



# STATES OF JERSEY ORDER PAPER

12th SEPTEMBER 2017

## SUMMARY

- 9.30 a.m. Communications by the Presiding Officer and other announcements
- Appointments, matters of privilege, petitions (if any)
- Resignations of Connétable Alan Simon Crowcroft of St. Helier, Deputy Judith Ann Martin of St. Helier and Mr. Gary Drinkwater from the Public Accounts Committee
- Approx. 9.40 a.m. Summary of written questions
- Up to 2 hours Oral questions with notice
- Urgent questions (if any)*
- Up to 30 minutes, divided between the two Ministers Oral questions without notice:
- Minister for Treasury and Resources
  - Minister for Education
- Statements
- Chairman of the Care of Children in Jersey Review Panel
- Approx. 12.30 p.m. **Vote of Censure: Deputy A.D. Lewis of St. Helier (P.76/2017)**
- States Members' Remuneration Review Body: implementation of pay recommendations (P.39/2017)**
- Draft Education (Amendment No. 3) (Jersey) Law 201- (P.56/2017)**
- Draft Amendment (No. 33) to the Standing Orders of the States of Jersey (P.59/2017)**
- Draft Amendment (No. 33) to the Standing Orders of the States of Jersey (P.59/2017): amendment (P.59/2017 Amd.)**
- States of Jersey Budget 2017: allocation of funds for Parish infrastructure projects (P.61/2017)**
- Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States (P.62/2017)**
- Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States (P.62/2017) – amendment (P.62/2017 Amd.)**

*Note: Because of the requirement for a one-week lodging period, the draft amendment cannot be debated before Wednesday 13th September 2017. If other business on the Order Paper for 12th September 2017 is completed before 13th September, Senator Bailhache has indicated that he will seek the agreement of the Assembly, under Standing Order 26(7), to reduce the lodging period in order that this matter can be debated at that meeting.*



**United Nations Convention on the Rights of the Child: compliance of draft Laws and training of States of Jersey employees (P.63/2017)**

**Draft Act annulling the Motor Traffic (Cabs – Fares and Charges) (Jersey) Order 2017 (P.64/2017)**

**Draft Customs and Excise (Amendment No. 8) (Jersey) Law 201- (P.65/2017)**

**Draft Road Traffic (No. 63) (Jersey) Regulations 201- (P.67/2017)**

Arrangement of public business at subsequent meetings

*Lunch adjournment likely around 12.45 p.m., until 2.15 p.m.*

*If business is not completed by around 5.30 p.m. the Assembly usually adjourns for the evening and will resume its meeting at 9.30 a.m. on Wednesday 13th and Thursday 14th September 2017, if necessary.*



# STATES OF JERSEY ORDER PAPER

12th SEPTEMBER 2017

## A. COMMUNICATIONS BY THE PRESIDING OFFICER

## B. TABLING OF SUBORDINATE ENACTMENTS

*(Explanatory note attached)*

EU Legislation (Sanctions – Libya) (Amendment No. 5) (Jersey) Order 2017. R&O.82/2017.  
*Minister for External Relations.*

Companies (Transfers of Shares – Exemptions) (Amendment No. 4) (Jersey) Order 2017. R&O.83/2017.  
*Chief Minister.*  
*[Signed by Deputy Chief Minister, Senator A.K.F. Green, M.B.E., for and on behalf of the Chief Minister]*

EU Legislation (Sanctions – Iran) (Amendment No. 3) (Jersey) Order 2017. R&O.84/2017.  
*Minister for External Relations.*

Sea Fisheries (Spider Crabs – Restrictions on Fishing) (Jersey) Order 2017. R&O.85/2017.  
*Minister for the Environment.*

Humane Live Traps (Approval) (Jersey) Order 2017. R&O.86/2017.  
*Minister for the Environment.*

Taxation (Exchange of Information with Third Countries) (Date in Force (Belgium)) (Jersey) Order 2017. R&O.87/2017.  
*Minister for External Relations.*

EU Legislation (Sanctions – Libya) (Amendment No. 6) (Jersey) Order 2017. R&O.88/2017.  
*Minister for External Relations.*

Income Support (General Provisions) (Amendment No. 21) (Jersey) Order 2017. R&O.90/2017.  
*Minister for Social Security.*

Road Traffic (St. Saviour) (Amendment No. 11) (Jersey) Order 2017. R&O.91/2017.  
*Minister for Infrastructure.*

## C. DOCUMENTS PRESENTED

Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States (P.62/2017) – comments. P.62/2017.  
Presented: 21st August 2017, *Privileges and Procedures Committee.* Com.

States Assembly: selection and appointment of Ministers, Committees and Panels – return to secret ballots (P.73/2017) – comments. P.73/2017.  
Presented: 7th September 2017, *Privileges and Procedures Committee.* Com.

Chief Minister: election by Island-wide vote of registered electors (P.78/2017) – comments. P.78/2017.  
Presented: 7th September 2017, *Privileges and Procedures Committee.* Com.



