

STATES OF JERSEY

OFFICIAL REPORT

TUESDAY, 22nd OCTOBER 2013

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[9:30]

The Roll was called and the Greffier of the States led the Assembly in Prayer.

COMMUNICATIONS BY THE PRESIDING OFFICER

1. The Bailiff:

May I begin by welcoming His Excellency to this sitting of the Assembly?
[Approbation]

APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

2. Nomination of member for Economic Affairs Scrutiny Panel

The Bailiff:

Hopefully, Members will have received a short supplementary Order Paper. Apparently inadvertently something that the Chairman of the Economic Affairs Scrutiny Panel wished to mention has been omitted so, Chairman.

2.1 Deputy S.G. Luce of St. Martin:

I would just like to notify the Assembly of my wish to increase the size of the Economic Affairs Scrutiny Panel from 3 members to 4. This would not affect the quorum of the panel, which would remain at 2 and further to that, it would be my wish to nominate the Constable of Grouville for this new position.

The Bailiff:

Is the nomination seconded? **[Seconded]** Does any other Member wish to make any other nomination? Very well, then. I have great pleasure in declaring the Connétable of Grouville elected to the Scrutiny Panel. **[Approbation]**

QUESTIONS

3. Written Questions

3.1 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING THE LEGAL STATUS OF THE WATERFRONT PLANNING OBLIGATION AGREEMENT:

Question

Will the Minister for Planning and Environment advise whether the Planning Obligation Agreement, signed by the States, Harcourt and States of Jersey Development Company in respect of the Esplanade Development, is still binding on the parties?

Answer

It is assumed that the Deputy is referring to the Planning Obligation Agreement (POA) in respect of The Esplanade Quarter dated 30th July 2010 and registered in the Royal Court. The POA is between The Minister for Planning and Environment, The Minister for Transport and Technical Services, The Public of the Island of Jersey and the Waterfront Enterprise Board Limited.

The POA remains a binding legal document should the outline permission granted under Planning Application P/2008/1680 be subject to a detailed permission and work on that permission commenced.

3.2 SENATOR A. BRECKON OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING INCOME AND EXPENDITURE ACCOUNTS FOR THE COMMUNITY SAFETY FUND:

Question

Will the Minister provide the Income and Expenditure accounts for the Community Safety Fund since responsibility for the fund moved from the Home Affairs Department to the Transport and Technical Services Department in 2007?

Answer

In 2007, £250,865 remaining in the Community Safety Fund was transferred from Home Affairs to Transport and Technical Services.

No further income was received into the fund.

The totals of grants awarded in the following years from the fund (Expenditure) were:-

2007	£6225
2008	£45039
2009	£153129
2010	£45409
Total	£249802

The Fund was closed at the end of 2010.

3.3 SENATOR A. BRECKON OF THE MINISTER FOR EDUCATION, SPORT AND CULTURE REGARDING THE USE OF THE SWIMMING POOL AT LANGFORD:

Question

Which schools have used the swimming pool at the Langford Centre during the school day in each of the last 5 years and in what proportion?

Answer

The statistics for 2008 and 2009 are not available but for 2010, 2011 and 2012 the users of the pool during the school day have been as follows:

School	2010	2011	2012
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Jersey College for Girls	21%	22%	26%
Victoria College	27%	23%	27%
Jersey College for Girls Prep	7%	7%	5%
Victoria College Prep	5%	4%	4%
Le Rocquier	1%	1%	1%
Beaulieu	1%	-	-
St Saviour	1%	-	-
Mont a L'Abbe	2%	-	-
St James	1%	-	-
Plat Douet	2%	2%	2%
Grands Vaux	1%	1%	1%
Highlands	-	1%	1%
Hautlieu	-	2%	2%
St Clement	-	1%	1%
St Martin	-	2%	2%
Day Care services	-	2%	2%
Intensive Learn-to-Swim (various primary schools)	8%	1%	1%

In addition to the figures above, time is allocated for cleaning and the pool is not in use at these times.

There is also a further proportion of time when the pool is unused. This available time accounted for approximately 12% in 2010, 14% in 2011 and 14% in 2012.

3.4 DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING STAFF TURNOVER AT THE CHANNEL ISLANDS COMPETITION REGULATORY AUTHORITY:

Question

What has been the staff turnover at the Channel Islands Competition Regulatory Authority in the last year to date and will the Minister cite the specific vacancies that have arisen with the reasons?

Answer

The Channel Islands Competition and Regulatory Authorities (C.I.C.R.A.) comprise the Jersey Competition Regulatory Authority (J.C.R.A.) and the Guernsey Competition and Regulatory Authority (formerly known as the Office of Utility Regulation).

Both authorities are led by a joint Board, which is independent of the States of Jersey (and the States of Guernsey). Whilst there is a Service Level Agreement in place in respect of the grant payable to the J.C.R.A. to enforce the Competition (Jersey) Law 2005 and to advise the States on competition policy, it would not be appropriate or indeed possible to get involved in operational matters such as staffing. C.I.C.R.A. has however provided the following information in answer to the question.

There are eleven permanent posts within C.I.C.R.A: four based in Guernsey and seven based in Jersey. In the past 12 months, four staff members have left the organisation.

Recruitment to replace the departing staff members has not been undertaken on a like-for-like basis, given the changing requirements of the organisation (such as the reduction in postal regulation activities in both Jersey and Guernsey). C.I.C.R.A. has recruited to one position and the individual is now in post. Recruitment for a second position - Telecoms Regulation Manager in Jersey - is currently underway. Taking account of both its functions and budgetary constraints, C.I.C.R.A. may consider further recruitment activities in future.

Given the statutory and contractual obligations applying to C.I.C.R.A., it would be considered inappropriate to disclose the reasons for the individual staff vacancies that have arisen.

The Deputy may also recall that he asked questions of the Minister for Treasury and Resources on the 8th October regarding C.I.C.R.A. During this dialogue the Deputy stated that there are no telecommunication officers at the J.C.R.A. at the moment.

I would reiterate that the Minister for Treasury and Resources said that C.I.C.R.A. does have staff with telecommunications experience and even if that were not the case the Authority would bring in experts with the necessary experience when required.

3.5 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES REGARDING THE ACCEPTANCE DATE OF THE INCINERATOR FROM THE SUPPLIER:

Question

Would the Minister advise the date the incinerator was accepted from the suppliers and what criteria, if any, were used to confirm it was fit to be accepted?

