



STATES OF JERSEY ORDER PAPER

26th SEPTEMBER 2017

SUMMARY

- 9.30 a.m. Communications by the Presiding Officer and other announcements
- Appointments, matters of privilege, petitions (if any)
- Resignation of Deputy Andrew David Lewis of St. Helier as Chairman of the Public Accounts Committee
 - Nomination of Chairman of 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 Health and Social Services
 - Chief Minister
- Statements (if any)*
- Approx. 12.10 p.m. **Draft Education (Amendment No. 3) (Jersey) Law 201-** (P.56/2017)
- United Nations Convention on the Rights of the Child: compliance of draft Laws and training of States of Jersey employees** (P.63/2017)
- United Nations Convention on the Rights of the Child: compliance of draft Laws and training of States of Jersey employees (P.63/2017) – amendment** (P.63/2017 Amd.)
- Draft Act annulling the Motor Traffic (Cabs – Fares and Charges) (Jersey) Order 2017** (P.64/2017)
- Jersey Financial Services Commission: appointment of Commissioner** (P.70/2017)
- Draft Statutory Nuisances (Jersey) Regulations 201-** (P.71/2017)
- States Assembly: selection and appointment of Ministers, Committees and Panels – return to secret ballots** (P.73/2017)
- States Assembly: selection and appointment of Ministers, Committees and Panels – return to secret ballots (P.73/2017) – amendment** (P.73/2017 Amd.)
- Draft Sea Fisheries (Trawling, Netting and Dredging) (Amendment No. 4) (Jersey) Regulations 201-** (P.74/2017)
- Warwick Farm: feasibility study for incorporating the site into the St. Helier Country Park** (P.75/2017)
- Chief Minister: election by Island-wide vote of registered electors** (P.78/2017)



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 27th and Thursday 28th September 2017, if necessary.



STATES OF JERSEY ORDER PAPER

26th SEPTEMBER 2017

CONSOLIDATED

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

- | | |
|--|---------------------------------------|
| Prison (Amendment No. 2) (Jersey) Rules 2017.
<i>Minister for Home Affairs.</i> | R&O.91/2017. |
| Road Traffic (St. Saviour) (Amendment No. 11) (Jersey) Order 2017.
<i>Minister for Infrastructure.</i> | R&O.92/2017
(renumbered). |
| Health Insurance (Medical Benefit) (General Provisions) (Amendment No. 9) (Jersey) Order 2017.
<i>Minister for Social Security.</i> | R&O.93/2017
(renumbered). |
| Taxation (Implementation) (Convention on Mutual Administrative Assistance in Tax Matters) (Amendment of Regulations No. 3) (Jersey) Order 2017.
<i>Minister for External Relations.</i>
<i>[Signed by the Chief Minister for and on behalf of the Minister for External Relations.]</i> | R&O.95/2017. |
| * EU Legislation (Sanctions – Central African Republic) (Amendment No. 3) (Jersey) Order 2017.
<i>Minister for External Relations.</i>
<i>[Signed by the CM for and on behalf of the Minister for External Relations.]</i> | R&O.96/2017. |
| * EU Legislation (Sanctions – North Korea) (Jersey) Order 2017.
<i>Minister for External Relations.</i>
<i>[Signed by the CM for and on behalf of the Minister for External Relations.]</i> | R&O.97/2017. |
| * Plant Health (Amendment No. 2) (Jersey) Order 2017.
<i>Minister for the Environment.</i> | R&O.98/2017. |
| C. DOCUMENTS PRESENTED | |
| * Draft Education (Amendment No. 3) (Jersey) Law 201- (P.56/2017): comments.
Presented: 25th September 2017, <i>Education and Home Affairs Scrutiny Panel.</i> | P.56/2017.
Com. |
| * Warwick Farm: feasibility study for incorporating the site into the St. Helier Country Park (P.75/2017) – comments.
Presented: 25th September 2017, <i>Council of Ministers.</i> | P.75/2017.
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 (R.53/2017 Res.) – response of the Complaints Board.
Presented: 21st September 2017, <i>Privileges and Procedures Committee.</i> | R.53/2017.
Res.Res.
(re-issue). |



Contingency allocation: revised policy. R.110/2017.
Presented: 15th September 2017, *Minister for Treasury and Resources.*