States of Jersey Complaints Board: findings – complaint against the States Employment Board by Mrs. X regarding the way in which her request for ill-health retirement was handled (R.53/2017) – response of the States Employment Board. Presented: 24th July 2017, <i>States Employment Board</i> .	R.53/2017. Res.
Jersey Competition and Regulatory Authority: appointment of Board members. Presented: 21st July 2017, <i>Chief Minister</i> .	R.89/2017.
Land Transactions under Standing Order 168(3) – (a) Beaumont Inn, St. Peter – acquisition of land; (b) Grouville Primary School – sale of land to the owner of the property known as “Touche Bouais”. Presented: 21st July 2017, <i>Minister for Infrastructure</i> .	R.90/2017.
Public Records (Jersey) Law 2002: Annual Report 2016 on the work of Jersey Heritage and the Archivist. Presented: 24th July 2017, <i>Minister for Economic Development, Tourism, Sport and Culture</i> .	R.91/2017.
Social Security Department: Minister’s Report 2016. Presented: 24th July 2017, <i>Minister for Social Security</i> .	R.92/2017.
States of Jersey Police Force: Chief Officer and Deputy Chief Officer – interim appointments. Presented: 24th July 2017, <i>Minister for Home Affairs</i> .	R.93/2017.
States of Jersey Law 2005: delegation of functions – Social Security – revised delegations July 2017. Presented: 25th July 2017, <i>Minister for Social Security</i> .	R.94/2017.
Office of the Data Protection/Information Commissioner: Annual Report 2016. Presented: 26th July 2017, <i>Chief Minister</i> .	R.95/2017.
Jersey Gambling Commission: 2016 Annual Report and Accounts. Presented: 28th July 2017, <i>Minister for Economic Development, Tourism, Sport and Culture</i> .	R.96/2017.
Jersey Gambling Commission: 2015 Annual Report and Accounts. Presented: 28th July 2017, <i>Minister for Economic Development, Tourism, Sport and Culture</i> .	R.97/2017.
Land Transactions under Standing Order 168(3) – (a) Le Clos de Mon Séjour, St. Helier – sale of land to “Darwell Cottage”; (b) Le Boulevard, La Grande Route des Sablons, Grouville – sale. Presented: 8th August 2017, <i>Minister for Infrastructure</i> .	R.98/2017.
States of Jersey Law 2005: delegation of functions – Environment – Scheme of delegations – August 2017. Presented: 9th August 2017, <i>Minister for the Environment</i> .	R.99/2017.
Association of Jersey Charities 2017 Service Level Agreement. Presented: 21st August 2017, <i>Minister for Economic Development, Tourism, Sport and Culture</i> .	R.100/2017.



Howard Davis Farm Trust: Report and Financial Statements for the year ended 31st December 2016. Presented: 21st August 2017, <i>Minister for Treasury and Resources</i> .	R.101/2017.
Commissioner for Standards: appointment. Presented: 22nd August 2017, <i>Privileges and Procedures Committee</i> .	R.102/2017.
States of Jersey Law 2005: delegation of functions – Treasury and Resources – revised delegations August 2017. Presented: 29th August 2017, <i>Minister for Treasury and Resources</i> .	R.103/2017.
Social Security Consultation Paper: Draft Discrimination (Disability) (Jersey) Regulations 201-. Presented: 5th September 2017, <i>Minister for Social Security</i> .	R.104/2017.
Office of the Comptroller and Auditor General – Annual Report and Accounts for the year ended 31 December 2016. Presented: 5th September 2017, <i>Comptroller and Auditor General</i> .	R.105/2017.
Land Transactions under Standing Order 168(3) – Warwick Farm, La Grande Route de St. Jean, St. Helier – lease. Presented: 6th September 2017, <i>Minister for Infrastructure</i> .	R.106/2017.
Risk Management. Presented: 7th September 2017, <i>Comptroller and Auditor General</i> .	R.107/2017.
States of Jersey Complaints Board: findings – complaint by Mr. and Mrs. A. against a decision of the Minister for Education regarding an appeal in respect of the student grant for their son (Mr. A. (Junior)). Presented: 7th September 2017, <i>Privileges and Procedures Committee</i> .	R.108/2017.
Future Hospital Funding Strategy (S.R.4/2017): response of the Minister for Treasury and Resources. Presented: 30th August 2017, <i>Minister for Treasury and Resources</i> .	S.R.4/2017. Res.
Review of Police Station HQ. Presented: 11th August 2017, <i>Public Accounts Committee</i> .	P.A.C.2/2017.

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

Draft Amendment (No. 33) to the Standing Orders of the States of Jersey (P.59/2017): amendment. Lodged: 24th August 2017, <i>Privileges and Procedures Committee</i> .	P.59/2017. Amd.
Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States (P.62/2017) – amendment. Lodged: 6th September 2017, <i>Senator Sir P.M. Bailhache</i> .	P.62/2017. Amd. (re-issue)
Draft Asian Infrastructure Investment Bank (Immunities and Privileges) (Jersey) Regulations 201-. Lodged: 21st July 2017, <i>Minister for External Relations</i> .	P.68/2017. (re-issue)
Draft Taxation (Implementation) (International Tax Compliance) (Common Reporting Standard) (Amendment) (Jersey) Regulations 201-. Lodged: 25th July 2017, <i>Minister for External Relations</i> .	P.69/2017.



- Jersey Financial Services Commission: appointment of Commissioner. P.70/2017.  
Lodged: 27th July 2017, *Chief Minister*.
- Draft Statutory Nuisances (Jersey) Regulations 201-. P.71/2017.  
Lodged: 31st July 2017, *Minister for the Environment*.
- States Employment Board: living wage 2017. P.72/2017.  
Lodged: 31st July 2017, *Deputy G.P. Southern of St. Helier*.
- States Assembly: selection and appointment of Ministers, Committees and Panels – P.73/2017.  
return to secret ballots.  
Lodged: 10th August 2017, *Deputy R. Labey of St. Helier*.
- States Assembly: selection and appointment of Ministers, Committees and Panels – P.73/2017.  
return to secret ballots (P.73/2017) – amendment. Amd.  
Lodged: 24th August 2017, *Deputy S.Y. Mézec of St. Helier*.
- Draft Sea Fisheries (Trawling, Netting and Dredging) (Amendment No. 4) (Jersey) P.74/2017.  
Regulations 201-.  
Lodged: 14th August 2017, *Minister for the Environment*.
- Warwick Farm: feasibility study for incorporating the site into the St. Helier P.75/2017.  
Country Park.  
Lodged: 18th August 2017, *Connétable of St. Helier*.
- Vote of Censure: Deputy A.D. Lewis of St. Helier. P.76/2017.  
Lodged: 18th August 2017, *Privileges and Procedures Committee*.
- Draft Air and Sea Ports (Incorporation) (Transfer No. 2) (Jersey) Regulations 201-. P.77/2017.  
Lodged: 24th August 2017, *Council of Ministers*.
- Chief Minister: election by Island-wide vote of registered electors. P.78/2017.  
Lodged: 24th August 2017, *Deputy R. Labey of St. Helier*.
- Draft Building Loans (Amendment No. 13) (Jersey) Law 201-. P.79/2017.  
Lodged: 5th September 2017, *Minister for Housing*.