Answer

The Energy from Waste plant achieved Take-Over on 29th July 2011. Take-Over is when the plant is handed over from the contractor CSBC (Jersey) limited to the purchaser the Transport and Technical Services Department.

Prior to Take-Over the plant is tested and checked to ensure that it is fit for purpose and operational. These checks and tests are independently verified and the plant officially achieves Take-Over when the Project Manager issues the Take-Over Certificate.

To achieve Take-Over the contractor must undertake Take-Over and Operability tests to demonstrate that the plant works in the manner specified in the contract. The Take-Over

tests and Operability tests are undertaken following the issue of the Completion of Construction Certificate.

The Take-Over and operability tests include the following:-

Functional Tests including:

- *Operation of all systems by functional groups.*
- *Successful switch-over between all duty/standby systems at over 90% Maximum Continuous Rating (MCR).*
- *Operation of each boiler up to 110% thermal load.*
- *Start-up of the plant using the supervisory control system and following the operating instructions, within the indicated start-up time.*
- *Start-up and shutdown of each boiler with other boilers in operation, without affecting the operation of the other boilers or the steam turbine.*
- *Safe shutdown of the Plant according to the operating instructions.*
- *Emergency shutdown of the complete plant.*
- *Demonstration of flue gas cleaning systems, including loading consumables and emptying residues in a safe and environmentally acceptable manner.*
- *Safe operation of bottom ash system, including metal separation.*
- *Testing of the fire alarm systems, fire pumps and fire prevention systems to demonstrate their adequacy.*
- *Continuous operation of the turbine bypass with all boilers at MCR.*
- *Steam turbine generator temperatures stabilise at acceptable levels with all boilers operating at MCR.*

Operability Tests including:

The Contractor shall demonstrate over a period that the Plant is capable of safe and reliable operation under all specified conditions and within the emission limits of the Waste Incineration Directive. During this period all operations and control functions shall be demonstrated to the Purchaser for the purpose of training the Purchaser's shift personnel. These shall include but not be restricted to:

- 1) Operation at or above 90 per cent. All boilers shall operate at a minimum of 90% of MCR with the turbine in operation with no bypass for a period of not less than fourteen days. A maximum of one stop per boiler is allowed during this period with any stop time being added on to the duration of the test.*
- 2) On-line maintenance tasks of the Plant.*
- 3) Cold start-up of all plant and systems.*
- 4) Operation of each boiler up to MCR independently.*
- 5) Normal shut-down and restart of each boiler independently and with the other boiler(s) at MCR.*
- 6) Emergency procedures and emergency shut-down.*
- 7) Operation at or above 90 per cent. (MCR) of each boiler, including software tests that demonstrate that the Operator is prevented by the software from running the plant at conditions adverse to the plant life (e.g. too little oxygen or firing rate too high).*

- 8) *Operation at maximum turn-down to demonstrate Guaranteed Performance Levels in Schedule 17.*
- 9) *Operation at or above 90 per cent. All boilers continuously operating at MCR using the turbine bypass during a turbine trip without boiler safety valves opening, together with the procedure for bringing the turbine back on-line.*
- 10) *Turbine Load Rejection Test.*
- 11) *Trip to emergency power supply and the procedure for bringing the 33kV supply back on-line*

A period of fourteen days of continuous safe and stable operation with all boilers operating at or above 90 per cent (evaluated as daily average) with the turbine generating power shall be achieved during the Operability Test. During this period, all monitored emissions shall remain within the guaranteed emission limits. One stop per boiler is allowed during this period and the time for any such stoppage (from stop time to when the boiler is at MCR again) will be added on to the period. If the operation of all boilers at or above 90% MCR is not achieved, emissions exceed the guaranteed limits or more than one stop occurs per boiler, the Operability Test period shall restart from the beginning.

Since Takeover the plant has been undergoing comprehensive Performance Tests. The final performance test that the plant has to pass started on Monday 14th October 2013 and is expected to last for two weeks. This final test is to prove that the amount of lime added to the flue gas scrubbing system is within the specified amounts as detailed in the contract. This test was delayed because the contractor exercised their contractual right to modify the lime injection system prior to the test. Once this test is passed and the Performance Test Certificate is issued the plant goes into a further one year Availability Test where the general overall reliability is assessed. When the results of the availability test have been examined and certified by the Project Manager a Final Certificate is issued and the contractor may apply for the final payment.

3.6 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING THE PROGRESS ON TALKS WITH FRENCH AUTHORITIES REGARDING JERSEY'S BLACKLISTING:

Question

Would the Minister advise of the progress, if any, he has made regarding France's listing of Jersey as an uncooperative jurisdiction?

Answer

The Minister for External Relations is working in close cooperation with the Chief Minister and the Treasury and Resources Minister on this issue.

Meetings have been held with the French Ambassador in London, and with officials in Paris, and good progress is being made on exchanging all the outstanding information under the Tax Information Exchange Agreement with France, which forms the basis of Jersey's listing as uncooperative.

I am lodging an amendment to the Taxation (Exchange of Information with Third Countries) Regulations which, among other things, will limit the statutory scope for Appeal and will reduce the period within which information must be produced from 30 to

15 days. These changes will enhance the process of exchanging tax information in accordance with the international standard.

An early meeting with the French Minister of Finance has been requested in order to seek the removal of Jersey from France's list of uncooperative jurisdictions.

3.7 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE MINISTER FOR TREASURY AND RESOURCES REGARDING THE BUSINESS CASE FOR THE FIBRE OPTIC PROJECT:

Question

Can the Minister, as the shareholder representative, confirm if he was presented with the full Business Case for the Fibre Optic Project before sanctioning the release of funds?

If so, will he make the case available to the Public Accounts Committee, Corporate Services Scrutiny Panel and, under appropriate confidentiality agreements, to members?

Answer

Yes, the Minister was presented with the full Business Case for the Fibre Optic Project before sanctioning the release of funds. The full financial model was subjected to detailed examination by the Treasury.

The full Business Case document contains commercially confidential information. J.T. is a stand-alone incorporated entity and as such its directors have their own obligations under Jersey Company Law. The panels have powers to request information direct from J.T. if they so wish.

J.T. have given detailed presentations on the full Business Case to Scrutiny and have also held briefings open to all States Members. The company would welcome further opportunities for such briefings. The presentation given at the briefings will be circulated to all States Members, including those who were unable, or chose not to attend.

