



STATES OF JERSEY ORDER PAPER

TUESDAY 12th JUNE 2018

SUMMARY

9.30 a.m.

Communications by the Presiding Officer and other announcements

Appointments, matters of privilege, petitions

- President of the Chairmen's Committee
- Members of the Privileges and Procedures Committee
- Elected Members of the Public Accounts Committee
- Members of the Scrutiny Panels
- Members of the Planning Committee
- States Commissioners of the Jersey Overseas Aid Commission

Arrangement of public business at subsequent meetings



STATES OF JERSEY ORDER PAPER

TUESDAY 12th JUNE 2018

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Control of Housing and Work (Guidance on Temporary Absence and Significant Ownership) (Amendment No. 2) (Jersey) Order 2018. <i>Chief Minister</i>	R&O.43/2018.
Bankruptcy (Désastre) (Amendment No. 2) (Jersey) Order 2018. <i>Chief Minister.</i>	R&O.53/2018.
Collective Investment Funds (Unregulated Funds) (Amendment No. 4) (Jersey) Order 2018. <i>Chief Minister.</i>	R&O.54/2018.
Health Insurance (Approved Prescribing Practitioners – Midwives and Nurses) (Jersey) Order 2018. <i>Minister for Social Security.</i>	R&O.55/2018.
Social Security (Medical Certification) (Amendment No. 3) (Jersey) Order 2018. <i>Minister for Social Security.</i>	R&O.56/2018.
Financial Services (Amendment of Schedules to Law) (Jersey) Order 2018. <i>Chief Minister.</i>	R&O.57/2018.
Financial Services (Investment Business (Client Assets)) (Amendment) (Jersey) Order 2018. <i>Chief Minister.</i>	R&O.58/2018.
Charities (Additional Information) (Jersey) Order 2018. <i>Chief Minister</i> <i>(signed by Senator P.F. Routier, M.B.E., for and on behalf of the Chief Minister).</i>	R&O.59/2018.
Charities (Restricted Section of Register) (Jersey) Order 2018. <i>Chief Minister</i> <i>(signed by Senator P.F. Routier, M.B.E., for and on behalf of the Chief Minister).</i>	R&O.60/2018.
Immigration (Fees) (Amendment) (Jersey) Order 2018. <i>Minister for Home Affairs.</i>	R&O.61/2018.
Motor Vehicles (Driving Licences) (Amendment No. 16) (Jersey) Order 2018. <i>Minister for Infrastructure.</i>	R&O.62/2018.
Motor Vehicles (Construction and Use) (Amendment No. 12) (Jersey) Order 2018. <i>Minister for Infrastructure.</i>	R&O.63/2018.
EU Legislation (Sanctions – Myanmar/Burma) (Jersey) Order 2018. <i>Minister for External Relations.</i>	R&O.64/2018.



C. DOCUMENTS PRESENTED

VAT treatment of goods sold by UK-based retailers and delivered to Jersey consumers; possibilities of charging GST on goods delivered to Jersey consumers. Presented: 12th April 2018, <i>Minister for Treasury and Resources</i> .	R.51/2018.
Scrutiny and Public Accounts Committee Proceedings: Code of Practice. Presented: 12th April 2018, <i>Chairmen's Committee</i> .	R.52/2018.
Fiscal Policy Panel: appointment of member. Presented: 12th April 2018, <i>Minister for Treasury and Resources</i> .	R.53/2018.
States of Jersey Law 2005: delegation of functions – rescindment of delegation from Minister for Education to Assistant Minister. Presented: 13th April 2018, <i>Chief Minister</i> .	R.54/2018.
Jersey Charity Commissioner: Annual Report for 2017. Presented: 13th April 2018, <i>Chief Minister</i> .	R.55/2018. (re-issue)
Association of Jersey Charities: Service Level Agreement. Presented: 13th April 2018, <i>Minister for Economic Development, Tourism, Sport and Culture</i> .	R.56/2018.
States of Jersey Police Force: permanent appointment of Deputy Chief Officer. Presented: 13th April 2018, <i>Minister for Home Affairs</i> .	R.57/2018.
Jersey Multi-Agency Public Protection Arrangements (JMAPP) Annual Report 2017. Presented: 13th April 2018, <i>Minister for Home Affairs</i> .	R.58/2018.
Land Transactions under Standing Order 168(3) – Cherry Trees, La Rue de la Mare, St. Ouen – transfer of Assisted House Purchase. Presented: 13th April 2018, <i>Minister for Infrastructure</i> .	R.59/2018.
Land Transactions under Standing Order 168(3) – Beau Sejour, Mont Millais, St. Helier – sale. Presented: 19th April 2018, <i>Minister for Infrastructure</i> .	R.60/2018.
Limited Liability Companies (Jersey) Law 201-: Consultation Summary of Responses. Presented: 26th April 2018, <i>Chief Minister</i> .	R.61/2018.
Land Transactions under Standing Order 168(3) – 19 Clearview Street, St. Helier – lease. Presented: 26th April 2018, <i>Minister for Infrastructure</i> .	R.62/2018.
Commissioner for Standards: Investigation of Complaint of breach of the Code of Conduct for Elected Members by Deputy S.Y. Mézec of St. Helier. Presented: 30th April 2018, <i>Privileges and Procedures Committee</i> .	R.63/2018.
Implementation of the Exchange of Notes on Beneficial Ownership between the United Kingdom, Crown Dependencies and Overseas Territories: six-month review. Presented: 30th April 2018, <i>Chief Minister</i> .	R.64/2018.