Land Transactions under Standing Order 168(3) – La Palloterie, Les Marais Avenue, R.111/2017.
La Route de la Haule, St. Lawrence – sale – Assisted House Purchase.
Presented: 20th September 2017, *Minister for Infrastructure.*

Jersey International Finance Centre (S.R.8/2017): response of the Minister for S.R.8/2017.
Treasury and Resources. Res.
Presented: 20th September 2017, *Minister for the Environment.*

D. NOTIFICATION OF LODGED PROPOSITIONS

United Nations Convention on the Rights of the Child: compliance of draft Laws and P.63/2017.
training of States of Jersey employees (P.63/2017) – amendment. Amd.
Lodged: 19th September 2017, *Deputy L.M.C. Doublet of St. Saviour.*

States of Jersey Budget 2017: allocation to the Parishes of funds set aside for the P.81/2017.
payment of rates on States' properties.
Lodged: 19th September 2017, *Connétable of St. Helier.*

Draft Social Security (Christmas Bonus) (Amendment) (Jersey) Regulations 201-. P.82/2017.
Lodged; 19th September 2017, *Minister for Social Security.*

Ratification of the Multilateral Convention to Implement Tax Treaty Related P.83/2017.
Measures to Prevent Base Erosion and Profit Shifting.
Lodged: 20th September 2017, *Minister for External Relations.*

* Elected Speaker and Deputy Speaker of the States Assembly: selection and P.84/2017.
appointment.
Lodged: 26th September 2017, *Chief Minister.*

* Draft Road Works and Events (Jersey) Law 2016 (Appointed Day) (No. 2) Act 201-. P.85/2017.
Lodged: 26th September 2017, *Minister for Infrastructure.*

* Draft Road Works (Embargo Periods and Protected Roads) (Jersey) Regulations P.86/2017.
201-.
Lodged: 26th September 2017, *Minister for Infrastructure.*

* Draft Road Works and Events (Consequential Provisions) (Jersey) Regulations 201-. P.87/2017.
Lodged: 26th September 2017, *Minister for Infrastructure.*

E. WITHDRAWAL OF LODGED PROPOSITIONS

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

Resignation of Deputy Andrew David Lewis of St. Helier as Chairman of the Public Accounts Committee.

Nomination of the Chairman of the Public Accounts Committee.

G. MATTERS OF PRIVILEGE



H. PETITIONS

I. QUESTIONS

(a) – Written Questions

(attached)

- 1(495) 1. Deputy S.Y. Mézec of St. Helier will ask a question of the Chief Minister regarding meetings held with representatives of the Republic of the Union of Myanmar.
- 1(496) 2. Deputy J.M. Maçon of St. Saviour will ask a question of the Minister for Health and Social Services regarding the treatment of HIV.
- 1(497) 3. Deputy G.P. Southern of St. Helier will ask a question of the Minister for Housing regarding rental figures for 1- and 2-bedroom flats and 3-bedroom houses.
- 1(498) 4. Deputy S.Y. Mézec of St. Helier will ask a question of the Chief Minister regarding the resourcing of the Law Draftsman's Office.
- 1(499) 5. Deputy S.Y. Mézec of St. Helier will ask a question of the Minister for Infrastructure regarding residential properties owned by States Departments.
- 1(500) 6. Deputy S.Y. Mézec of St. Helier will ask a question of the Chief Minister regarding attendance at political party conferences in the United Kingdom.
- 1(501) 7. Deputy G.P. Southern of St. Helier will ask a question of the Chief Minister regarding initiatives funded by the Economic and Productivity Growth Drawdown Provision.
- 1(502) 8. Deputy J.A. Martin of St. Helier will ask a question of the President of the Chairmen's Committee regarding the budget for the Scrutiny function.
- 1(503) 9. Deputy G.P. Southern of St. Helier will ask a question of the Minister for Health and Social Services regarding bodies currently engaged in the delivery of home care services.
- 1(504) 10. Deputy G.P. Southern of St. Helier will ask a question of the Chief Minister regarding the ownership of companies operating in Jersey and the revenues received from them in tax.
- 1(505) 11. Deputy M.R. Higgins of St. Helier will ask a question of the Minister for Health and Social Services regarding hospitals and medical centres used by the States of Jersey Prison Service.
- 1(506) 12. Deputy M.R. Higgins of St. Helier will ask a question of the Minister for Health and Social Services regarding the monitoring of staff morale.
- 1(508) 13. Deputy M.R. Higgins of St. Helier will ask a question of the Minister for Health and Social Services regarding the investigation of complaints against senior staff in his Department.