3.8 DEPUTY T .M. PITMAN OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE ESTIMATED AMOUNT OF ANNUAL BUDGET USED FOR THE RECENT SECRET COURT CASE INVOLVING FORMER SENATOR S. SYVRET:

Question

Further to the answers given on 24th September 2013 and 8th October 2013, would the Chief Minister give an indication of the estimated amount of the annual budget of the court service and the Bailiff's Chambers that was needed to deal with the secret court case against former Senator Stuart Syvret in addition to the direct costs charged to the court and case costs budget referred to in his earlier responses?

Answer

The annual running costs of the court service and the Bailiff's Chambers are publicly available.

The departmental budgets for the Court Services from 2012 – 2015 are on page 49 of the Medium Term Financial Plan. Past expenditure can be found in the States of Jersey Financial Report and Accounts for each year. These documents are available on www.gov.je

The Annual Reports of the Jersey Court Service provide more detailed information. Each report contains a statistical digest detailing the activity for that year. For example in the Annual Report for 2012, Appendix C shows that the Judicial Greffe processed more than 45,000 items of court related activity during the year. The statistical digest provides a breakdown of the number of actions and cases heard in the courts.

Each report also details the courts' annual expenditure. The information contained on page 22 of the Judicial Greffe's 2012 report shows the running costs of the department, excluding court and case costs which have already been given to the Assembly. These running costs amounted to £2,536,277 for 2012.

[Court Service annual reports](#)

It is not practical to break down these running costs according to individual cases.

3.9 DEPUTY R.G. LE HÉRISSIER OF ST. SAVIOUR OF THE CHIEF MINISTER REGARDING DEPARTMENTAL SUCCESSION PLANNING:

Question

Which Departments, if any, have comprehensive succession plans in place and can these be shared with Members?

Answer

Our aim in succession planning is to equip senior managers with the right professional training and relevant experience to make them credible candidates for top jobs in the States. To this end, funding was put aside in the M.T.F.P. for a succession planning and talent management post, which has been in place since January 2013.

We have since established leadership and management training programmes for Chief Officers, senior managers, and we have introduced a new level 7 of Modern Managers training. In this way we are preparing our managers to move up through the organisation as positions become available.

A number of departments have specific succession plans in place, to ensure continuity of service. This is particularly the case for key posts where skills are in short supply within the Island or are 'hard to recruit to'.

For example: Senior Officer roles in Health (Senior Public Health Officer), Social Security (Health and Safety Inspectorate) Schools (primary Head Teachers) and Treasury and Resources (Senior posts including those in Tax).

Several smaller departments, such as Department of Environment, Youth Service, Probation, Trading Standards and Fire and Rescue, have implemented more comprehensive succession plans for their key posts. The Police service has established a developmental programme which should provide the training and experience necessary for local officers to apply for senior positions in the future.

Additionally, in the last two years there has been good progress on succession planning and employee development in areas like Education, Community and Social Services and Transport and Technical Services, where programmes for trainees, apprentices and graduates have provided a good internal supply for key roles that are difficult to fill, such as social workers, maths teachers and engineers.

In the next year, we plan to build on the good practices we have started, and ensure more consistent plans are in place for senior roles and key posts across all departments.

3.10 DEPUTY J.A. HILTON OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE EMPLOYMENT OF NEW ARRIVALS IN JERSEY:

Question

Will the Chief Minister advise -

1. how many individuals have registered at the Social Security Department in the months of July, August and September, excluding licensed, entitled to work and entitled persons?
2. how many of those individuals were new arrivals to the Island;
3. the age, sex and country of origin of those individuals;
4. how many of those new arrivals are currently employed;
5. in what sectors of business the new arrivals are employed?

Answer

1. 669 individuals (aged 16 or over) arrived or returned to the island in the months of July, August and September and were issued with a CHWL card with “registered” status. This excludes licensed, entitled for work, and entitled persons. (People need registration cards when they move house or change jobs, or if they are in the Island for more than 3 months having begun their residence after 1st July, 2013.)
 - For comparison - while the new Control of Housing and Work Law only came into force on July 1st 2013, we can compare figures from 2013 and 2012 if we look at the number of people being issued with new Social Security numbers for this period.
 - During the months of July, August and September 2013, the total figure for all the people who were issued with Social Security numbers (including registered, licensed, entitled for work, entitled and under-16s) was 1314.
 - During the same period in 2012 that figure was 1280.
 - These figures do not take into account the number of people who left the island during the same period.
2. 446 individuals over the age of 16 were new to the Island;
3. Of the 446 new arrivals to the Island the demographics were as follows:-

Age	Total
16 – 24	166
25 – 34	165
35 – 44	66
45 – 54	30
55 - 64	13
65 +	6

Gender	Total
Female	199
Male	247

Country of origin data is not collected, however information on Nationality is as follows:-

Nationality	Total
British	206
Portuguese	60
Polish	49
Romanian	33
French	15
Indian	11
Irish	9
Bulgarian	5
German	5
Australian	4
Czech Republic	4
Hungarian	4
Swedish	4
Dutch	3
Italian	3
Latvian	3
South African	3
Spanish	3

Belgian	2
Nigerian	2
Thai	2
Bangladeshi	1
Cypriot	1
Ghanaian	1
Greek	1
Malaysian	1
Moroccan	1
Pakistani	1
Albanian	1
Slovak	1
Slovenian	1
Sri Lankan	1
Swiss	1
Turkish	1
Not recorded	3

4. This data will be available when the quarter's returns have all been submitted. The Social Security Contribution Schedules are due on the 15th October, and the quarter closes on the 15th December. Following this, information will be available on employment.
5. This data will be available when the quarter's returns have all been submitted. The Social Security Contribution Schedules are due on the 15th October, and the quarter closes on the 15th December. Following this, information will be available on the sectors in which individuals are employed.

3.11 DEPUTY J.A. HILTON OF ST. HELIER OF THE MINISTER FOR SOCIAL SECURITY REGARDING BENEFIT RECIPIENTS LIVING OUTSIDE OF THE ISLAND:

Question

Further to information given at a recent public scrutiny meeting with the Minister, that currently approximately 92 individuals who reside outside of the Island are in receipt of Invalidity Benefit, will the Minister advise:-

1. the countries in which the 92 individuals reside?

