

STATES OF JERSEY ORDER PAPER

Tuesday 28th June 2005

SECOND SUPPLEMENTARY

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Road Traffic (Saint Lawrence) (Amendment No. 18) (Jersey) Order 2005. R&O 58/2005.

Environment and Public Services Committee.

Employment (Awards) (Jersey) Order 2005. R&O 60/2005.

Employment and Social Security Committee.

Plant Health (Jersey) Order 2005. R&O 61/2005.

Environment and Public Services Committee.

D. PRESENTATION OF PAPERS

(a) Papers for information

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

Jersey Appointments Commission: Annual Report for 2004.

Policy and Resources Committee.

Privileges and Procedures Committee Sub-Committee on Standards: complaint against Senator E.P. Vibert. R.C.53/2005.

Privileges and Procedures Committee.

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

Draft Restriction on Smoking (Amendment) (Jersey) Law 200- (P.111/2005): amendments. P.111/2005.
Amd.

Deputy J.L. Dorey of St. Helier.

Draft Matrimonial Causes (Amendment No. 11) (Jersey) Law 2003 (Appointed Day) Act 200-. P.129/2005.

Legislation Committee.

Draft Criminal Justice (Evidence of Children) (Jersey) Law 2002 (Appointed Day) Act 200-. P.130/2005.

Legislation Committee.

Draft States of Jersey (Period for Ordinary Election) (Jersey) Regulations 200-. P.131/2005.

Privileges and Procedures Committee.

Draft States of Jersey Law 2005 (Appointed Day) (No. 1) Act 200. P.132/2005.

Privileges and Procedures Committee.

Draft Public Finances (Amendment) (Jersey) Law 200-. P.133/2005.
Finance and Economics Committee.

Draft Plant Health (Jersey) Law 2003 (Appointed Day) Act 200-. P.134/2005.
Environment and Public Services Committee.

J. COMMITTEE STATEMENTS

The President of the Education, Sport and Culture Committee will make a statement regarding the Jersey Opera House.

K. PUBLIC BUSINESS *(outstanding matters)*

Island Plan 2002: changes to Built-up Area boundary. P.77/2005.
Lodged: 19th April 2005.
Environment and Public Services Committee.

Island Plan 2002: changes to Built-up Area boundary (P.77/2005) – P.77/2005.
amendments. Amd.
Lodged: 3rd May 2005.
Deputy G.C.L. Baudains of St. Clement.

Island Plan 2002: changes to Built-up Area boundary (P.77/2005) – P.77/2005.
second amendments. Amd.(2).
Lodged: 3rd May 2005.
Senator L. Norman.

Island Plan 2002: changes to Built-up Area boundary (P.77/2005) – P.77/2005.
second amendment (P.77/2005 Amd.(2))– comments. Amd.(2)Com.
Presented: 21st June 2005.
Environment and Public Services Committee.

Island Plan 2002: changes to Built-up Area boundary (P.77/2005) – P.77/2005.
third amendments. Amd.(3)
Lodged: 10th May 2005.
Deputy J.A. Hilton of St. Helier.

Island Plan 2002: changes to Built-up Area boundary (P.77/2005) – P.77/2005.
fourth amendment. Amd.(4)
Lodged: 7th June 2005.
Environment and Public Services Committee.

M.N. DE LA HAYE
Greffier of the States

27th June 2005.

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 58/2005.

This Order extends the prohibition of waiting on Rue de Haut and La Route de l'Eglise.

The Order was made on 14th June 2005 and came into force on the day it was made.

R&O 60/2005.

This Order prescribes the scale of compensation that the Jersey Employment Tribunal may award in cases of unfair dismissal. If an employee who is entitled to such compensation has worked for the employer concerned for less than 26 weeks, he or she may in the discretion of the Tribunal be awarded up to 4 weeks' pay. For longer periods of service, the scale runs from 4 weeks' pay for an employee with not more than 12 months' service to a maximum of 26 weeks' pay if an employee has more than 5 years' service.

The Order also prescribes for the purpose of Article 86(6) of the Employment (Jersey) Law 2003, (which Article relates to the maximum amount that the Tribunal may award to an individual in any proceedings), a limit of £10,000 plus (where applicable) the amount that the employee is entitled to under this present Order for unfair dismissal.

The Order, which was made by the Employment and Social Security Committee on 23rd June 2005, will come into force on 1st July 2005 – i.e. on the same day as the Employment (Jersey) Law 2003.

R&O 61/2005.

The Plant Health (Jersey) Order 2005, made under the Plant Health (Jersey) Law 2003, replaces a number of Orders made under the Destructive Insects and Pests (Jersey) Law 1960. The new Order is much more comprehensive than the instruments that it replaces (listed in *Schedule 18*) and is substantially in line with the Plant Health (Great Britain) Order 1993 and parts of the Plant Health (Forestry) (Great Britain) Order 1993. These instruments in turn effectively implement what is now European Council Directive 2000/29/EC.

The amendments to that Directive listed in *Schedule 16* are the amendments of which this Order takes cognizance.

Article 1 contains most of the definitions for the Order not already contained in the Plant Health (Jersey) Law 2003. Of particular importance are the following –

- (a) “plant” means a living plant or living part of a plant;
- (b) the “European Community” and the “UK” include Jersey and the other British Islands; and
- (c) a reference to a plant protection organization or plant protection service – for example in Schedules 14 and 15 – is a reference in the case of Jersey to the Environment and Public Services Committee.

Article 2 makes it clear that wherever 2 or more requirements of the Order apply, both or all of those requirements must be complied with. This is particularly relevant in the Schedules, which contain many overlapping categories.

Article 3 prohibits the import into Jersey from a third country of specified plant pests and imposes certain requirements on the import of specified plants.