## **E. WITHDRAWAL OF LODGED PROPOSITIONS**

In accordance with Standing Order 34(1), the proposer of the following proposition lodged 'au Greffe' has informed the Greffier of the States that it is to be withdrawn –

- Draft Drainage (Jersey) Law 2005 (Appointed Day) Act 201-. P.38/2017.  
Lodged: 18th May 2017, *Council of Ministers*. (re-issue)

## **F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS**

Resignations of Connétable Alan Simon Crowcroft of St. Helier, Deputy Judith Ann Martin of St. Helier and Mr. Gary Drinkwater from the Public Accounts Committee.

## **G. MATTERS OF PRIVILEGE**



## H. PETITIONS

## I. QUESTIONS

### (a) – **Written Questions** (attached)

- 1(459) 1. Deputy G.P. Southern of St. Helier will ask a question of the Minister for Social Security regarding the recently announced increase in the States pension.
- 1(460) 2. Deputy M. Tadier of St. Brelade will ask a question of the Minister for Health and Social Services regarding the number of deaths from overdoses or drug-related causes.
- 1(461) 3. Deputy S.Y. Mézec of St. Helier will ask a question of the Chief Minister regarding implementation of the Strategic Plan 2015-18.
- 1(462) 4. Deputy S.Y. Mézec of St. Helier will ask a question of the Chief Minister regarding legislation to enable same-sex marriages.
- 1(463) 5. Deputy S.Y. Mézec of St. Helier will ask a question of the Minister for Social Security regarding communication with benefit claimants.
- 1(464) 6. Deputy S.Y. Mézec of St. Helier will ask a question of the Chairman of the Comité des Connétables regarding measures to increase public participation in elections for Parish roles.
- 1(465) 7. Deputy G.P. Southern of St. Helier will ask a question of the Chief Minister regarding the generation of economic growth.
- 1(466) 8. Deputy M. Tadier of St. Brelade will ask a question of the Chairman of the Privileges and Procedures Committee regarding the Committee's plans to address under-representation in certain Parishes.
- 1(467) 9. Deputy M. Tadier of St. Brelade will ask a question of the Minister for Social Security regarding the prospect of introducing shared paternity leave.
- 1(468) 10. The Deputy of St. Ouen will ask a question of the Minister for Health and Social Services regarding assessment processes and intervention thresholds in respect of children in care.
- 1(469) 11. Senator S.C. Ferguson will ask a question of the Minister for Treasury and Resources regarding the profit arising from the completion of the first building of the Jersey International Finance Centre.
- 1(470) 12. Senator S.C. Ferguson will ask a question of the Minister for Treasury and Resources regarding the prospective payment of £50 million to the States for the regeneration of St. Helier.
- 1(471) 13. The Connétable of St. Helier will ask a question of the Minister for Infrastructure regarding improvement works in Midvale Road.
- 1(472) 14. The Connétable of St. Helier will ask a question of the Minister for Infrastructure regarding legislation concerning driving whilst using a mobile phone.
- 1(473) 15. The Connétable of St. Helier will ask a question of the Minister for Treasury and Resources regarding the payment of rates on States properties.
- 1(474) 16. Deputy G.P. Southern of St. Helier will ask a question of the Chief Minister regarding the Chief Minister's response to 'Raising the minimum wage: economic and fiscal impacts' (R.83/2017).



- 1(475) 17. Deputy M. Tadier of St. Brelade will ask a question of the Minister for the Environment regarding air quality in the Tunnel.
- 1(476) 18. Deputy G.P. Southern of St. Helier will ask a question of the Minister for Social Security regarding the use of zero-hour contracts.
- 1(477) 19. Deputy M.R. Higgins of St. Helier will ask a question of the Minister for Home Affairs regarding the procedures for dealing with illegal immigration and political asylum.
- 1(478) 20. Deputy M.R. Higgins of St. Helier will ask a question of the Minister for Home Affairs regarding the repatriation of prisoners.
- 1(479) 21. Deputy M.R. Higgins of St. Helier will ask a question of the Minister for Treasury and Resources regarding inflation in the Island.
- 1(480) 22. Deputy M.R. Higgins of St. Helier will ask a question of the Minister for Treasury and Resources regarding the measurement of productivity in Jersey.
- 1(481) 23. Deputy G.P. Southern of St. Helier will ask a question of the Minister for Health and Social Services regarding plans for a new governance model for Jersey's health service.

**(b) – Oral Questions**

(120 minutes)

- 1(489) 1. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Social Security –
- “Will the Minister provide the total sum of payments, and the mean average payment, made to the 27% of Andium tenants on post-April 2014 tenancies who receive the Income Support rental component; as well as the number of recipients of the rental component in the other housing associations and the private sector and the total sum of payments, and the mean average payment, made to those recipients?”
- 1(488) 2. Deputy K.C. Lewis of St. Saviour will ask the following question of the Assistant Minister for Economic Development, Tourism, Sport and Culture –
- “In the light of further intrusions into the restricted areas of Fort Regent by children during the school holidays, will the Assistant Minister agree to ensure the areas are secured and to install C.C.T.V. until such time as the derelict buildings on the site are demolished?”
- 1(457) 3. Deputy J.M. Maçon of St. Saviour will ask the following question of the Minister for Education –
- “Other than any work initiated by the States Greffe, what is being done by the Minister's Department to proactively prepare young people to participate in the upcoming elections?”
- 1(490) 4. Deputy S.Y. Mézec of St. Helier will ask the following question of the Minister for Social Security –
- “What work, if any, is being undertaken to examine how the Minister's Department communicates with benefits claimants to ensure that they are offered clear and unambiguous information about changes to their entitlement so that they do not inadvertently fall into hardship?”