2. the cost to the public of the benefit to the 92 claimants and their dependents, where applicable, for the year 2012?
3. the length of time each of the 92 claimants have been in receipt of the benefit and the length of time they were employed before claiming the benefit?
4. how many of the individuals, if any, have now progressed onto qualifying for a Jersey Old Age Pension simply by being in receipt of Invalidity Benefit and, what is the cost of the payments for the Jersey Old Age Pension to the former claimants of Invalidity Benefit and their dependents?

Answer

Invalidity Benefit is a contributory benefit available to working age individuals with serious long-term illnesses such that the claimant is unable to work. The estimate of 92 individuals claiming Invalidity Benefit outside Jersey was given during a recent Scrutiny hearing.

The information below is based on 95 individuals identified as being in receipt of Invalidity Benefit and resident outside Jersey at 31 August 2013. Invalidity benefit has not been available to new claimants since October 2004 and the number of claimants is steadily decreasing.

Jersey has long-standing reciprocal agreements with many countries including the United Kingdom, Portugal, France, Spain and Guernsey (which also covers Alderney) in respect of Social Security benefits. The reciprocal agreements with each of these countries specifically provides for individuals living in the countries to be able to receive various Social Security benefits, including Invalidity Benefit, as if the individual were still living in Jersey. Any change to payment of Invalidity Benefit in a reciprocal country would need to also be made to the payment of the benefit in Jersey itself.

1. the countries in which the 92 individuals reside:

Country of Residence	Number of Individuals
United Kingdom	47
Portugal	41
France	4
Spain	2
Alderney	1

2. Invalidity Benefit is paid from the Social Security Fund. The amount paid to these 95 individuals for 2012 was £1,018,000.
3. As noted above, Invalidity Benefit has not been available to new claimants since 2004. The 95 ongoing claims have claim durations as shown below:

Claim Duration	Number of claimants
Less than 10 years	11
Between 10 and 15 years	49

Between 15 and 20 years	30
More than 20 years	5

The following table indicates the number of contribution years recorded against the individual prior to their claim for Invalidity Benefit. In general, contribution years are built up through employment, but individuals can also receive contribution credits during periods of short-term or long-term incapacity, whilst receiving Maternity Benefit or following a compulsory redundancy.

Contribution record years prior to Invalidity Benefit claim	Number of Claimants
0-5	17
5-10	29
10-15	22
15-20	12
20-25	8
25+	7

4. As agreed with Deputy Hilton, further research will be undertaken to identify all Invalidity Benefit claims which closed over the period of January 2011 to December 2012 and to determine:
- 1) The number of these claims that were closed as a result of the claimant reaching pension age, and qualifying for a Jersey Old-Age Pension
 - 2) The total value of Jersey OAP paid to these individuals in 2012

Both these figures will be broken down by on-Island claimants and off-Island claimants, determined at the date the OAP started

3.12 DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING A REQUIREMENT TO FIT BATHS WITH TEMPERATURE SENSITIVE VALVES:

Question

Further to the Minister's consultation regarding the requirement to fit baths with temperature sensitive valves, would he advise the scale of the problem he seeks to address and detail how many cases of scalding he is aware of annually and why he considers that legislation should be replacing common-sense in this area?

Answer

The Planning and Building Law requires me to make building bye-laws to secure the health, safety and welfare of people in buildings and to ensure those bye-laws prevent the waste and undue consumption of water in buildings. My consultation follows a review of current bye-law requirements relating to drainage provision and hot water storage. It

proposes to improve standards in terms of water efficiency and safety in respect of hot provision in new homes.

The proposal for fitting thermostatic mixing valves as part of standard plumbing work in newly constructed dwellings reflects changes to building regulations elsewhere, and the fact that it is now common for new hot water storage systems to deliver hot water at high pressure and at temperatures of 60⁰ C or more. Bath water at this temperature can give an adult a full thickness burn in 5 seconds, even quicker in a child and the elderly.

Data provided by Child Accident Prevention Jersey, shows that 88 children under the age of 16 attended Jersey's Accident and Emergency Department in 2012 because of a burn injury. It is not possible from the data available to identify the cause of every burn injury but it is apparent from the Jersey Child Unintentional Injury Statistics 2012 report that many were caused by liquid or steam, with at least one being due to a bath scald. Bath scalds are known to cause some of the most severe burn injuries.

The proposal which I am currently consulting on is about improving building standards by the fitting of a simple device at the time a new house or flat is constructed that helps prevent hot water injuries. It will also contribute to the energy performance of the home by reducing hot water consumption. I believe there will be much support for this change.

3.13 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING A LIST OF ALL TREATY OBLIGATIONS AND LEGISLATION COVERING IMMIGRATION:

Question

Will the Chief Minister set out for Members in one comprehensive document a list of all the Treaty obligations, legislation (both primary and secondary), conventions and other material that govern immigration into Jersey?

Answer

Jersey is a part of the British Isles. As such, its constitutional position governs immigration into Jersey.

There are no systematic immigration controls between Britain and Jersey and if a person has the right of abode in either then he or she has no need to obtain leave to reside in the other. This is provided for in the British Nationality Act 1981 which applies directly to Jersey and the Immigration Acts of 1971 and 1988 which were extended to Jersey by virtue of the Immigration (Jersey) Order 1993.

Jersey's relationship with the European Union is laid down in Protocol 3 to the UK's Treaty of Accession to the European Economic Community. Jersey has an obligation under this Protocol to apply the same treatment to all nationals of Member States.

As there are no restrictions on British citizens entering Jersey, the same must apply to EU citizens.

As a result of the Immigration Act 1971 of the United Kingdom, which has been extended to Jersey by the Immigration (Jersey) Order 1993, Jersey is part of the common

travel area and there are no border controls between the United Kingdom, Ireland and the Crown Dependencies.

Legislation

- Immigration (Jersey) Order 1993 and underlying subordinate legislation:
 - Immigration (Work Permits) (Jersey) Rules 1995
 - Immigration (Hotel Records) Order 1999
 - Immigration (Designated Ports of Entry and Exit) (Jersey) Act 2001
- Asylum and Immigration Act 1996 (Jersey) Order 1998
- Immigration and Asylum Act 1999 (Jersey) Order 2003 and underlying subordinate legislation:
 - Immigration (Removal Directions) (Jersey) Order 2004
 - Immigration (Fees) (Jersey) Order 2010
- Immigration (Jersey) Order 2012
- Immigration and Asylum (Jersey) Order 2012

International

- Protocol 3 to the United Kingdom's Act of Accession 1972 (Article 4)

Directions

- Leave to Enter and Remain Directions 2003
- Immigration (Landing and Embarkation Cards) Directions 2005
- The Directions of the Lieutenant-Governor 2012
- Immigration (Passenger, Crew and Service Information) (Jersey) Directions 2013

The legislation above, which specifically governs nationality and immigration, may be found in Chapter 21 of the Revised Edition of Jersey Laws, and this may be accessed for free on www.jerseylaw.je.