States Employment Board: Annual Report 2017. Presented: 1st May 2018, <i>States Employment Board</i> .	R.65/2018.
States of Jersey Law 2005: delegation of functions – Environment – Scheme of delegations – April 2018. Presented: 4th May 2018, <i>Minister for the Environment</i> .	R.66/2018.
Channel Islands Competition and Regulatory Authorities: Annual Report 2017. Presented: 22nd May 2018, <i>Chief Minister</i> .	R.67/2018.
Land Transactions under Standing Order 168(3) – (a) 10 Grosvenor Terrace, Grosvenor Street, St. Helier – sale; (b) Ground and Second Floor, Bermuda House, Green Street, St. Helier – lease-in. Presented: 22nd May 2018, <i>Minister for Infrastructure</i> .	R.68/2018.
Jersey Development Company: Annual Report and Consolidated Financial Statements 2017. Presented: 24th May 2018, <i>Minister for Treasury and Resources</i> .	R.69/2018.
Jersey Charity Commissioner: results of public consultation on Draft Guidance on the Charity Test; and Guidance on the operation of the Charities (Jersey) Law 2014. Presented: 24th May 2018, <i>Chief Minister</i> .	R.70/2018.
States of Jersey Complaints Board: findings – complaints by Mr. A. Luce and Mr. J. Mallinson against the Minister for Infrastructure and Jersey Property Holdings regarding the handling of foreshore encroachment claims. Presented: 1st June 2018, <i>Privileges and Procedures Committee</i> .	R.71/2018.
Jersey Independent Prison Monitoring Board (IPMB): Annual Report 2017. Presented: 7th June 2018, <i>Minister for Home Affairs</i> .	R.72/2018.
States of Jersey Police: Annual Report 2017. Presented: 7th June 2018, <i>Minister for Home Affairs</i> .	R.73/2018.
States of Jersey Annual Report and Accounts 2017. Presented: 12th June 2018, <i>Minister for Treasury and Resources</i> .	R.74/2018.
Legacy Report for session 2014 to 2018. Presented: 19th April 2018, <i>Environment, Housing and Infrastructure Scrutiny Panel</i> .	S.R.8/2018.
Legacy Report for session 2014 to 2018. Presented: 19th April 2018, <i>Economic Affairs Scrutiny Panel</i> .	S.R.9/2018.
Legacy Report for session 2014 – 2018. Presented: 20th April 2018, <i>Health and Social Security Scrutiny Panel</i> .	S.R.10/2018.
Legacy Report (Care of Children in Jersey Review Panel). Presented: 23rd April 2018, <i>Chairmen's Committee</i> .	S.R.11/2018.
Legacy Report 2014 – 2018. Presented: 23rd April 2018, <i>Education and Home Affairs Scrutiny Panel</i> .	S.R.12/2018.
Legacy Report (Future Hospital Review Panel). Presented: 25th April 2018, <i>Chairmen's Committee</i> .	S.R.13/2018.



Legacy Report 2014 – 2018. S.R.14/2018.
Presented: 23rd May 2018, *Corporate Services Scrutiny Panel*.

Legacy Report 2014 – 2018. S.R.15/2018.
Presented: 23rd May 2018, *Chairmen’s Committee*.

Review of the Jersey Innovation Fund. P.A.C.3/2018.
Presented: 11th April 2018, *Public Accounts Committee*.

Legacy Report. P.A.C.4/2018.
Presented: 18th April 2018, *Public Accounts Committee*.

D. NOTIFICATION OF LODGED PROPOSITIONS

Draft Social Security (Amendment No. 23) (Jersey) Law 201- (P.77/2018): P.77/2018.
amendment. Amd.
Lodged: 21st May 2018, *Minister for Social Security*.

Fields 85, 84 and 80, La Rue Carrée, St. Brelade: acquisition of land by the P.78/2018.
Public.
Lodged: 12th April 2018, *Minister for Education*.

Draft Official Publications (Amendment No. 2) (Jersey) Law 2017 (Appointed P.79/2018.
Day) Act 201-.
Lodged: 21st May 2018, *Chief Minister*.

Jersey Police Complaints Authority: appointment of member. P.80/2018.
Lodged: 21st May 2018, *Minister for Home Affairs*.

Draft Limited Liability Partnerships (Jersey) Law 2017 (Appointed Day) Act P.81/2018.
201-.
Lodged: 21st May 2018, *Chief Minister*.

Draft Limited Liability Partnerships (Amendment of Law) (Jersey) Regulations P.82/2018.
201-.
Lodged: 21st May 2018, *Chief Minister*.

Draft Limited Liability Partnerships (Dissolution and Winding up) (Jersey) P.83/2018.
Regulations 201-.
Lodged: 21st May 2018, *Chief Minister*.

Draft Criminal Justice (Miscellaneous Provisions) (No. 2) (Jersey) Regulations P.84/2018.
201-.
Lodged: 21st May 2018, *Chief Minister*.

Draft Limited Liability Companies (Jersey) Law 201-. P.85/2018.
Lodged: 21st May 2018, *Chief Minister*.

Draft Taxation Implementation (Miscellaneous Amendments) (Jersey) P.86/2018.
Regulations 201-.
Lodged: 21st May 2018, *Minister for External Relations*.

Draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- P.87/2018.
(Appointed Day) Act 201-.
Lodged: 21st May 2018, *Chief Minister*.



States of Jersey elections: pre-election procedures for States meetings and the lodging of propositions. P.88/2018.
Lodged: 22nd May 2018, *Deputy J.M. Maçon of St. Saviour.*

States of Jersey elections: pre-election procedures for States meetings and the lodging of propositions (P.88/2018): amendment. P.88/2018.
Lodged: 29th May 2018, *Deputy J.M. Maçon of St. Saviour.* Amd.

Draft Public Elections (Amendment of Time of Opening of Poll) (Jersey) Regulations 201-. P.89/2018.
Lodged: 25th May 2018, *Comité des Connétables.*

Future Hospital: Public Inquiry – Terms of Reference. P.90/2018.
Lodged: 25th May 2018, *Deputy R. Labey of St. Helier.*

E. WITHDRAWAL OF LODGED PROPOSITIONS

In accordance with Standing Order 34(1), the proposers of the following propositions lodged ‘au Greffe’ have informed the Greffier of the States that they are to be withdrawn –

Jèrriais: optional use in the States Chamber. P.4/2018.
Lodged: 15th January 2018, *Privileges and Procedures Committee.*

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

- (i) Appointment of the President of the Chairmen’s Committee.
- (ii) Appointment of the Members of the Privileges and Procedures Committee.
- (iii) Appointment of the elected Members of the Public Accounts Committee.
- (iv) Appointment of the Members of the Scrutiny Panels in the following order -
 - (a) Economic Affairs
 - (b) Education and Home Affairs
 - (c) Environment, Housing and Infrastructure
 - (d) Health and Social Security
- (v) Appointment of members of the Planning Committee
- (vi) Appointment of two States Commissioners of the Jersey Overseas Aid Commission.

M. ARRANGEMENT OF PUBLIC BUSINESS

26th June

La Route de St. Aubin: installation of Pedestrian Crossings and reduction of speed limit. P.68/2018.
Lodged: 14th March 2018, *Deputy M.R. Higgins of St. Helier.*

La Route de St. Aubin: installation of Pedestrian Crossings and reduction of speed limit (P.68/2018) – comments. P.68/2018
Presented: 6th April 2018, *Minister for Infrastructure.* Com.



Draft Explosives (Amendment) (Jersey) Law 201- Lodged: 26th February 2018, <i>Minister for Home Affairs</i> .	P.38/2018.
Draft Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017 (Appointed Day) Act 201- Lodged: 26th February 2018, <i>Minister for Home Affairs</i> .	P.39/2018.
Draft Armed Forces (Vehicles and Roads – Amendments) (Jersey) Regulations 201- Lodged: 26th February 2018, <i>Minister for Home Affairs</i> .	P.40/2018.
Draft Armed Forces (Vehicles and Roads – Amendments) (Jersey) Regulations 201- (P.40/2018): comments. Presented: 5th April 2018, <i>Education and Home Affairs Scrutiny Panel</i> .	P.40/2018. Com.
Draft Access to Justice (Jersey) Law 201- Lodged: 27th February 2018, <i>Chief Minister</i> .	P.50/2018.
Draft International Co-operation (Protection from Liability) (Jersey) Law 201- Lodged: 27th February 2018, <i>Chief Minister</i> .	P.54/2018.
Draft The Law Society of Jersey (Amendment No. 4) Law 2017 (Appointed Day) Act 201- Lodged: 1st March 2018, <i>Chief Minister</i> .	P.58/2018.
Draft Companies (Demerger) (Jersey) Regulations 201- Lodged: 1st March 2018, <i>Chief Minister</i> .	P.59/2018.
Ratification of the Agreement and Exchange of Letters for the Exchange of Information Relating to Tax Matters between the Government of Jersey and the Kingdom of Spain. Lodged: 5th March 2018, <i>Minister for External Relations</i> .	P.60/2018.
Pedestrian Crossing outside La Moye School: petition. Lodged: 6th March 2018, <i>Deputy M. Tadier of St. Brelade</i> .	P.61/2018.
Pedestrian Crossing outside La Moye School: petition (P.61/2018): amendment. Lodged: 29th March 2018, <i>Minister for Infrastructure</i> .	P.61/2018. Amd.
Draft Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 12) (Jersey) Regulations 201- Lodged: 14th March 2018, <i>Chief Minister</i> .	P.69/2018.
States of Jersey Development Company Limited: re-appointment of Non-Executive Directors. Lodged: 4th April 2018, <i>Minister for Treasury and Resources</i> .	P.72/2018.
Draft Income Support (Amendment No. 18) (Jersey) Regulations 201- Lodged: 9th April 2018, <i>Minister for Social Security</i> .	P.73/2018.
Draft Financial Services Commission (Amendment No. 7) (Jersey) Law 201- Lodged: 9th April 2018, <i>Chief Minister</i> .	P.74/2018.
Draft Proceeds of Crime (Amendment No. 3) (Jersey) Law 201- Lodged: 9th April 2018, <i>Chief Minister</i> .	P.75/2018.