Article 4 imposes restrictions on the movement of certain plant pests and of certain plant material within Jersey and into Jersey from another part of the European Community (as defined for the purposes of this Order).

Article 5 prohibits the keeping in Jersey of certain plant pests without written permission.

Article 6 prohibits the making or keeping of genetically modified plant pests in Jersey without written permission.

Article 7 imposes restrictions on the introduction of certain plant pests and certain plant material into a protected zone (which, broadly speaking, is a zone in the European Community where a plant pest is not established even though, if introduced, it should be able to prosper there).

Article 8 imposes restrictions on the movement of certain plant pests and certain plant material within a protected zone, except in certain cases of transit through the protected zone (*Article 9*).

Article 10 requires the Committee to survey Jersey from time to time to verify that, to the extent that Jersey is within a protected zone with regard to particular pests, it has remained free from those pests.

Where the Order requires plant material to be accompanied by an official statement, that means a phytosanitary certificate if the material originates from a non-EC country (*Article 11*), a plant passport if the material originates from an EC country (*Article 12*), and a reforwarding phytosanitary certificate if the material originates from a non-EC country but has not come directly from that country (*Article 13*).

Article 14 sets out a number of detailed requirements regarding phytosanitary certificates. *Schedule 14* sets out a form of phytosanitary certificate. *Schedule 15* sets out a form of reforwarding phytosanitary certificate.

Articles 15 and 16 set out a number of detailed requirements regarding plant passports. *Schedule 9* specifies what must appear on a plant passport.

Article 17 to 21 set up a scheme for the issue of plant passports by individuals authorized to do so on behalf of registered producers and importers. *Schedule 10* sets out certain duties of a registered producer or importer under the Order. *Article 33* requires the Committee to monitor the operation of this scheme.

Article 22 is a special provision dealing with potatoes and certain other solanaceous plants. Among other things it requires potato growers and potato importers to register with the Committee.

Article 23 requires persons involved in the production or import of *Citrus*, *Fortunella* or *Poncirus* species, and persons holding certain material from some *Solanum* species or from *Beta vulgaris*, to notify the Committee.

Article 24 requires notification of the presence of certain plant pests.

Article 25 gives inspectors various powers to intercept things landed (or likely to be landed) in contravention of the Order and to prevent the spread of plant pests or infected material. Those powers include a power to require occupiers and others to treat, remove or destroy things. An inspector who has a warrant to enter premises may, if necessary, also treat, remove or destroy things found on the premises (*Article 26*).

Article 27 sets out various matters relating to the content of notices and compliance with notices.

Article 28 is a standard provision setting out how a notice may be served on a person.

Article 29 empowers an inspector who has a warrant to enter premises to take samples and examine and mark things on the premises.

Articles 30 (information as to compliance with notices) and *31* (failure to comply with notice) impose requirements as to compliance with notices issued under the Order.

Article 32 provides for areas to be demarcated in order to control *Ralstonia solanacearum* (potato brown rot).

Articles 34 and 35 confer authority to do things against the requirements of the Order if they are done pursuant to a licence granted by the Committee.

Article 36 is a general provision empowering inspectors and the Committee to require information to be given for the purposes of the enforcement of the Order.

Article 37 sets out a number of offences.

Article 38 and *Schedule 18* revoke Orders to the extent that these Orders may have survived the repeal of the Destructive Insects and Pests (Jersey) Law 1960 by the Plant Health (Jersey) Law 2003.

Article 39 and *Schedule 19* make amendments to the Order that are consequential on the move from a Committee system to a Ministerial system of government in Jersey.

Article 40 sets out the short title of the Order and makes provision for its commencement.

Schedule 1 catalogues plant pests whose introduction into or movement within Jersey or certain protected zones is banned.

Schedule 2 catalogues plant pests whose introduction into or movement within Jersey or certain protected zones is banned if they are present on certain plant material.

Schedule 3 catalogues plant material whose introduction into Jersey or certain protected zones is banned.

Schedule 4 sets out detailed requirements that must be satisfied if certain specified plant material is to be imported into Jersey or moved within it. Most of the requirements are for the material to be accompanied by official statements (on which see *Articles 11 to 13*).

Schedule 5 lists things that must be inspected before their movement within, or entry into, the European Community.

Schedule 6 lists plant pests that are notifiable and that cannot be kept without permission.

Schedule 7 lists measures that must be met for the movement of plant material through protected zones without a plant passport.

Schedule 8 lists protected zones.

Schedule 9 sets out what must appear on a plant passport.

Schedule 10 sets out certain duties of a registered producer or importer under the Order.

Schedule 11 sets out special measures for the control of potato wart disease.

Schedule 12 sets out special measures for the control of potato ring rot.

Schedule 13 sets out special measures for the control of *Ralstonia solanacearum* (potato brown rot).

Schedule 14 sets out the form of a phytosanitary certificate.

Schedule 15 sets out the form of a reforwarding phytosanitary certificate.

Schedule 16 lists the European instruments of which the Order takes cognizance.

Schedule 17 lists the parts of the UK to which the operation of certain items of Schedules 2B, 4B and 8 is restricted.

Schedule 18 lists the Jersey Orders that the Order revokes.

Schedule 19 replaces references to the Committee in the Order with references to the Minister.

Notes –

- (1) The numbering of the provisions of the Schedules mostly follows that of the Plant Health (Great Britain) Order 1993. This is why in a number of cases the numbering is not continuous.
- (2) Where a penalty is expressed in the Order as a fine not exceeding a specified level “on the standard scale”, this is a reference to the scale set out in the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993. The maximum penalties for each level in that scale are, currently –

Level 1	£50
Level 2	£500
Level 3	£2,000
Level 4	£5,000.

The Order was made on 23rd June 2005, and comes into force in accordance with Article 40.