The Directions may be accessed via the Life Events (“Moving to Jersey”) section on www.gov.je

3.14 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING A LIST OF COUNTRIES WHOSE RESIDENTS HAVE FULL RIGHTS TO WORK AND RESIDE IN JERSEY:

Question

Will the Chief Minister set out the composition, by country of origin, of all those with full rights to work and reside in Jersey and, if unable to do so, provide Members with what information is available regarding those with a right to reside in Jersey?

Answer

It is unclear whether the question relates to any person residing anywhere in the world who could have “entitled” or “entitled for work” residential status under the new Control of Housing and Work (Jersey) Law 2011, or whether it relates to people resident in Jersey.

If it is the former, clearly, we do not have statistics on the worldwide population of such people. For example, we do not maintain records of how many people, who are still living, have left Jersey over the years.

If it is the latter, then the Statistics Unit provided figures as part of the 2011 Census which showed that 82% of residents had equivalent to “entitled” status. For the full information, see <http://www.gov.je/Government/Census/Census2011/Pages/2011CensusResults.aspx>.

3.15 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE NUMBER OF PEOPLE APPLYING FOR REGISTRATION CARDS:

Question

Will the Chief Minister set out for Members the numbers of people who have applied for registration cards under the new Control of Housing and Work (Jersey) Law 2012, breaking down the numbers into nationality and country of origin of all those who have applied to date?

Answer

9,055 individuals applied for registration cards under the new Control of Housing and Work (Jersey) Law 2012 between 1st July 2013 and Friday 11th October inclusive.

The analysis by nationality is as follows:-

Nationality	Total
British (includes 3,571 Jersey-born)	6,611
Portuguese	955
Polish	532
Irish	188
Romanian	186
French	73
Indian	50
South African	43
German	30
Latvian	28
Thai	27

Bulgarian	25
Kenyan	21
Hungarian	19
Australian	17
Spanish	17
Swedish	17
Filipino	16
Italian	15
Dutch	13
New Zealander	11
Pakistani	10
Zimbabwean	10
American	9
Canadian	9
Slovak	9
Belgian	7
Bangladeshi	6
Cypriot	5
Czech Republic	5
Lithuanian	5
Russian	5
Slovenian	5
Brazilian	4
Chinese	4
Malaysian	4
Austrian	3
Nigerian	3
Norwegian	3
Russian	3
Sri Lankan	3
Ugandan	3

Danish	2
Finnish	2
Ghanaian	2
Greek	2
Israeli	2
Jamaican	2
Malawian	2
Saint Lucian	2
Turkish	2
Venezuelan	2
Albanian	1
Barbadian	1
Belarusian	1
Botswana	1
Bruneian	1
Croatian	1
Dutch	1
Estonian	1
Egyptian	1
Grenadian	1
Indonesian	1
Lebanese	1
Mongolian	1
Moroccan	1
Nepalese	1
Saint Vincentian	1
Singaporean	1
Swiss	1
Tongan	1
Ukrainian	1
Vietnamese	1

These figures show all those people needing registration cards, which does not mean they are all new to the Island. People need registration cards when they move house or change jobs, or if they have moved to the Island for more than 3 months after 1st July, 2013.

When issuing cards we ask for an applicant's nationality, not country of origin.

3.16 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE INTRODUCTION OF WORK PERMITS:

Question

Will the Chief Minister set out for Members the arguments for and against the introduction of work permits for all persons wishing to live and work in Jersey, advising Members of any legal impediments to the introduction of such permits?

Answer

The new Control of Housing and Work Law was introduced on the 1st July, 2013. The law was approved following some years of development and a number of States decisions. Alternative systems, like work permits, were evaluated as part of this process.

The primary arguments for and against work permits are as follows:

For

- A work permit regime requires individual recruitment decisions to have the approval of government, maximising the ability of government to secure those roles for established residents.

Against

- Many would see this level of control as a disadvantage. It means government second-guessing thousands of individual recruitment decisions, placing a significant burden on government, and more importantly on businesses. It increases the costs of recruitment and by extension of operating a business. In short, it reduces our economic efficiency.

The Control of Housing and Work law was designed to place an absolute limit on the ability of businesses to employ migrants, while *also* giving new powers to intervene where and when needed. For example, the law requires that all new recruits of a specific business have individual permission, which may be time-limited, and which may even specify where a person may live.

In this way, the new Law can act as a work permit system where deemed appropriate, in a targeted fashion. The "Interim Population Policy" being developed will outline these powers in full, and include recommendations as to how they may be used.

Legal position

British and European Union citizens have the right of abode in Jersey. Therefore, Jersey cannot apply border controls over such citizens. Instead, controls over access to housing and work can be proportionately used, including either the use of work permits, or the use of named and time-limited permissions under the Control of Housing and Work Law.

Any work permit system would need to be administered in a manner compliant with the Island's international obligations.

3.17 DEPUTY M.R. HIGGINS OF ST. HELIER OF THE CHIEF MINISTER REGARDING THE COUNCIL OF MINISTERS' POPULATION GROWTH POLICY:

Question

Will the Chief Minister outline the policy on population growth that underpins the Council of Ministers' health and economic growth policies and strategies?

Will he further set out the specific population figures the Council of Ministers is working on for 2015, 2020, 2025, 2030, 2035, 2040, 2045 and 2050?

Answer

The 2009 Strategic Plan outlined a net migration target of +325 people per year on average. The 2012 Strategic Plan committed to a review of population policy, which will be brought forward as an "Interim Population Policy" before the end of the present term of the Council of Ministers.

In the meantime, the planning assumption for net immigration has remained +325.

This underlies the Economic Growth and Diversification Strategy and Health Strategy, as well as other policies such as the Island Plan.

It should be noted that planning future services does not merely depend on estimates of population. For instance, plans for future health services are affected by the ageing population and changing patterns of health care. For all of the levels of immigration calculated in the Statistics Unit Population Projection Report, the over 65s population of Jersey remains materially the same.