- 1(483) 5. Deputy R. Labey of St. Helier will ask the following question of the Chief Minister –
- “Given that the consultation paper ‘Judicial Independence and the Establishment of a Judicial and Legal Services Commission’ preceded publication of the findings of Independent Jersey Care Inquiry, and that the consultation period was subsequently extended, will the Chief Minister explain how any proposals arising from this consultation will be adequately informed by, and responsive to, the spirit of the conclusions reached by the Care Inquiry?”
- 1(486) 6. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Housing –
- “Is the Minister aware of changes to rent levels of two-bedroom flats recently communicated to Andium tenants and, if so, taking into account information provided on the Social Security website about the support available for private rents and on the website of Andium Homes about minimum, average and maximum rent levels, will she explain how such changes meet the policy of setting social rents at 90% of private rents?”
- 1(484) 7. The Deputy of Grouville will ask the following question of the Minister for Infrastructure –
- “In the absence of a policy on pursuing payments for encroachments on the foreshore, will the Minister explain why encroachments which predate public ownership of the foreshore are pursued, and whether encroachments by ‘quangos’ will also be pursued; and will he confirm the date of the map being used to show the areas of the foreshore and that detailed drawings of the dimensions of walled boundaries are being used?”
- 1(482) 8. Senator S.C. Ferguson will ask the following question of the Minister for the Environment –
- “Following his announcement on 15th September 2016 that a review of the masterplan for the St. Helier Waterfront would be undertaken, with a revised masterplan to be adopted in 2017, will the Minister confirm that the results of the review will be presented to the States this year and, if not, will he explain why not and when they will be presented?”
- 1(485) 9. The Connétable of St. Helier will ask the following question of the Minister for Infrastructure –
- “Will the Minister advise what steps he is taking to ensure that the introduction of solid and liquid waste charges on the commercial sector alone is fair, practical, the best environmental option, and good for tourism?”
- 1(493) 10. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Home Affairs –
- “Will the Minister advise members when the States of Jersey Police were last subject to a full inspection by Her Majesty’s Inspectorate of Constabulary and what *ad hoc* reviews, if any, have been commissioned in the interim; and, if there have been any such reviews, will she indicate when they took place, by whom they were commissioned and what subject matters were covered?”
- 1(494) 11. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Home Affairs –
- “Will the Minister explain why, if the suspension of the former Chief Officer of the States of Jersey Police, Mr. Graham Power, was a neutral act, her Department never published his response to the ‘Wiltshire Report’; will she commit to publish Mr. Power’s response to that report; and if not, why not?”



- 1(458) 12. Deputy J.M. Maçon of St. Saviour will ask the following question of the Minister for Treasury and Resources –

“Further to the response given on 18th July 2017 by the Chief Minister to an oral question in relation to the Student Financing Sub-Committee, that a solution for funding students going to university this year would be given “*appropriate consideration*” for Budget 2018, can the Minister advise what measures, if any, he plans to propose; and if not, why not?”

- 1(492) 13. Deputy G.P. Southern of St. Helier will ask the following question of the Chief Minister –

“Is the Chief Minister aware of the latest report from the Institute for Public Policy Research, ‘Time for Change: A New Vision for the British Economy’; and, if so, is it his assessment that the Institute’s conclusions that “*the British economic model needs fundamental reform*” and that the economy’s deep and longstanding weaknesses “*make it unfit to face the challenges of the 2020s*” apply equally to Jersey?”

- 1(491) 14. Deputy S.Y. Mézec of St. Helier will ask the following question of the Minister for Infrastructure –

“Will the Minister update the Assembly on what work, if any, has been undertaken over the summer recess to engage with the business community on the impact of the proposed waste disposal tax, and indicate whether he anticipates making any changes to the proposals for when they come back to the Assembly?”

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

1st question period – Minister for Treasury and Resources

2nd question period – Minister for Education

**J. PERSONAL STATEMENTS**

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

The Chairman of the Care of Children in Jersey Review Panel will make a statement regarding the formation of the Panel.

**L. PUBLIC BUSINESS**

**Vote of Censure: Deputy A.D. Lewis of St. Helier.** P.76/2017.  
Lodged: 18th August 2017, *Privileges and Procedures Committee*.

**States Members’ Remuneration Review Body: implementation of pay recommendations.** P.39/2017.  
Lodged: 19th May 2017, *Privileges and Procedures Committee*.

**Draft Education (Amendment No. 3) (Jersey) Law 201-** P.56/2017.  
Lodged: 19th June 2017, *Minister for Education*.

**Draft Amendment (No. 33) to the Standing Orders of the States of Jersey.** P.59/2017.  
Lodged: 21st June 2017, *Privileges and Procedures Committee*.

**Draft Amendment (No. 33) to the Standing Orders of the States of Jersey (P.59/2017): amendment.** P.59/2017.  
Lodged: 24th August 2017, *Privileges and Procedures Committee*. Amd.



**States of Jersey Budget 2017: allocation of funds for Parish infrastructure projects.** P.61/2017.

Lodged: 28th June 2017, *Connétable of St. Helier*.

**Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States.** P.62/2017.

Lodged: 4th July 2017, *Deputy M. Tadier of St. Brelade*.

Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States (P.62/2017) – comments. P.62/2017.  
Com.

Presented: 21st August 2017, *Privileges and Procedures Committee*.

**Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States (P.62/2017) – amendment.** P.62/2017.  
Amd.

Lodged: 6th September 2017, *Senator Sir P.M. Bailhache*.

(re-issue)

*Note: Because of the requirement for a one-week lodging period, the draft amendment cannot be debated before Wednesday 13th September 2017. If other business on the Order Paper for 12th September 2017 is completed before 13th September, Senator Bailhache has indicated that he will seek the agreement of the Assembly, under Standing Order 26(7), to reduce the lodging period in order that this matter can be debated at that meeting.*

**United Nations Convention on the Rights of the Child: compliance of draft Laws and training of States of Jersey employees.** P.63/2017.

Lodged: 7th July 2017, *Deputy L.M.C. Doublet of St. Saviour*.