Referendum (Presidency of States Assembly) (Jersey) Act 201-. Lodged: 10th April 2018, <i>Privileges and Procedures Committee.</i>	P.76/2018.
Draft Social Security (Amendment No. 23) (Jersey) Law 201-. Lodged: 10th April 2018, <i>Minister for Social Security.</i>	P.77/2018.
Draft Social Security (Amendment No. 23) (Jersey) Law 201- (P.77/2018): amendment. Lodged: 21st May 2018, <i>Minister for Social Security.</i>	P.77/2018. Amd.
Fields 85, 84 and 80, La Rue Carrée, St. Brelade: acquisition of land by the Public. Lodged: 12th April 2018, <i>Minister for Education.</i>	P.78/2018.
Draft Official Publications (Amendment No. 2) (Jersey) Law 2017 (Appointed Day) Act 201-. Lodged: 21st May 2018, <i>Chief Minister.</i>	P.79/2018.
Jersey Police Complaints Authority: appointment of member. Lodged: 21st May 2018, <i>Minister for Home Affairs.</i>	P.80/2018.
Draft Marriage and Civil Status (Amendment No. 4) (Jersey) Law 201- (Appointed Day) Act 201-. Lodged: 21st May 2018, <i>Chief Minister.</i>	P.87/2018.
States of Jersey elections: pre-election procedures for States meetings and the lodging of propositions. Lodged: 22nd May 2018, <i>Deputy J.M. Maçon of St. Saviour.</i>	P.88/2018.
States of Jersey elections: pre-election procedures for States meetings and the lodging of propositions (P.88/2018): amendment. Lodged: 29th May 2018, <i>Deputy J.M. Maçon of St. Saviour.</i>	P.88/2018. Amd.
Future Hospital: Public Inquiry – Terms of Reference. Lodged: 25th May 2018, <i>Deputy R. Labey of St. Helier.</i>	P.90/2018.
<u>10th July</u>	
States Members' duties. Lodged: 29th March 2018, <i>Privileges and Procedures Committee.</i>	P.71/2018.
Draft Limited Liability Partnerships (Jersey) Law 2017 (Appointed Day) Act 201-. Lodged: 21st May 2018, <i>Chief Minister.</i>	P.81/2018.
Draft Limited Liability Partnerships (Amendment of Law) (Jersey) Regulations 201-. Lodged: 21st May 2018, <i>Chief Minister.</i>	P.82/2018.
Draft Limited Liability Partnerships (Dissolution and Winding up) (Jersey) Regulations 201-. Lodged: 21st May 2018, <i>Chief Minister.</i>	P.83/2018.
Draft Criminal Justice (Miscellaneous Provisions) (No. 2) (Jersey) Regulations 201-. Lodged: 21st May 2018, <i>Chief Minister.</i>	P.84/2018.



Draft Limited Liability Companies (Jersey) Law 201- P.85/2018.
Lodged: 21st May 2018, *Chief Minister*.

Draft Taxation Implementation (Miscellaneous Amendments) (Jersey) Regulations 201- P.86/2018.
Lodged: 21st May 2018, *Minister for External Relations*.

Draft Public Elections (Amendment of Time of Opening of Poll) (Jersey) Regulations 201- P.89/2018.
Lodged: 25th May 2018, *Comité des Connétables*.

11th September 2018

Migration Policy. P.70/2018.
Lodged: 15th March 2018, *Council of Ministers*.

DR. M. EGAN
Greffier of the States

11th June 2018



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.43/2018.

Control of Housing and Work (Guidance on Temporary Absence and Significant Ownership) (Amendment No. 2) (Jersey) Order 2018.

Chief Minister

This Order makes provision so that the guidance on temporary absence which is contained in paragraphs 39 to 76 of the report that was presented to the States in R.42/2018 on 5th April 2018 comes into effect on the day after this Order is made. That guidance is issued under Article 2 of the Control of Housing and Work (Jersey) Law 2012. Article 2 requires the Minister to specify by Order the date that such guidance takes effect. The guidance contained in R.42/2018 revokes the previous guidance on temporary absence that came into effect on 5th December 2016.

The Order was made on 9th April 2018 and came into force on 10th April 2018.

R&O.53/2018.

Bankruptcy (Désastre) (Amendment No. 2) (Jersey) Order 2018.

This Order further amends the Bankruptcy (Désastre) (Jersey) Order 2006 –

- (a) to add the Republic of Ireland as a relevant country for the purpose of giving assistance to the courts of that country in all matters relating to the insolvency of a person pursuant to Article 49 of the Bankruptcy (Désastre) (Jersey) Law 1990; and
- (b) to increase the prescribed limits for certain priority claims, namely wages, salary and holiday pay and bonuses.

The Order was made on 13th April 2018 and came into force on 20th April 2018.

R&O.54/2018.

Collective Investment Funds (Unregulated Funds) (Amendment No. 4) (Jersey) Order 2018.

This Order amends Schedule 4 to the Collective Investment Funds (Unregulated Funds) (Jersey) Order 2008 to include the Stock Exchange of Mauritius (in respect only of its market known as the “Official Market”) in the list of exchanges and markets set out in that Schedule.

The Order was made on 20th April 2018 and came into force on 21st April 2018.

R&O.55/2018.

Health Insurance (Approved Prescribing Practitioners – Midwives and Nurses) (Jersey) Order 2018.

Minister for Social Security.

This Order sets out (in *Articles 2 to 4*) the conditions and process for approval of certain persons other than doctors, dentists, or opticians, as practitioners who may prescribe pharmaceutical benefit at cost to the Health Insurance Fund. The persons who may apply for approval under *Article 2(1)* are: midwife prescribing practitioners, nurse prescribing practitioners, and specialist community public health nurse



prescribing practitioners, registered as such under the Health Care (Registration) (Jersey) Law 1995. Those persons are collectively referred to in this Order as “NMPs” or (by *Article 1*, which is the interpretation provision) non-medical prescribers.