(b) – Oral Questions

(120 minutes)

- 1(522) 1. Deputy M. Tadier of St. Brelade will ask the following question of the Chief Minister –

“Is it the Chief Minister's policy position that the question of the States Assembly electing its own Speaker should be put to a public referendum; and, if not, why not?”



- 1(516) 2. The Deputy of St. Ouen will ask the following question of H.M. Attorney General –
- “When presenting a contract of sale and purchase to be passed before the Royal Court, is it permissible for an individual or private company to omit reference to the amount of consideration payable under the contract on the grounds of commercial sensitivity, in the same way as recent contracts passed by Andium Homes Ltd for the purchase of properties adjacent to the Town Park?”
- 1(520) 3. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Housing –
- “Will the Minister inform members of her estimate of the increase in average rent levels over the period 2014 – 2017 in the private sector and in relation to Andium Homes and the Housing Trusts for 1-bed flats, 2-bed flats and 3-bed houses; and will she state what measures she can take or is considering to control such rent levels?”
- 1(515) 4. Deputy K.C. Lewis of St. Saviour will ask the following question of the Minister for Infrastructure –
- “Has the Minister ordered a reduction in the cleaning of States roads and, if so, is this a temporary measure?”
- 1(524) 5. Deputy S.Y. Mézec of St. Helier will ask the following question of the Minister for the Environment –
- “What work, if any, is being done to consider the environmental impact of the residential properties planned for development around the Ann Court area of town; and, if no such work is being done or planned, will the Minister agree to implement a study of this matter to ensure that quality of life is maintained for the residents of that part of town?”
- 1(512) 6. Deputy J.M. Maçon of St. Saviour will ask the following question of the Chairman of the States Employment Board –
- “Will the Chairman explain for what period of time the former Chief Officer of the States of Jersey Police is expected to remain formally in post; whether he is continuing to be paid his full salary; and whether, with an acting Chief Officer now in post, it would be accurate to say that two Chief Officer salaries are now being paid?”
- 1(510) 7. The Deputy of Grouville will ask the following question of the Minister for Treasury and Resources –
- “Will the Minister, as shareholder representative, request Jersey Electricity plc to advise how many businesses have been subject to the company’s Standby Charge during the last 15 years and how much it has been charged at; and will he request Jersey Electricity plc to explain how it is envisaged the charge will be varied in the future and whether there is any intention to extend it to domestic customers?”
- 1(514) 8. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Home Affairs –
- “Will the Minister explain who is in *de jure* operational control of the States of Jersey Police at this time, and who is in *de facto* control; and, if it is not the same person, will she advise how long this situation is likely to continue?”



- 1(521) 9. Deputy J.M. Maçon of St. Saviour will ask the following question of the Minister for Treasury and Resources –

“Given that the States of Jersey Development Company has requested an extension to the period of its repayment of £2.5 million, is it the Minister’s assessment that this indicates a lack of desire and need by businesses for the type of office space being developed in Jersey by the Company; and, if it is not, will he explain why not?”

- 1(511) 10. The Deputy of Grouville will ask the following question of the Minister for Treasury and Resources –

“Will the Minister, as shareholder representative, clarify what costs are involved for Jersey Electricity plc in providing a backup service to embedded generators; will he explain how the company’s funding of the grid works and whether it is factored into the company’s Service Charge; and will he advise whether the Service Charge applies to all customers of the company?”

- 1(523) 11. Deputy M. Tadier of St. Brelade will ask the following question of the Chairman of the Privileges and Procedures Committee –

“Will the Privileges and Procedures Committee give consideration to bringing forward proposals to adopt Jèrriais as one of the official languages of the States Assembly, alongside English and French?”