**Draft Act annulling the Motor Traffic (Cabs – Fares and Charges) (Jersey) Order 2017.** P.64/2017.

Lodged: 7th July 2017, *Senator S.C. Ferguson*.

**Draft Customs and Excise (Amendment No. 8) (Jersey) Law 201-** P.65/2017.

Lodged: 12th July 2017, *Minister for Home Affairs*.

**Draft Road Traffic (No. 63) (Jersey) Regulations 201-** P.67/2017.

Lodged: 17th July 2017, *Minister for Infrastructure*.

## M. ARRANGEMENT OF PUBLIC BUSINESS

### 26th September 2017

**Draft Asian Infrastructure Investment Bank (Immunities and Privileges) (Jersey) Regulations 201-** P.68/2017.  
(re-issue)

Lodged: 21st July 2017, *Minister for External Relations*.

**Draft Taxation (Implementation) (International Tax Compliance) (Common Reporting Standard) (Amendment) (Jersey) Regulations 201-** P.69/2017.

Lodged: 25th July 2017, *Minister for External Relations*.

**Jersey Financial Services Commission: appointment of Commissioner.** P.70/2017.

Lodged: 27th July 2017, *Chief Minister*.

*Note: In accordance with Article 3(2) of the Financial Services Commission (Jersey) Law 1998, this proposition must be debated in camera.*

**Draft Statutory Nuisances (Jersey) Regulations 201-** P.71/2017.

Lodged: 31st July 2017, *Minister for the Environment*.



<b>States Assembly: selection and appointment of Ministers, Committees and Panels – return to secret ballots.</b> Lodged: 10th August 2017, <i>Deputy R. Labey of St. Helier.</i>	P.73/2017.
States Assembly: selection and appointment of Ministers, Committees and Panels – return to secret ballots (P.73/2017) – comments. Presented: 7th September 2017, <i>Privileges and Procedures Committee.</i>	P.73/2017. Com.
<b>States Assembly: selection and appointment of Ministers, Committees and Panels – return to secret ballots (P.73/2017) – amendment.</b> Lodged: 24th August 2017, <i>Deputy S.Y. Mézec of St. Helier.</i>	P.73/2017. Amd.
<b>Draft Sea Fisheries (Trawling, Netting and Dredging) (Amendment No. 4) (Jersey) Regulations 201-.</b> Lodged: 14th August 2017, <i>Minister for the Environment.</i>	P.74/2017.
<b>Warwick Farm: feasibility study for incorporating the site into the St. Helier Country Park.</b> Lodged: 18th August 2017, <i>Connétable of St. Helier.</i>	P.75/2017.
<b>Chief Minister: election by Island-wide vote of registered electors.</b> Lodged: 24th August 2017, <i>Deputy R. Labey of St. Helier.</i>	P.78/2017.
Chief Minister: election by Island-wide vote of registered electors (P.78/2017) – comments. Presented: 7th September 2017, <i>Privileges and Procedures Committee.</i>	P.78/2017. Com.
<b>Brexit Information Report: July 2017 update.</b> Presented: 18th July 2017, <i>Minister for External Relations.</i> (consideration 'in committee')	R.87/2017.
<b><u>10th October 2017</u></b>	
<b>Draft Liquor Licensing (Jersey) Law 201-.</b> Lodged: 7th June 2017, <i>Minister for Economic Development, Tourism, Sport and Culture.</i>	P.54/2017.
<b>Draft Liquor Licensing (Jersey) Law 201- (P.54/2017): amendment.</b> Lodged: 4th July 2017, <i>Senator Sir P.M. Bailhache.</i>	P.54/2017. Amd.
<b>States' approval for household liquid or solid waste charges prior to implementation.</b> Lodged: 20th June 2017, <i>Minister for Infrastructure.</i>	P.57/2017.
<b>States Employment Board: living wage 2017.</b> Lodged: 31st July 2017, <i>Deputy G.P. Southern of St. Helier.</i>	P.72/2017.
<b>Draft Air and Sea Ports (Incorporation) (Transfer No. 2) (Jersey) Regulations 201-.</b> Lodged: 24th August 2017, <i>Council of Ministers.</i>	P.77/2017.
<b><u>31st October 2017</u></b>	
<b>Draft Public Health and Safety (Rented Dwellings) (Jersey) Law 201-.</b> Lodged; 17th July 2017, <i>Minister for the Environment.</i>	P.66/2017.



**Draft Building Loans (Amendment No. 13) (Jersey) Law 201-**

P.79/2017.

Lodged: 5th September 2017, *Minister for Housing*.

**14th November 2017**

**Health and Social Care System: a new governance model.**

P.60/2017.

Lodged: 23rd June 2017, *Council of Ministers*.

**DR. M. EGAN**  
**Greffier of the States**

7th September 2017

**Note –**

**In accordance with the meeting dates fixed for 2017 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 13th and Thursday 14th September 2017.**



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

(See Item B)

### **R&O.82/2017.**

EU Legislation (Sanctions – Libya) (Amendment No. 5) (Jersey) Order 2017.

This Order gives effect to Council Regulation (EU) 2017/1325 of 17 July 2017 (OJ L 185, 18.7.2017, p.16) amending Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya.

*Article 1* defines “principal Order” as the EU Legislation (Sanctions – Libya) (Jersey) Order 2014.

*Article 2* amends the definition in the principal Order of “Regulation (EU) 2016/44” so as to give effect to the amendments up to 19th July 2017, that is, the date that Council Regulation (EU) 2017/1325 came into force.

*Article 3* amends Article 2 of the principal Order so that the new Annex VII which is inserted in Regulation (EU) 2016/44 by Council Regulation (EU) 2017/1325 is read as a reference to that Annex as amended, substituted, extended or applied from time to time by other EU provisions or by European Court judgments. Annex VII lists items which could be used for the smuggling of migrants and trafficking in human beings.