Article 2 further provides that applicants for approval must apply to the Minister in the approved form containing a declaration that the applicant practises in Jersey and, if approved, will issue pharmaceutical benefit to insured persons only. A refusal of an application does not preclude a further application by the same person. *Article 2(4)* also requires both applicants, and persons who are approved as NMPs, to inform the Minister in writing of any change in circumstances material to their approval.

Articles 3 and 4 confer powers on the Minister to revoke an approval, and to require further information from approved NMPs.

Article 5 makes supplementary amendments to *Articles 5, 6 and 7* of the Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Jersey) Order 2002, which deal respectively with the form of prescriptions, the supply of pharmaceutical benefit and the period of such supply. The amendments add approved prescribing practitioners (who may include, though are not limited to, approved NMPs under this Order) to those who may prescribe pharmaceutical benefit in accordance with that Order.

Article 6 gives the title by which this Order may be cited and provides for it to come into force 7 days after being made.

The Order was made on 23rd April 2018 and came into force on 30th April 2018.

R&O.56/2018.

Social Security (Medical Certification) (Amendment No. 3) (Jersey) Order 2018.

Article 1 of this Order substitutes, in Part B of Schedule 1 to the Social Security (Medical Certification) (Jersey) Order 1974, a new form of medical certificate for the purpose of claiming short-term incapacity allowance. That *Article* also amends the Rules for Medical Certification in Part A of that Schedule to delete requirements for claimants to furnish a certificate specifying a date of fitness to resume work.

Article 2 gives the title by which this Order may be cited and provides for it to come into force on 30th April 2018.

The Order was made on 23rd April 2018 and came into force on 30th April 2018.

R&O.57/2018.

Financial Services (Amendment of Schedules to Law) (Jersey) Order 2018.

This Order further amends Schedules 1 and 2 to the Financial Services (Jersey) Law 1998 (the “Law” as defined in *Article 1*).

Article 2 amends Schedule 1 to the Law to include as an investment a defined benefit scheme (within the meaning given by *Article 130B(2)* of the Income Tax (Jersey) Law 1961).

Article 3 amends Part 1 of Schedule 2 to the Law to exclude the following investment business from the classes of financial service business for the purposes of this Law –

- (a) dealing in a defined benefit scheme by buying, selling, subscribing for or underwriting the defined benefit scheme, either as principal or as agent;
- (b) undertaking discretionary investment management in respect of a defined benefit scheme by deciding as agent to buy, sell, subscribe for or underwrite a defined benefit scheme on behalf of a principal;
- (c) giving investment advice in respect of a defined benefit scheme by giving to persons in their capacity as investors or potential investors advice on the merits of the purchase or sale of, subscription for, or underwriting of, a defined benefit scheme.



Article 4 provides the title of the Order and provides for it to come into force 3 months after the day on which it is made.

The Order was made on 23rd April 2018 and comes into force on 23rd July 2018.

R&O.58/2018.

Financial Services (Investment Business (Client Assets)) (Amendment) (Jersey) Order 2018.

This Order amends Article 1 of the Financial Services (Investment Business (Client Assets)) (Jersey) Order 2001 to insert a definition for the term “investment” so that it does not include a defined benefit scheme (within the meaning given by Article 130B(2) of the Income Tax (Jersey) Law 1961). The amendment is required because of the changes made to Schedule 1 and Schedule 2 of the Financial Services (Jersey) Law 1998 by the Financial Services (Amendment of Schedules to Law) (Jersey) Order 2018 (*Article 1*).

Article 2 provides the title of this Order and provides for it to come into force on the same day as the Financial Services (Amendment of Schedules to Law) (Jersey) Order 2018.

The Order was made on 23rd April 2018 and comes into force on 23rd July 2018.

R&O.59/2018.

Charities (Additional Information) (Jersey) Order 2018.

This Order supplements the requirements of the Charities (Jersey) Law 2014 (the “Law”) as to information that must be provided to the Charity Commissioner by an applicant for registration as a charity, and by a registered charity.

Article 1 defines core financial information by reference to the Charities (Core Financial Information) (Jersey) Regulations 2018.

Article 2 defines governor payments as payments made by or on behalf of a registered charity to a governor of that charity, or to a person connected with a governor of that charity. Connected persons are defined in a manner similar to connection for the purposes of legislation on taxation. The Commissioner can notify charities that certain descriptions of payments (which might be in cash or in kind, and for expenses or other reasons) are, by their amount or nature, to be regarded as too insignificant to report.

Article 3 concerns the annual returns that must be provided by a registered charity in relation to each year in which it is on the register. The charity must include in its annual return the core financial information, its most recent financial accounts if it has any, and details of its governor payments. That is in addition to the information that must be included in the annual return under Article 13(6)–(7) of the Law.

Article 4 concerns the entries to be made on the register in relation to financial information (given that the application form and the annual return themselves are not entered on the register). These entries are in addition to those that must be made under Articles 8(3)(a) to (1) and 12(2) of the Law. The entries to be made are the core financial information and the details of governor payments (or a summary of those details), as provided on the application to register and in each subsequent annual return. The effect of this provision is limited by Article 9(1) of the Law in relation to a restricted section charity, in that these additional entries will not form part of the public elements of the register, because they are not covered by that Article.