The Statistics Unit's [Population Projection Report 2013](#) is publicly available and shows population forecasts on an annual net immigration assumption of +350 people on page 9.

3.18 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING ELECTRONIC PAYMENT SYSTEMS:

Question

Will the Chairman inform the Assembly whether any parishes presently do not provide facilities for parishioners to pay their rates bills either by direct bank transfer or electronic means and whether there are any future plans for all parishes to provide a coordinated system permitting such payment by instalments and, if not, why not?

Answer

All Parishes accept rates payment by installment, all parishes accept payment by direct bank transfer and some parishes accept debit or credit card payments.

Future developments may provide a common platform for all parishes but each parish will determine the payment methods which best suit it.

3.19 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING THE FUTURE PROVISION OF SHELTERED HOUSING:

Question

Will the Minister outline her policy in respect of the future provision and location of sheltered, retirement or lifetime homes for the over-55's to ensure independent living and explain how this policy coordinates with her future plans for primary healthcare provision for our ageing population?

Answer

The future provision and location of sheltered, retirement or lifetime homes for the over-55's is the responsibility of the Planning & Environment Minister as set out in the 2002 Island Plan. The policy intention is to provide a socially supportive and stimulating environment which enables older people to live independently for as long as possible in their own home.

Since the approval of P33/2013, the responsibility for defining housing demand and for developing housing policy has rested with the newly formed Strategic Housing Unit led by the Chief Ministers Department. The Unit has now been established to look at Island wide housing strategy and as part of this work the longer term needs of all sectors of the housing market will be assessed. With regards to over-55's housing there is data available and this has recently been reviewed by the statistics unit.

The Health and Social Services Minister outlined plans for health and social care provision for the ageing population in P82/2012. In this plan, the Minister set out how a range of supported housing solutions will need to be developed to provide a variety of options for individuals who do not require hospital care but who require significant assistance to live independently. This increased supported housing will enable people to make informed choices and plan ahead properly. Supported housing will be achieved through the above departments working together to ensure that current and future demand is assessed and delivered in a timely manner.

3.20 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE CHAIRMAN OF THE COMITÉ DES CONNÉTABLES REGARDING SHELTERED HOUSING IN EACH PARISH:

Question

Will the Chairman provide the Assembly with details of the present number of sheltered homes, retirement, lifetime or appropriate housing for the over-55s provided by each parish, together with the number of persons in each parish waiting for this accommodation to become available?

Answer

1. The number of units given in column 1 is the total present number of sheltered homes, retirement, lifetime or appropriate housing for the over-55s provided by each parish and excludes residential homes, units currently under construction or

for which planning permission has been received, and units provided by other privately run bodies for elderly residents.

2. The number of persons given in column 2 is those on the parish's waiting list, if such is maintained, who have expressed an interest in being considered for such accommodation should it become available or vacant; it should not be taken as indicative of actual current need for housing. Applications are received from married and single persons and the figures provided relate to the number of persons and not to the number of applications or units of accommodation required.

Parish	1. present number of sheltered homes, retirement, lifetime or appropriate housing for the over-55s provided by each parish	2. number of persons in each parish waiting for this accommodation to become available
St Brelade	None	No waiting list kept
St Clement	None	No waiting list kept but expressions of interest from about 80 persons
Grouville	10 units	4 names
St Helier	None	No waiting list kept
St John	22 units	27 names
St Lawrence	12 units	44 names
St Martin	27 units	40 names
St Mary	None	No waiting list kept
St Ouën	39 units	91 names
St Peter	28 units	No waiting list kept
St Saviour	None	50+ applications for 32 units under construction
Trinity	24 units	29 names

3.21 DEPUTY J.H. YOUNG OF ST. BRELADE OF THE MINISTER FOR HOUSING REGARDING THE PRESENT NUMBER AND LOCATION OF STATES SHELTERED HOUSING:

Question

Will the Minister provide the Assembly with details of the present number and location of States rental sheltered homes, retirement, lifetime or appropriate housing for over-55s in the Island, together with the number of persons in the Housing Gateway presently waiting for this accommodation to become available and his forecast of the housing needs of this group of over-55's for the next ten years?

Answer

Table showing rental stock (sheltered homes, retirement, lifetime and appropriate housing for over-55s in the Island) administered by the Housing Department:

(for definitions of the different types of housing see end of the answer)

Housing Type	Number of Units	Location (A full list of properties managed by the Housing Department, which gives location & type, is available on the States website)
Sheltered Homes	0	The Housing Department does not have any social housing where a warden or manager is provided.
Retirement Homes	Studios: 278 Bungalows: 55 One bed flats: 1672 One bed houses: 26	Given the present edibility criteria for social housing, any studio or one bedroom unit within the stock could be offered to a person of retirement age.
Lifelong Homes	0	The majority of the sites rezoned in P.75/2008 have been developed by Parishes and the homes either retained for Parish use or transferred to Housing Trusts. The Housing Department is presently working with the developer of the Langtry Gardens site in St Saviour which on completion in 2015 will provide 48 lifelong homes apartments for the new Housing Company and 32 lifelong bungalows for the Parish of St Saviour.

The Strategic Housing Unit has recently been established to look at Island wide housing strategies. As part of this work the longer term needs of all sectors of the housing market will be assessed, working with the Statistics Unit, other Departments, and other agencies, including the Parishes, to gain a more comprehensive picture of housing supply and demand by property type and age.

In the meantime, however, the Housing Gateway statistics clearly show that additional requirements exist:

- As of September 2013, the Housing Gateway recorded a net requirement for 764 homes for social rented accommodation, of which 288 are from over-55 years olds from bands 1,2 and 6 (including persons who are under-occupying property, in medical need, over-crowd conditions, and under eviction, and with poor housing standards).

As to the available information on from the Statistics Unit, it clearly shows overall shortfalls in supply, and indicates a shortfall in the supply of homes for older persons (but does not extend to the 10-year analysis requested):

- The 2007 Housing Needs Assessment undertaken by the Statistics Unit showed that over the period 2008-12, a total five-year potential shortfall existed of up to 400 dwelling units for older persons' housing.
- The 2012 Housing Needs Assessment for the period 2013 - 2015 showed an overall potential shortfall of more than 400 units of social housing and of 260 qualified one bedroom units; and many of these units will be needed for older persons.

The next round of the Housing Needs Assessment will include a specific question on older persons housing to provide a more up-to-date assessment of the overall position in respect of older persons.