- * *The following oral question was inadvertently left off the main Order Paper published on 21st September 2017 –*

- 1(520) 12. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Housing –

“Will the Minister inform members of her estimate of the increase in average rent levels over the period 2014 – 2017 in the private sector and in relation to Andium Homes and the housing trusts for 1-bed flats, 2-bed flats and 3-bed houses; and will she state what measures she can take or is considering to control such rent levels?”

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

1st question period – Minister for Health and Social Services

2nd question period – Chief Minister

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

L. PUBLIC BUSINESS

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

P.56/2017.

- * Draft Education (Amendment No. 3) (Jersey) Law 201- (P.56/2017): comments.
Presented: 25th September 2017, *Education and Home Affairs Scrutiny Panel.*

P.56/2017.
Com.



Note: The 2nd reading of the Draft Law will resume, following adoption of the principles on 12th September 2017 and the subsequent referral to the Education and Home Affairs Scrutiny Panel under Standing Order 72(1).

- 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.*
- United Nations Convention on the Rights of the Child: compliance of draft Laws and training of States of Jersey employees (P.63/2017) – amendment.** P.63/2017.
Lodged: 19th September 2017, *Deputy L.M.C. Doublet of St. Saviour.* Amd.
- 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 Act annulling the Motor Traffic (Cabs – Fares and Charges) (Jersey) Order 2017 (P.64/2017): comments. P.64/2017.
Presented: 11th September 2017, *Minister for Infrastructure.* Com.
- 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.*
- States Assembly: selection and appointment of Ministers, Committees and Panels – return to secret ballots.** P.73/2017.
Lodged: 10th August 2017, *Deputy R. Labey of St. Helier.*
- 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.
- States Assembly: selection and appointment of Ministers, Committees and Panels – return to secret ballots (P.73/2017) – amendment.** P.73/2017.
Lodged: 24th August 2017, *Deputy S.Y. Mézec of St. Helier.* Amd.
- Draft Sea Fisheries (Trawling, Netting and Dredging) (Amendment No. 4) (Jersey) Regulations 201-.** P.74/2017.
Lodged: 14th August 2017, *Minister for the Environment.*
- Warwick Farm: feasibility study for incorporating the site into the St. Helier Country Park.** P.75/2017.
Lodged: 18th August 2017, *Connétable of St. Helier.*
- * Warwick Farm: feasibility study for incorporating the site into the St. Helier Country Park (P.75/2017) – comments. P.75/2017.
Presented: 25th September 2017, *Council of Ministers.* Com.
- Chief Minister: election by Island-wide vote of registered electors.** P.78/2017.
Lodged: 24th August 2017, *Deputy R. Labey of St. Helier.*



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.

M. ARRANGEMENT OF PUBLIC BUSINESS

10th October 2017

- Draft Liquor Licensing (Jersey) Law 201-** P.54/2017.
Lodged: 7th June 2017, *Minister for Economic Development, Tourism, Sport and Culture*.
- Draft Liquor Licensing (Jersey) Law 201- (P.54/2017): amendment.** P.54/2017.
Lodged: 4th July 2017, *Senator Sir P.M. Bailhache*. Amd.
- * **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.
Presented: 21st August 2017, *Privileges and Procedures Committee*. Com.
- * **Bailiff of Jersey: cessation of dual role and the appointment of an elected Speaker of the States (P.62/2017) – amendment.** P.62/2017.
Lodged: 6th September 2017, *Senator Sir P.M. Bailhache*. Amd.
(re-issue)
- Draft Road Traffic (No. 63) (Jersey) Regulations 201-** P.67/2017.
Lodged: 17th July 2017, *Minister for Infrastructure*.
- * **Draft Asian Infrastructure Investment Bank (Immunities and Privileges) (Jersey) Regulations 201-** P.68/2017.
Lodged: 21st July 2017, *Minister for External Relations*. (re-issue)
- * **Draft Taxation (Implementation) (International Tax Compliance) (Common Reporting Standard) (Amendment) (Jersey) Regulations 201-** P.69/2017.
Lodged: 25th July 2017, *Minister for External Relations*.
- States Employment Board: living wage 2017.** P.72/2017.
Lodged: 31st July 2017, *Deputy G.P. Southern of St. Helier*.
- Draft Air and Sea Ports (Incorporation) (Transfer No. 2) (Jersey) Regulations 201-** P.77/2017.
Lodged: 24th August 2017, *Council of Ministers*.
- ### 31st October 2017
- Draft Public Health and Safety (Rented Dwellings) (Jersey) Law 201-** P.66/2017.
Lodged; 17th July 2017, *Minister for the Environment*.
- Draft Building Loans (Amendment No. 13) (Jersey) Law 201-** P.79/2017.
Lodged: 5th September 2017, *Minister for Housing*.
- Draft Health and Safety at Work (Freight Containers Safety Convention) (Amendment) (Jersey) Regulations 201-** P.80/2017.
Lodged: 12th September 2017, *Minister for Social Security*.