Article 5 requires entries to be made on the register in relation to other, non-financial information. Under Article 11(2)(a)(iii) of the Law, this information must be provided in an application to register (but again these items will not form part of the public elements of the register for a restricted section charity). The information is whether the charity is also registered under the Non-Profit Organizations (Jersey) Law 2008; whether it has a website or other source of electronic communication; whether, when it applied for registration, it intended to take over the property or functions of an existing registered charity; and whether it had previously been registered and then deregistered before it applied for its current registration.



Article 6 names the Order and would bring it into force on the date on which applications to register can first be made (1st May 2018 – see Article 1 of the Charities (Jersey) Law 2014 (Appointed Day) Act 2018). The Order was made on 26th April 2018 and came into force on 1st May 2018.

R&O.60/2018.

Charities (Restricted Section of Register) (Jersey) Order 2018.

This Order prescribes the funding condition, as to refraining from soliciting donations from certain persons, that must be met to qualify for entry in the restricted section of the register of charities under Article 9 of the Charities (Jersey) Law 2014.

Under that Article, if an entity is registered as a charity (passing the charity test and other requirements for registration), and its request for entry on the restricted section is accepted (after applying the funding condition and refusal ground in this Order, together with the other requirements imposed by that Article), then only limited elements of its entries on the register will be accessible to the public.

Article 1 defines the “Law” as the Charities (Jersey) Law 2014, and “restriction request” as a request for entry in the restricted section of the register.

Article 2 prescribes the funding condition, which is that the entity will refrain from soliciting a donation from any person whom the entity knows to be (or can reasonably be expected to suspect to be) of the description set out in *Article 4*. The entity must also take all reasonable steps to avoid such persons being among those from whom the entity solicits donations.

The Commissioner must refuse a restriction request if the condition is not met, but can also refuse if, in exceptional circumstances and in the Commissioner’s opinion, accepting the request would prejudice the performance of the Commissioner’s duty under Article 4(4)(a) of the Law. That duty is (in performing the Commissioner’s functions, and so far as appears reasonably practicable) to seek to act in a way that protects public trust and confidence in registered charities, and is compatible with the encouragement of all forms of charitable giving and with the encouragement of voluntary participation in the work of registered charities.

The effect of this Article, together with Articles 9(3)(a) and (6) of the Law, is that the Commissioner must accept a restriction request if the request meets the procedural requirements in Articles 9(4) and (5) of the Law, the entity meets the funding condition, and the Commissioner does not believe it should be refused on the public confidence or voluntary participation grounds described above. Otherwise the request must be refused.

Article 3 defines “donation” and “soliciting” for the purpose of the funding condition. Donation means the giving of anything of value. The thing given can be money, property or anything else. But if an individual gives that individual’s labour or time to an entity, that gift is not treated as a donation for this purpose. Also, if something is not given gratuitously, it is not treated as a donation if the person giving it is unaware of the entity’s charitable status (and of its purposes and the use to which it will put the gift), or is aware of that but is not influenced by it.

Soliciting means asking a person to make a donation. The request can be express or implied. Asking a person to consider making a donation is also covered, as is asking a person to forward the request to another person. An entity will also solicit if it provides or publishes (in a way likely to come to the attention of potential donors) any material giving information on how to make donations or on where to find further information about making donations. An entity will also solicit if it holds an event that has as one of its purposes to enable or encourage those attending the event (or watching or listening) to make donations. In addition an entity will solicit if it endorses or permits an act by another person that would fall into any of the above descriptions. The definition does not depend on the means by which the request, publicity or event occurs, whether by electronic communication, in person, through any media or otherwise. Nor does it depend on whether the donation is actually made.

Article 4 allows donations to be solicited from persons who have a relevant connection with the entity, or are relevant professionals, as described below. A donation can also be solicited if the Commissioner considers that the person has a sufficient connection to the entity, or is someone who can be expected to



have sufficient understanding for the purpose, or is of some other description for which there is sufficient reason not to treat that person as a member of the public in relation to the entity.

A person has a relevant connection to the entity if the person is a governor, an employee, or a former employee of the entity, or a member of the family of a governor or employee of the entity. If the entity has a membership who are not all governors, then a member of the entity also has a relevant connection. If the entity is a foundation, its founders and guardians also have a relevant connection. If the entity is a company or other corporation, it will also have a relevant connection with those who own or control it, with any other corporations that it owns or controls, and with any other corporations that are owned or controlled by the same third corporation which also owns the entity.

A relevant professional is any other restricted charity or anyone carrying on regulated financial services business. A private trust company and a professional investor (as each is defined in relevant financial services legislation) are also relevant professionals. Employees of a private trust company, or of a person carrying on regulated financial services business, are relevant professionals when engaged in the regulated financial services business or investment activity. Similarly if a private trust company, or a person carrying on regulated financial services business, is a company or partnership, its directors or partners will be relevant professionals.

Article 5 names the Order and would bring it into force on the date on which applications to register can first be made (1st May 2018 – see Article 1 of the Charities (Jersey) Law 2014 (Appointed Day) Act 2018).

The Order was made on 26th April 2018 and came into force on 1st May 2018.

R&O.61/2018.

Immigration (Fees) (Amendment) (Jersey) Order 2018.

Minister for Home Affairs.