Definitions: For the purpose of answering this question, the following definitions have been used:

Sheltered Homes	Independent living where residents have their own bungalow or flat, where all residents are older people (usually over the age of 55yrs). Most sheltered housing schemes also have the benefit of their own "manager" or "warden" living on site or very close by, whose job is to manage the scheme and help arrange any services that residents need. Such schemes will also usually have some shared or communal facilities such as a lounge for residents to meet, a laundry, a guest flat and a garden.
Retirement Homes	Retirement homes are similar in build to sheltered housing, but does not offer the on-site manager or warden facilities or the communal facilities.
Lifelong Homes	The definition and criteria for lifelong homes was introduced in P.75/2008 through an amendment to the definition of Category A Housing as set out in the 2002 Island Plan which provided that "in order to enable the zoning of land to enable the provision of lifelong homes (for people over 55), to buy and for social rent, designed to accommodate both 'fit' and 'less able' people over the age of 55, in a socially supportive and stimulating environment which enables them to live independently for as long as possible in their own home." Only 8 sites were specifically rezoned for this purpose, these are:- Fields 516, 516A, 517 and 518, St. Saviour, Field 274, St. Clement, Field 605, St. John, Field 561 and 562, St. Mary, Land north of Maison St. Brelade, St. Brelade, Field 148, Rue des Maltières, Grouville, Field 818, Part of Field 873 Trinity and Field 578, Trinity.

3.22 DEPUTY G.P. SOUTHERN OF ST. HELIER OF THE MINISTER FOR HOUSING REGARDING THE SALE OF STATES' RENTAL PROPERTIES TO STATES' TENANTS:

Question

Will the Minister assure Members that he will ensure that future sales of States' rental properties will only be to States' tenants and not to a wider market to ensure that the social housing stock is not reduced and, if not, why not?

Answer

R.15/2013, The States of Jersey Housing Transformation Full Business Case, debated and approved by the States on 17th May 2013, made it clear that the new Housing Company would be required to sell 300 homes (an average of 15 sales per annum for years 1-20 of operation). In addition it made it clear that 30 sales would be made prior to the commencement of the new Company on 1st July 2014.

Other than for any specifically identified high value properties, all of the sales will be classified as "affordable" in perpetuity and will be allocated to those registered on the Affordable Housing Gateway as being entitled to either social housing or for an affordable housing scheme.

Funds generated by the sales will be reinvested in the Company business model as set out in R.15/2013 which will ensure that all homes meet the Decent Homes Standard within 10 years and that all borrowing is repaid within 20 years.

3.23 DEPUTY G.P. SOUTHERN OF ST. HELIER THE MINISTER FOR HOUSING REGARDING THE POLICY ON REDECORATION CHARGES FOR TENANTS:

Question

Will the Minister outline for Members his department's policy on redecoration charges on re-lets and state how this compares with those of the other social housing providers?

Answer

It is the Housing Departments policy to ensure that properties being vacated by the tenant are returned in reasonably clean condition, in a reasonable state of decoration and repair and free from damage. This is clearly set out in the tenants obligations of their respective tenancy agreements. The only exception is in respect of the current occupants of the Cottage Homes.

The Housing Trusts operate under their own guidelines in respect of re-lets and recharges which they may feel are appropriate in order to return a home to a lettable condition. However, it is fair to say that all the providers have re-let policies which closely align with the Department's and reflect the range of UK best practice.

3.24 SENATOR S.C. FERGUSON OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES REGARDING ALL SERVICES PROVIDED BY THAT DEPARTMENT AND SPECIFIED BY STATUTE:

Question

What are the services which the Department must supply as required and specified by statute (with references)?

Answer

The table below contains a list of the services that the Minister for Health and Social Services is under a statutory obligation to provide. As requested, it only specifies mandatory duties, not permissive powers.

Further to the services listed below the Department also has significant regulatory functions contained in other laws that may not be considered ‘services’ *per se*. These include administering provisions in relation to the protection of public health (for example provisions contained in the Food Safety (Jersey) Law 1966); administering registration requirements of professionals engaged in health and social services (for example, under the Medical Practitioners (Registration)(Jersey) Law 1960); and administering the regulation of premises that deliver relevant services (for example, nursing homes under the Nursing and Residential Homes (Jersey) Law 1994).

As will be evident from the list below, the specific statutory duties in relation to service provision only account for a small part of what the Department actually delivers, for example, the Department is also responsible for the administration of the General Hospital and Maternity Hospital, which does not appear as a result of any statutory provision.

Service	Statute
To take all the measures thought useful to prevent and combat anything which may cause harm to public health and generally oversee the protection and conservation thereof	Loi (1934) sur la Santé Publique
Maintaining an adoption service	Adoption (Jersey) Law 1961
Giving effect to the provisions of the Mental Health (Jersey) Law 1969 including provisions in relation to care and treatment of patients, hospital admission and guardianship and establishing the Mental Health Review Tribunal	Mental Health (Jersey) Law 1969
Provision of accommodation for a child in need; provision of maintenance for a child being looked after by the Minister; safeguarding and promoting the welfare of a child in care; providing advice and assistance to certain children.	Children (Jersey) Law 2002

3.25 SENATOR S.C. FERGUSON OF THE MINISTER FOR EXTERNAL RELATIONS REGARDING ALL SERVICES PROVIDED BY THAT DEPARTMENT AND SPECIFIED BY STATUTE:

Question

What are the services which the Department must supply as required and specified by statute (with references)?

Answer

The Minister for External Relations is responsible for providing or ensuring the provision of services in accordance with statutory requirements which include those set out in the States of Jersey (Minister for External Relations) (Jersey) Regulations 2013, as listed below.

This is a non-exhaustive list of statutory services supplied for the public of Jersey by the Ministry which includes: the general conduct of external relations; implementation of international financial sanctions; implementation of restrictive measures for the prevention of terrorism; applying measures with regard to preventing the development, production or use of weapons of mass destruction; implementation of agreements between Jersey and other countries relating to taxation, double tax agreements and tax information exchange; conferring diplomatic privileges and immunities within Jersey; and ensuring the regulatory oversight and implementation of civil aviation safety and security requirements.

In addition, the Ministry provides services in connection with international law, and with regard to the constitutional relationship with the United Kingdom, for ensuring compliance with and monitoring and reporting on Jersey's implementation of a wide range of international treaties, conventions and agreements which impact on the environment, safety and security, social wellbeing and the civil and human rights of the people of Jersey. A comprehensive list of these obligations and references to the relevant conventions are provided in periodic reports to the States on International Conventions and Agreements.