States of Jersey Budget 2017: allocation to the Parishes of funds set aside for the payment of rates on States' properties. P.81/2017.
Lodged: 19th September 2017, *Connétable of St. Helier*.

Draft Social Security (Christmas Bonus) (Amendment) (Jersey) Regulations 201-. P.82/2017.
Lodged; 19th September 2017, *Minister for Social Security*.

Brexit Information Report: July 2017 update. R.87/2017.
Presented: 18th July 2017, *Minister for External Relations*.
(*consideration 'in committee'*)

14th November 2017

Health and Social Care System: a new governance model. P.60/2017.
Lodged: 23rd June 2017, *Council of Ministers*.

Ratification of the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting. P.83/2017.
Lodged: 20th September 2017, *Minister for External Relations*.

* **Elected Speaker and Deputy Speaker of the States Assembly: selection and appointment.** P.84/2017.
Lodged: 26th September 2017, *Chief Minister*.

* **Draft Road Works and Events (Jersey) Law 2016 (Appointed Day) (No. 2) Act 201-.** P.85/2017.
Lodged: 26th September 2017, *Minister for Infrastructure*.

* **Draft Road Works (Embargo Periods and Protected Roads) (Jersey) Regulations 201-.** P.86/2017.
Lodged: 26th September 2017, *Minister for Infrastructure*.

* **Draft Road Works and Events (Consequential Provisions) (Jersey) Regulations 201-.** P.87/2017.
Lodged: 26th September 2017, *Minister for Infrastructure*.

L.-M. HART
Deputy Greffier of the States

25th 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 27th and Thursday 28th September 2017.

An asterisk * in the left-hand margin denotes either a new item added to this Order Paper since the Order Paper was first published on 21st September 2017, or an item which has been altered or moved.



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.96/2017.

EU Legislation (Sanctions – Central African Republic) (Amendment No. 3) (Jersey) Order 2017.

This Order further amends the EU Legislation (Sanctions – Central African Republic) (Jersey) Order 2014, to give effect to Council Regulation (EU) 2017/400 (OJ L 63 9.3.2017, p.1; the “implementing Regulation”) amending Regulation (EU) No. 224/2014 concerning restrictive measures in view of the situation in the Central African Republic.

The main effect of the implementing Regulation is to make changes, in line with United Nations Security Council Resolution 2339 (2017), to the criteria for the designation of persons subject to restrictive measures, so as to include in particular persons involved in planning, directing or committing acts involving sexual and gender-based violence in the Central African Republic.

The Order was made on 22nd September 2017 and came into force on 23rd September 2017.

R&O.97/2017.

EU Legislation (Sanctions – North Korea) (Jersey) Order 2017.

This Order gives effect in Jersey to Council Regulation (EU) 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People’s Republic of Korea and repealing Regulation (EC) No 329/2007 (OJ L 224, 31.8.2017, p. 1.) as amended up to 16th September 2017 (Regulation (EU) 2017/1509 as defined in *Article 1*). Changes made by Council Regulation (EU) 2017/1548 of 14 September 2017 amending Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People’s Republic of Korea (OJ L 237, 15.9.2017, p. 39.) are therefore also given effect.

This Order also contains an ambulatory reference, in *Article 2*, to the Annexes to the Regulation. The effect is that, if the EU amends the lists of persons subject to the restrictive measures, or the details of the competent authorities in the Member States, or the lists of restricted items, that change takes effect automatically in Jersey without the need for any amendment to this Order.