This Order provides for an uplift of 4% in respect of certain immigration application fees which are in line with fee increases chargeable in respect of analogous immigration applications under the UK Immigration and Nationality (Fees) Regulations 2018 (S.I. 2018/330). The fee increases applied under this Order will take effect from 1st June 2018.

The Order was made on 3rd May 2018 and came into force on 1st June 2018.

R&O.62/2018.

Motor Vehicles (Driving Licences) (Amendment No. 16) (Jersey) Order 2018.

Article 1 of this Order amends the Motor Vehicles (Driving Licences) (Jersey) Order 2003, to substitute Article 11 of that Order which deals with the exchange, for Jersey driving licences, of licences issued by countries or territories outside Jersey. The effect of the amendment is that, for the purposes of Article 11, a “domestic driving permit” includes a document which is not itself a licence but shows the classes of vehicles which the holder is authorized to drive and is sufficient to satisfy the parochial authority that the holder has, within 5 years of the date of applying for a Jersey licence, held a domestic driving permit issued by a country or territory listed in the table in Schedule 5, and that the holder is not disqualified from driving, as required by Article 8(1) of the Road Traffic (Jersey) Law 1956.

Article 1 also substitutes, for the table in Schedule 5 to the Motor Vehicles (Driving Licences) (Jersey) Order 2003, a new table to permit exchange of licences with a wider range of countries and territories and, in the case of certain countries or territories with which exchange already occurs, to update the classes of licences which are acceptable for exchange.

Article 2 gives the title by which this Order may be cited and provides for it to come into force 7 days after it is made.

The Order was made on 14th May 2018 and came into force on 21st May 2018.



R&O.63/2018.

Motor Vehicles (Construction and Use) (Amendment No. 12) (Jersey) Order 2018.

This Order amends the Motor Vehicles (Construction and Use) (Jersey) Order 1998 (the “Construction and Use Order”) to require annual examination of certain commercial goods vehicles and trailers, and the display on them of certificates of compliance.

The fee for a certificate of compliance, issued under the existing provisions in Article 120 of the Construction and Use Order, is increased from £25 to £175 (it has not been increased since 1998). That increased fee also applies (under the new Article 120A(7), inserted by this Order) to a certificate of compliance issued under the new provisions in Article 120A. The fee for a re-examination is half the main fee, so it accordingly increases from £12.50 to £87.50. Under Article 121 of the Construction and Use Order, if a certificate of compliance is lost or defaced, the fee for a duplicate remains £10.

The requirement for examination, imposed by the inserted Article 120A, applies to a vehicle that is used in the course of a business and is a large goods vehicle, or a semi-trailer (irrespective of weight), or any other trailer if its unladen weight exceeds 1,020 kg. Those types of vehicle are defined in Articles 1 and 2 of the Road Traffic (Jersey) Law 1956 (the “Law”). A large goods vehicle is a motor vehicle, for carrying or hauling goods, that has a permissible maximum weight exceeding 7.5 tonnes. A trailer is a vehicle drawn by another vehicle. A semi-trailer is a trailer that is attached to an articulated goods vehicle (which is a motor vehicle constructed to have a trailer, for goods, attached to it so that a substantial part of the weight of the trailer is borne by the motor vehicle). The requirement does not apply to any of those vehicles if they are agricultural (as agricultural motor vehicles, tractors, trailers or trailed appliances are defined in the Law and the Construction and Use Order). The requirement also does not apply to any of those vehicles if they have already been given a licence under Article 78 of the Law to allow them to be used despite not complying with one or more of the standards in the Construction and Use Order.

The vehicle cannot be used on a road unless it has been examined (for compliance with the relevant standards in the Construction and Use Order) at most one year ago, and now displays an indicator showing it was given a certificate of compliance from that examination. If that requirement is contravened the person using the vehicle or trailer on the road, and (if different) an owner of the vehicle or trailer who caused or permitted it to be used, will be guilty of an offence under Article 77(3) of the Law and liable to a fine of up to level 3 on the standard scale (currently £10,000). A person using a relevant vehicle on a road must, on demand, permit a police or traffic officer to inspect the indicator displayed on the vehicle.

The examination is to test the relevant parts and components of the vehicle for compliance with the requirements of the Construction and Use Order that apply to that vehicle. It must be carried out by an examiner appointed under Article 120 of the Construction and Use Order, in accordance with the written instructions of the Inspector of Motor Traffic. If the vehicle passes the examination, the examiner must issue a certificate of compliance (in a form specified by the Minister) which lists the requirements tested, specifies the date on which the vehicle passed, and includes a detachable indicator for display in the vehicle. If the vehicle fails the examination, it can be issued with a defect notice or impounded in the same manner as a vehicle failing a test under Article 117 of the Construction and Use Order. The right of appeal under Article 120(8) and (9) of the Construction and Use Order applies to a refusal of a certificate under this requirement. The offences of forgery and false statements under Article 79 of the Law apply in respect of certificates of compliance whether issued under Article 120 or 120A of the Construction and Use Order.

The Order comes into force on 14th May 2018, which is accordingly the first date on which a relevant vehicle can be submitted for examination. But, for the first year, the requirement does not apply to a relevant vehicle until that vehicle is first submitted for examination, by appointment with the Inspector of Motor Traffic. If a relevant vehicle has not been submitted for examination by 14th May 2019 then the requirement will apply to it from that date.

The Order was made on 14th May 2018 and came into force on the day it was made.



R&O.64/2018.