*Article 4* amends the principal Order so that it is a criminal offence to contravene the new Article 2a which is inserted into Regulation (EU) 2016/44 by Council Regulation (EU) 2017/1325. The new Article 2a requires (subject to derogations) prior authorisation for the sale or supply, transfer or export of any of the goods set out in the new Annex VII to any person, entity or body in Libya or for use in Libya. The new Article 2a also requires prior authorisation for the provision of financing or financial assistance related to such goods.

*Article 5* sets out the title of this Order and provides that it will come into force on the day after the day it is made.

The Order was made on 26th July 2017 and came into force on 27th July 2017.

### **R&O.83/2017.**

Companies (Transfers of Shares – Exemptions) (Amendment No. 4) (Jersey) Order 2017.

This Order amends the Companies (Transfers of Shares – Exemptions) (Jersey) Order 2014 to add as an approved stock exchange the NYSE MKT (the New York Stock Exchange's market for small-cap companies).

The effect of this amendment is that any Jersey company listed on the NYSE MKT would be exempt from the requirement of Articles 42(1) and 50(1) of the Companies (Jersey) Law 1991. Article 42(1) prohibits a company from registering a transfer of shares in the company unless an instrument of transfer in writing has been delivered to it. The exemption from Article 42(1) applies where a transfer of shares is made to or from an approved central securities depository (as defined in Article 1 of the Companies (Transfers of Shares – Exemptions) (Jersey) Order 2014) or by means of a computer system which has been approved by the competent authority that has also approved the central securities depository. Article 50(1) requires a company to complete and have ready for delivery a certificate in respect of an allotment or a transfer of the company's shares within 2 months of the allotment or transfer, as the case may be, unless the conditions of allotment of the shares otherwise provide.

The Order was made on 26th July 2017 and came into force on 27th July 2017.



**R&O.84/2017.**

EU Legislation (Sanctions – Iran) (Amendment No. 3) (Jersey) Order 2017.

*Minister for External Relations.*

This Order amends the EU Legislation (Sanctions – Iran) (Jersey) Order 2015 (the “2015 Order”) in the following ways –

- (a) *Articles 1(a) and 1(c)* implement Council Regulation (EU) 2017/964 of 8 June 2017 (OJ L 146, 9.6.2017, p. 1) amending Regulation (EU) No 267/2012 concerning restrictive measures against Iran. Regulation (EU) 2017/964 alters the procedure for granting certain authorizations and imposes duties, on persons applying for those authorizations, to provide related information within a reasonable time of a request. *Article 1(c)* makes it an offence to fail to comply with such a duty;
- (b) *Article 1(a)* also gives effect to Council Implementing Regulation (EU) 2017/1124 of 23 June 2017 (OJ L 163, 24.6.2017, p. 4) implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran. That Regulation amends the list of persons and entities in Annex VIII to Regulation (EU) No 267/2012. That change would otherwise have been implemented by the ambulatory reference in Article 2 of the 2015 Order, but is included because it entered into force (on 25th June 2017) before the making of this Order;
- (c) *Article 1(b)* takes the opportunity to remove superfluous wording from Article 4(1)(b) of the 2015 Order;
- (d) *Article 1(d)* adds provision to Article 5 of the 2015 Order to exempt the Minister and the Minister’s agents from criminal liability for breaches of the implemented EU Regulations when acting as the competent authority.

*Article 2* names this Order and brings it into force on the day after it is made.

The Order was made on 27th July 2017 and came into force on 28th July 2017.

**R&O.85/2017.**

Sea Fisheries (Spider Crabs – Restrictions on Fishing) (Jersey) Order 2017.

This Order, when read with Regulations 5 and 5A of the Sea Fisheries (Miscellaneous Provisions) (Jersey) Regulations 1998, prohibits the fishing, taking or storing of soft-shelled spider crabs during the period from Friday 1st September 2017 to Sunday 15th October 2017 inclusive. The Order also prohibits, during that period, the use of passive gear within the area of the sea that is specified in the Schedule to the Order.

The Order was made on 9th August 2017 and came into force on 16th August 2017.

**R&O.86/2017.**

Humane Live Traps (Approval) (Jersey) Order 2017.

By *Article 1* of this Order, certain makes of trap, of the type used for humane taking of live small mammals, are approved for the sole purpose of wildlife conservation and research in Jersey.

*Article 2* gives the title by which this Order may be cited and provides for it to come into force on the day after it is made.

The Order was made on 16th August 2017 and came into force on 17th August 2017.

**R&O.87/2017.**

Taxation (Exchange of Information with Third Countries) (Date in Force (Belgium)) (Jersey) Order 2017.



This Order amends the Taxation (Exchange of Information with Third Countries) (Jersey) Regulations 2008 so as to add 26th July 2017 as the date of the coming into force of the tax information exchange agreement between Belgium and Jersey.

The Order was made on 18th August 2017 and came into force forthwith.

### **R&O.88/2017.**

EU Legislation (Sanctions – Libya) (Amendment No. 6) (Jersey) Order 2017.

This Order gives effect to Council Regulation (EU) 2017/1419 of 4 August 2017 (OJ L 204, 5.8.2017, p. 1) amending Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya. Council Regulation (EU) 2017/1419 replaces 2 prohibitions in Regulation (EU) 2016/44.

First, the current prohibition on loading, transporting, or discharging crude oil on designated vessels flying the flag of an EU country is expanded to cover petroleum generally, including crude oil and refined petroleum products.

Second, the current prohibition on financial transactions with respect to crude oil on designated vessels is expanded to cover petroleum generally, including crude oil and refined petroleum products. The prohibition also states explicitly that the term “financial transactions” includes the sale, use as credit and the taking out of transport insurance with respect to petroleum.

The effect of this Order is that acts contrary to these prohibitions are criminal offences under the EU Legislation (Sanctions – Libya) (Jersey) Order 2014 in place of the existing criminal offences relating to the previous versions of these prohibitions.

Council Regulation (EU) 2017/1419 also amends the description of Annex II of legal persons, entities and bodies whose assets are frozen.

*Article 1* of this Order updates the definition of Council Regulation (EU) 2016/44 to refer to the date that Regulation was amended by Council Regulation (EU) 2017/1419.