Articles 3 provides that this Order is a relevant special Order for the purpose of the General Provisions Order (as defined in *Article 1*) and provides that Regulation (EU) 2017/1509 is the relevant EU provision for the purpose of the general provisions of the General Provisions Order, when those general provisions are read as part of this Order. *Article 3* also provides that for the purpose of Article 14A of the General Provisions Order, the UN financial sanctions resolution implemented by Regulation (EU) 2017/1509 is United Nations Security Council Resolution 1718 (2006).

Article 4 provides for Regulation (EU) 2017/1509 to have effect as if it were an enactment –

- (a) to any extent that it does not otherwise have effect in Jersey;
- (b) subject to the modifications made by the general provisions that are to be read as part of this Order by virtue of Article 3 and the General Provisions Order; and
- (c) subject to the modification that a reference in Regulation (EU) 2017/1509 to the “financial intelligence unit” or “FIU” is to be construed as a reference to a designated police officer, a designated customs officer or the Financial Intelligence Unit, as each of those terms is defined in the Money Laundering (Jersey) Order 2008.

Article 5 creates offences for breaches of the provisions of Regulation (EU) 2017/1509 specified in that Article.

Article 6 repeals the EU Legislation (Sanctions – North Korea) (Jersey) Order 2015 which gave effect to the repealed Regulation (EC) No 329/2007.

Article 7 provides for citation of this Order and provides for it to come into force the day after it is made.

The Order was made on 22nd September 2017 and came into force on 23rd September 2017.



R&O.98/2017.

Plant Health (Amendment No. 2) (Jersey) Order 2017.

This Order amends the Plant Health (Jersey) Order 2005 by prohibiting the import into Jersey of any plants, other than seeds, that have been found to be susceptible to the bacteria *Xylella fastidiosa* (Wells et al). Those plants are listed in Annex I to Commission Implementing Decision (EU) 2015/789 of 18 May 2015 as regards measures to prevent the introduction into and spread within the European Union of *Xylella fastidiosa* (Wells et al.) (notified under document C(2015) 3415) (OJ No L 125/36, 21.5.2015), as amended by Commission Implementing Decision (EU) 2015/2417 of 17 December 2015 (notified under document C(2015) 9191) (OJ No L 333/143, 19.12.15) (“Decision (EU) 2015/789”) and Commission Implementing Decision (EU) 2016/764 of 12 May 2016 (notified under document C(2016) 2731).

Article 1 defines “principal Order” as the Plant Health (Jersey) Order 2005.

Article 2 inserts into the principal Order a definition for “Decision (EU) 2015/789”, and by that definition, the list of plants that are prohibited from entering into Jersey is automatically amended when the list in Annex I to Decision (EU) 2015/789 is amended.

Article 3(1)(e) of the principal Order prohibits certain plants, plant products and objects (as listed in the Schedules to the principal Order) from being imported into Jersey from a third country (defined as a country or territory outside the European Community) unless accompanied by an official statement in respect of the plant. However, the import into Jersey of small quantities of any plant or plant product is permitted if at the time when it is landed in Jersey, the plant or plant product does not show any sign that it is carrying, or is infected by, any plant pest and if it is in the baggage of a traveller who does not intend it to be used in the course of a trade or business but, instead, intends it to be for household use. By *Article 3* of this Order, such an import is prohibited in respect of plants or plant products listed as specified plants in Decision (EU) 2015/789.

Article 4(2)(e) of the principal Order prohibits certain plants, plant products and objects (as listed in the Schedules to the principal Order) from being imported into Jersey from the European Community unless accompanied by a plant passport. However, the import into Jersey from the European Union and the sale, planting, movement or other disposal of a plant or plant product without a plant passport is permitted if the plant or plant product does not show any sign that it is carrying or is infected with any plant pest and if it is not intended for use in the course of a trade or business and is intended for household use. By *Article 4* of this Order, such an import is not permitted in respect of plants or plant products listed as specified plants in Decision (EU) 2015/789.

Article 5 adds to the lists in Schedule 5 to the principal Order (being lists of plants and plant products and other objects that are prohibited from being imported into Jersey) the specified plants listed in Decision (EU) 2015/789, as amended.

Article 6 gives the title of this Order and provides for it to come into force the day after it is made.

The Order was made on 22nd September 2017 and came into force on 23rd September 2017.