under commitment 3.6 of the draft Strategic Plan, one of the success indicators is a *“Reduction in the number of children/pensioners living in relative low-income households”*. Will the Minister inform members –

(a) which of the actions outlined in sections 3.6.1 to 3.6.6 under the heading *“What we will do”* address this target?

(b) what specific targets will the Minister set and be judged on for reducing both child and pensioner poverty from their current level of 33%, and in what timescale?

(c) in the light of the U.K. government’s inability to meet its 1999 target for the reduction of child poverty by one quarter from 4.1 million to 3.1 million by 2005, what difficulties, if any, have to be overcome if the Minister is to be successful in meeting the targets set?

2. With regard to success indicators under commitment 3.6 of the draft Strategic Plan, namely -

- *“Reduction in the proportion of working age residents needing income support during each stage of the economic cycle*

- *Increase in proportion of working age residents with long term health problems in paid employment”*,

would the Minister inform members –

(a) what the proportions currently are, and which of the actions outlined in sections 3.6.1 to 3.6.6 under the heading *“What we will do”* address the first of these targets?

(b) what specific targets will he set and be judged on, if any, in terms of his own success?

(c) of the mechanisms to be used to develop support for working age residents with long term health problems outlined in 3.6.5 to address the second of the indicators above, along with the additional resources and funding required?

3. Under commitment 3.6 of the draft Strategic Plan, one of the success indicators is:

- *“Increase in the employment rates of disadvantaged groups*

Would the Minister inform members –

- (a) what disadvantaged groups this refers to?
 - (b) what employment rates currently exist in these groups?
 - (c) what improvement in employment rates is targeted and to be judged upon, and
 - (d) what mechanisms he intends to use to achieve improvement?
4. Will the Minister undertake to provide a calculation of the gross and net replacement rates for Jersey to enable accurate comparison with the data revealed in the 2005 OECD report entitled "Pensions at a Glance: Public policies across OECD countries"?
 5. In his reply to my question on 14th February 2006, regarding income thresholds relating to loss of HIE, the Minister pointed to over 60 possible low income thresholds depending on household type. Would the Minister inform members whether a single person paying a weekly rent of £23.24 loses HIE if their income rises above £172.92 and, if not, would he provide evidence in support of this?
 6. On 14th February 2006, (section 2.2.5 of Official Report), the Minister undertook to provide a written answer on the means of updating the income distribution survey this year. When will he do so? Similarly, in response to a question on supported employment, (section 2.6.1 of Official Report), he referred to the sum of £600,000 to be spent on refurbishment at Oakfield Industries. Can he confirm that this sum will increase the number of people employed there and supply figures in support of this?"

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

“In part (b) of his answer to my question on Le Coie funding on 14th March 2006, the Minister suggested that rent rebate for the 95 flats “*could not be forecast*”. Would the Minister inform members –

- (a) why the estimate for rent rebate on the site was stated as £415,000 per annum by the then President of the Housing Committee in P.161/2003?
- (b) what the total estimated cost in terms of capital expenditure, interest subsidy and rent rebate expenditure of this project to the public will be over the 21 year period of the purchase of this project by the Jersey Homes Trust?"

**ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE
ROTA**

(See Item I(c))

First 15 minute period	Second 15 minute period
conomic Development	Chief Minister
echnical and Transport Services	Health and Social Services
ducation Sport and Culture	Chief Minister
ocial Security ^[1]	Planning and Environment
ousing	Chief Minister
ome Affairs	Treasury and Resources

^[1] Members are asked to note that, in accordance with Standing Order 64(7), the rota has been amended since it was last circulated to members as the Minister for Social Security will have only just returned to the Island on 6th June 2006.