As provided for in *Article 2*, this Order comes into force on the day after the day it is made.

The Order was made on 18th August 2017 and came into force on 19th August 2017.

### **R&O.90/2017.**

Income Support (General Provisions) (Amendment No. 21) (Jersey) Order 2017.

This Order makes miscellaneous changes to the Income Support (General Provisions) (Jersey) Order 2008.

*Article 1* amends Article 13 of the Income Support (General Provisions) (Jersey) Order 2008 to provide that a requirement by a claimant for a redetermination by a determining officer must set out the reasons for requiring the redetermination.

*Article 2* amends Schedule 2 to the Income Support (General Provisions) (Jersey) Order 2008 to increase from 23% to 25% certain income to be disregarded in assessing the weekly income of a household eligible for income support. A new definition for the term “qualifying maintenance payment” used in Schedule 2 is also substituted so that it includes any regular payment which the determining officer is satisfied is comparable to a qualifying maintenance payment within the meaning of Article 90B(1) of the Income Tax (Jersey) Law 1961.

*Article 3* sets out the title to this Order and provides for its commencement.

The Order was made on 25th August 2017 and comes into force on 1st October 2017.





**R&O.91/2017.**

Road Traffic (St. Saviour) (Amendment No. 11) (Jersey) Order 2017.

This Order amends the Road Traffic (St. Saviour) (Jersey) Order 2000 to reinstate in Schedule 6 to that Order the entries relating to La Rue de la Croix Besnard so that the prohibition under Article 7A of that Order on parking a vehicle on parts of that road for a period in excess of 2 hours and without displaying a parking disc continues to apply.

The Order was made on 4th September 2017 and came into force on 5th September 2017.



## WRITTEN QUESTIONS

(See Item I(a))

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

“Will the Minister explain why the press release of 31st August 2017, entitled ‘Jersey pensioners to get more money from October 2017’, referred explicitly only to those pensioners in receipt of a full States pension?”

Will she also inform members what proportion of locally-resident States pensioners indicated in Figure 7 and Table 8 of ‘Social Security Department: Minister’s Report 2016’ (R.92/2017) are in receipt of a full single-person pension, currently £204.19, and who will therefore benefit from the full increase of 2.8% (i.e. £5.74) referred to in the press release?

Will she further inform members what the average States pension received by local residents is; and whether it is her assessment that those who receive an average pension or less, and who need to claim Income Support, will effectively receive sub-inflation rises after all benefit changes are in place, and will consequently be worse off than at present?”

2. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Health and Social Services –

“How many clients of the Drug and Alcohol Service have died from overdoses or drug-related causes in the past 5 years, with these figures broken down by age, sex and by year?”

3. Deputy S.Y. Mézec of St. Helier will ask the following question of the Chief Minister –

“Further to Desired Outcome 5.5 of the ‘Strategic Plan 2015-18’, which refers to the development of a new “*Public Realm Strategy*” for Jersey, will the Chief Minister explain what timetable currently exists for completion of this Strategy?”

Furthermore, in light of Desired Outcome 5.11, which refers to an intention to delegate authority to the Parish of St Helier to licence small-scale events within the Parish, what legislative changes, if any, have either been passed or initiated to give the Parish this authority?”

4. Deputy S.Y. Mézec of St. Helier will ask the following question of the Chief Minister –

“Given that, in response to Written Question 1(150), the Chief Minister stated that the legislation to enable same-sex marriages to take place would be lodged “*in Summer 2017*”, why has this not happened and will the Chief Minister provide an updated timetable as to when this legislation will be brought to the Assembly for debate?”

5. Deputy S.Y. Mézec of St. Helier will ask the following question of the Minister for Social Security –

“Is it the Minister’s assessment that the information sent to benefits claimants, when their claim has been amended, is adequate and / or sufficiently compassionate in the way it is currently communicated?”

Has she, or anyone in her Department, considered altering the format of the letters in which this information is communicated, so that they clearly indicate exactly how much a claimant will receive in future (including how their States pension or disability benefits are taken into account) and not



merely explain Income Support entitlement, to ensure that claimants are not left with an incomplete picture that could cause them concern?”

6. Deputy S.Y. Mézec of St. Helier will ask the following question of the Chairman of the Comité des Connétables –

“What consideration, if any, has been given to measures to increase public participation in elections for Parish roles, such as Procureur du Bien Public and membership of the Roads Committee? Has any consideration been given to arranging for all elections to Parish Roads Committees and to the office of Procureur to happen simultaneously, so that an Island-wide focus on Parish affairs can take place and joint efforts between Parishes made to generate interest and to increase turn out?”

7. Deputy G.P. Southern of St. Helier will ask the following question of the Chief Minister –

“Is it the Chief Minister's assessment that public spending cuts suppress demand within the economy and that, for a genuine sustainable recovery from the 2008 financial crisis to be achieved, such demand has to be boosted?

Is it also his assessment that the policies followed by his government have not achieved their goals of generating economic growth through increased productivity, and balancing tax revenues and spending?

What lessons, if any, has the Chief Minister drawn from the experience of Portugal, where the economy is now in recovery following a restoration of public sector pay, increases in the minimum wage, increasing social security benefits, and a reversal of regressive tax measures?”

8. Deputy M. Tadier of St. Brelade will ask the following question of the Chairman of the Privileges and Procedures Committee –

“What plans, if any, does the Privileges and Procedures Committee have to address any under-representation of constituents in Parishes such as St. Helier, St. Clement and Grouville? Is it the Committee's assessment that such disparities are unacceptable and will the Committee be lodging any proposals to address any unfairness before the elections in May 2018?”

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

“In light of the work being undertaken on the 1,001 Days Initiative and the importance of paternal input, where possible, to a child's development, what plans, if any, does the Minister have to introduce shared paternity leave for both parents, irrespective of their sex?”