EU Legislation (Sanctions – Myanmar/Burma) (Jersey) Order 2018.

This Order revokes and replaces a similar Order giving effect to Council Regulation (EU) No 401/2013 of 2 May 2013 (OJ L 121, 3.5.2013, p. 1) concerning restrictive measures in respect of Myanmar/Burma, now as amended up to 27th April 2018 by Council Regulation (EU) 2018/647 of 26 April 2018 (OJ L 108, 27.4.2018, p. 1).

The amendments made by Council Regulation (EU) 2018/647 are to add an asset-freeze and new prohibitions, including on the supply of certain technology and on financial or technical assistance for such supplies.

The Order also gives effect to any future changes to the lists of persons subject to the asset-freeze (none are listed so far), the lists of equipment and technology, and the list of competent authorities. All the general provisions in the EU Legislation (Sanctions) (General Provisions) (Jersey) Order 2014 form part of this Order.

The Order that is revoked and replaced is the Community Provisions (Restrictive Measures – Myanmar/Burma) (Jersey) Order 2013. That Order was made under the European Communities Legislation (Implementation) (Jersey) Law 1996, and continued in force under Article 6 of the European Union Legislation (Implementation) (Jersey) Law 2014.

The Order was made on 17th May 2018 and came into force on 18th May 2018.



Note regarding the appointment process

(See Item F)

President of the Chairmen's Committee

Standing Order 121(1) provides that the President of the Chairmen's Committee shall be appointed from amongst the persons who are members of the Committee.

The Presiding Officer will invite nominations for the position. Only the 6 Chairmen (the Chairmen of the Public Accounts Committee and the 5 Scrutiny Panels) are eligible for nomination. If there is only one nomination, the member nominated will speak for up to 10 minutes followed by a 20-minute question period; after which the member will be selected for appointment. If there is more than one nomination each candidate will speak for up to 10 minutes with a 20 minute question period. The candidates will speak and be questioned in the order in which they have been nominated. Other candidates must withdraw from the Chamber during the speeches and question period.

Following the speeches and question periods, a recorded vote will be held until one candidate receives an overall majority of the votes cast. The electronic voting system will be used in any instance where there are no more than two candidates; an open ballot will take place in instances where there are more than two candidates.

Members of the Privileges and Procedures Committee

Standing Order 122 provides that the Chairman of the Privileges and Procedures Committee shall nominate 3 elected members who are neither Ministers nor Assistant Ministers as members of the Committee. The Chairman, after consultation with the Chief Minister, will also nominate 2 elected members who are each a Minister or an Assistant Minister as members; and he will also nominate one member of the Chairmen's Committee.

After the Chairman has made the nominations the Presiding Officer will invite alternative nominations within each of these 3 categories. Only members who meet the relevant criteria are eligible for membership in each category. If alternative nominations are made there will be a secret ballot for membership of the category concerned. In the ballot(s), members have the same number of votes as the number of places to be filled but do not have to use all their votes. The candidate(s) with the largest numbers of votes will be elected.

Elected members of the Public Accounts Committee

Standing Order 123(1) provides that the Chairman of the Public Accounts Committee shall indicate the number of elected members (being not less than 2) that he or she wishes to have as members of the Committee and should then nominate that number of elected members (who are neither Ministers nor Assistant Ministers) as candidates for appointment. Standing Order 131(1)(b) provides that there must be an even number of members (but not less than 4) and half must be persons who are not members of the States. Only the elected members will be nominated at this meeting.

After the Chairman has made his or her nominations the Presiding Officer will invite alternative nominations. If alternative nominations are made, a secret ballot will be held.

Members of the 5 Scrutiny Panels

Members of the Corporate Services Scrutiny Panel were appointed on 7th June 2018.

Standing Order 125(1) provides that each Scrutiny Panel shall consist of a number of members determined by the Chairman of the Panel, but not more than 4, who must be elected members who are not Ministers or Assistant Ministers. Standing Order 135(3) provides that an elected member of a Scrutiny Panel cannot be a member of more than 2 Scrutiny Panels and can only be Chairman of one.



After announcing the number of members that he or she wants, the Chairman of each Panel (in the order shown in the Order Paper) will make his or her nominations. The Presiding Officer will invite alternative nominations and, if alternative nominations are made, a secret ballot will be held.

Members of the Planning Committee

Standing Order 125A(1) provides that the Planning Committee shall consist of a number of members determined by the Chairman of the Committee, but not less than 3 and not more than 9. Standing Order 141A provides that the following cannot be members of the Committee: Ministers; an Assistant Minister for the Environment discharging the Ministerial functions relating to planning under the Planning and Building (Jersey) Law 2002; and members of the Environment, Housing and Infrastructure Scrutiny Panel.

After announcing the number of members that he wants, the Chairman of the Committee will make his nominations. The Presiding Officer will invite alternative nominations and, if alternative nominations are made, a secret ballot will be held.

2 States Commissioners of the Jersey Overseas Aid Commission

The constitution of the Jersey Overseas Aid Commission (set out in Schedule 1 to the Jersey Overseas Aid Commission (Jersey) Law 2005) requires that the Chairman recommend elected members for appointment as States commissioners. Standing Order 126 provides that the Chairman will make his or her 2 nominations, and the States shall vote on each proposal separately. Members cannot make alternative nominations. If the States reject a proposal by the Chairman, the Chairman must propose another elected member for appointment. Election as a States Commissioner is open to all members.