10. The Deputy of St. Ouen will ask the following question of the Minister for Health and Social Services –

“With reference to the finding at paragraph 3.19 of the Executive Summary of the Report of the Independent Jersey Care Inquiry (R.59/2017) that “*there has been insufficient clarity about assessment or thresholds for intervention with the result that some children may still come into care unnecessarily and others may remain in harmful environments*”, what actions, if any, has the Minister taken following the release of the report to improve the clarity surrounding assessment processes and to establish clear thresholds for intervention? What further actions, if any, will the Minister be taking in these areas and within what timescale?”



11. Senator S.C. Ferguson will ask the following question of the Minister for Treasury and Resources –

“Further to his advice at a public hearing of the Corporate Services Scrutiny Panel in November 2015 that the profit arising on the completion of the first building (originally named Building 4) of the Jersey International Finance Centre was estimated by the States of Jersey Development Company as £7.5 million, and given that Building 4 was officially completed in March 2017, will the Minister confirm that this profit was achieved and, if not, what profit was in fact achieved?”

Will the Minister further confirm the amount of profit after taking into account any other costs directly associated with Building 4, including the removal of contamination and incentives offered for the part-let?”

12. Senator S.C. Ferguson will ask the following question of the Minister for Treasury and Resources –

“Given that, with the adoption of ‘Esplanade Quarter, St. Helier – Masterplan’ (P.60/2008), the States approved a guaranteed payment to the States of £50 million for the regeneration of St. Helier and adjacent urban areas, and in light of the fact that the proposition has not since been amended in any way, will the Minister advise:

- (a) in which year this sum will become available to be spent on such regeneration; and
- (b) on what the Council of Ministers, under their strategic objectives, then intends to spend these funds?”

13. The Connétable of St. Helier will ask the following question of the Minister for Infrastructure –

“Will the Minister provide a detailed timetable for the proposed improvement works in Midvale Road, St. Helier?”

14. The Connétable of St. Helier will ask the following question of the Minister for Infrastructure –

“Will the Minister provide an update on his Department’s review of the legislation concerning driving while using a mobile phone?”

15. The Connétable of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Will the Minister explain what progress, if any, he has made in achieving the payment of rates on States properties in 2018?”

16. Deputy G.P. Southern of St. Helier will ask the following question of the Chief Minister –

“Given that the estimates of the impact of a significant rise in the minimum wage on the Jersey economy contained in the Oxera report R.83/2017 ‘Raising the minimum wage: economic and fiscal impacts’, are largely positive, including, in relation to a 10% increase in the minimum wage –

- a rise in wages for almost 25% of the workforce, totalling approximately £2.9m (*see page 28*)
- an increase in consumer spending of £2.4m (*see page 28*)
- a fall in economy-wide profits of 0.03–0.07% (*see page 28*)
- an increase in inflation of only 0.05–0.06% (*see page 28*)
- a likely 0.1% increase in economy-wide productivity (*see page 28*)



- a net increase in government revenues of £0.3m (*see page 26*)
- a relatively small number of net job losses (*see page 19*)

what actions, if any, does the Chief Minister have under consideration in response to the report, with regard to the aforementioned estimates, and when will he bring any proposals to the States for consideration?”

17. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for the Environment –

“Further to recent testing of air quality in the Tunnel, what plans, if any, does the Minister have to restrict access by pedestrians and cyclists? If none, what steps will the Minister take to ensure the long term safety of users from repeated exposure to harmful emissions?”

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

“Has the Minister read the results of the five-year study by Manchester University published on 10th August 2017 in the International Journal of Epidemiology entitled ‘Re-employment, job quality, health and allostatic load biomarkers: prospective evidence from the UK Household Longitudinal Study’, which finds that the transition to poor quality jobs may be worse for a person’s mental health than remaining unemployed? If not, will she undertake to read the study?”

Will she engage with the Minister for Health and Social Services to discover what evidence GPs and other mental health professionals have on the validity of the study’s findings in the local context, with particular regard to the prevalence of zero-hour contracts?

What further engagement, if any, will the Minister undertake with employers to ensure that the inappropriate use of zero-hour contracts is eliminated?

Will the Minister ban the publication of zero-hour job adverts on the Social Security website and, if not, will she put procedures in place to vet such adverts to ensure that zero-hour contracts are not being used inappropriately?”

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

“Will the Minister advise members –

- (a) of the procedure for dealing with cases of illegal immigration;
- (b) of the procedure followed to assess claims for political asylum;
- (c) whether there is a process for returning an illegal immigrant to the UK if they arrived in the Island from there?”

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

“Will the Minister –

- (a) produce a table showing, for each convicted prisoner currently in custody, the nature of each offence committed, the sentence imposed, the time left to serve, any treatment or course that they are receiving to help prevent re-offending, and their nationality;
- (b) state the number of prisoners who have been repatriated to their home countries to serve out their terms of imprisonment, in each year since the repatriation agreement with the respective



jurisdiction was made, stating the countries in question and the nature of the offences committed?”

21. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Will the Minister explain –

- (a) how his Department measures inflation and, in particular, what measures are used to assess the inflation experienced by the elderly, families with children, single persons and other groups;
- (b) what economic measures can he use to influence inflation in the Island?”

22. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Will the Minister define how productivity in the Island is measured, both overall and per individual, and set out the measures that he can use to directly influence productivity in the Island? Will he also give his assessment of why Jersey has a lower rate of productivity than Guernsey, which has a similar economy to Jersey?”

23. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Health and Social Services –

“Will the Minister inform members what relationship, if any, exists between his plans for a new governance model, ‘Health and Social Care System: a new governance model’ (P.60/2017), and the creation of a Sustainability and Transformation Partnership (STP) or an Accountable Care Organisation (ACO) for the Jersey health service?”



## ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

<b>September 26th</b>	Health and Social Services	Chief Minister
<b>October 10th</b>	Economic Development, Tourism, Sport and Culture	Housing
<b>October 31st</b>	Infrastructure	Chief Minister
<b>November 14th</b>	Environment	External Relations
<b>November 28th</b>	Social Security	Chief Minister
<b>December 12th</b>	Home Affairs	Treasury and Resources