	Services provided	References to statutory requirement
a)	Concurrently with the Chief Minister, conduct external relations in accordance with the common policy agreed by the Council of Ministers.	Article 18(3)(b) of the States of Jersey Law 2005
b)	Give effect, by Order, either wholly or partly, to any European Union provision with exceptions, adaptations and modifications as necessary, if in the opinion of the Minister immediate or early enactment of a provision of European Union legislation is necessary or expedient in the public interest, and if that provision is contained in or arises under Article 12 of the Treaty on European Union signed at Maastricht on 7th February 1992 (which relates to the common foreign and security policy).	Article 2(4) of the European Communities Legislation (Implementation) (Jersey) Law 1996
c)	Perform the functions of the competent authority for the implementation of international financial sanctions or restrictive measures which have been given effect in Jersey, with particular	Al-Qa'ida and Taliban (United Nations Measures) (Channel Islands) Order 2002 Community Provisions (Restrictive

<p>regard to Jersey's reputation as an international finance centre.</p>	<p>Measures – Belarus) (Jersey) Order 2011</p> <p>Community Provisions (Restrictive Measures – Burma/Myanmar) (Jersey) Order 2008</p> <p>Democratic Republic of the Congo (United Nations Sanctions) (Channel Islands) Order 2003</p> <p>Democratic Republic of the Congo (United Nations Sanctions) (Channel Islands) Order 2005</p> <p>Community Provisions (Restrictive Measures – Democratic Republic of the Congo) (Jersey) Order 2011</p> <p>Community Provisions (Restrictive Measures – Egypt) (Jersey) Order 2011</p> <p>Community Provisions (Restrictive Measures – Eritrea) (Jersey) Order 2012</p> <p>The Haiti (United Nations Sanctions) (Channel Islands) Order 1994</p> <p>The United Nations (Sanctions) (Amendment) Order 2000</p> <p>Community Provisions (Restrictive Measures - Iran) (Jersey) Order 2012</p> <p>Iraq (United Nations Sanctions) (Channel Islands) Order 2000</p> <p>Iraq (United Nations Sanctions) (Channel Islands) Order 2003</p> <p>Iraq (United Nations Sanctions) (Channel Islands) (Amendment) Order 2004</p> <p>Community Provisions (Restrictive Measures – Côte d'Ivoire) (Jersey) Order 2011</p> <p>The Lebanon and Syria (United Nations Measures) (Channel Islands) Order 2006</p> <p>Community Provisions (Restrictive Measures – Lebanon) (Jersey) Order</p>
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		<p>2007</p> <p>The United Nations Arms Embargoes (Somalia, Liberia and Rwanda) (Channel Islands) Order 1996</p> <p>The United Nations Arms Embargoes (Somalia, Liberia and Rwanda) (Channel Islands) (Amendment) Order 1997</p> <p>Liberia (United Nations Sanctions) (Channel Islands) Order 2004</p> <p>Liberia (United Nations Sanctions) (Channel Islands) (Amendment) Order 2004</p> <p>Libya (United Nations Sanctions) (Channel Islands) Order 1993</p> <p>Community Provisions (Restrictive Measures – Libya) (Jersey) Order 2011</p> <p>Community Provisions (Restrictive Measures - North Korea) (Jersey) Order 2007</p> <p>Community Provisions (Restrictive Measures – North Korea) (Jersey) Order 2013</p> <p>Community Provisions (Restrictive Measures – Guinea) (Jersey) Order 2010</p> <p>Community Provisions (Restrictive Measures – Guinea-Bissau) (Jersey) Order 2012</p> <p>The United Nations Arms Embargoes (Somalia, Liberia and Rwanda) (Channel Islands) Order 1996</p> <p>The United Nations Arms Embargoes (Somalia, Liberia and Rwanda) (Channel Islands) (Amendment) Order 1997</p> <p>The United Nations (International Tribunals) (Former Yugoslavia and Rwanda) (Jersey) Order 1997</p> <p>The United Nations Arms Embargoes</p>
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		<p>(Rwanda) (Amendment) Order 2008</p> <p>The Somalia (United Nations Sanctions) (Channel Islands) Order 2002</p> <p>Community Provisions (Restrictive Measures – Somalia) (Jersey) Order 2011</p> <p>Sudan (United Nations Measures) (Channel Islands) Order 2005</p> <p>Community Provisions (Restrictive Measures – Sudan and South Sudan) (Jersey) Order 2011</p> <p>The Lebanon and Syria (United Nations Measures) (Channel Islands) Order 2006</p> <p>Community Provisions (Restrictive Measures – Syria) (Jersey) Order 2012</p> <p>Terrorism (United Nations Measures) (Channel Islands) Order 2001</p> <p>Community Provisions (Restrictive Measures – Tunisia) (Jersey) Order 2011</p> <p>The United Nations (International Tribunals) (Former Yugoslavia and Rwanda) (Jersey) Order 1997</p> <p>Community Provisions (Restrictive Measures - Zimbabwe) (No. 6) (Jersey) Order 2007</p>
d)	<p>Make an interim or final designation of a person whose funds and economic resources must be frozen, subject to certain conditions being fulfilled and if the Minister considers that it is necessary, for purposes connected with protecting members of the public from terrorism, that financial restrictions should be applied in relation to that person.</p>	<p>Terrorist Asset-Freezing (Jersey) Law 2011</p>
e)	<p>Give a direction to a person or group of persons to impose requirements in relation to financial transactions or</p>	<p>Money Laundering and Weapons Development (Directions) (Iran) (Jersey) Law 2012</p>

	business relationships in certain circumstances, including that there is a risk that money laundering or the development of nuclear, radiological, chemical or biological weapons poses a significant risk to the interests of Jersey.	
f)	Require the provision of certain information and impose a requirement for any person in Jersey to notify the Minister of certain nuclear-related activities as listed in the Schedules to the Orders.	Nuclear Safeguards (Jersey) Order 2004 Nuclear Safeguards (Jersey) Order 2005
g)	Freeze the financial assets and economic resources of a person outside Jersey engaged in acts in connection with the use of weapons of mass destruction (nuclear, chemical or biological) which are detrimental to the economy or which threaten life or property of Jersey.	Crime and Security (Jersey) Law 2003
h)	Make Orders to amend the Taxation (Agreements with European Union Member States) (Jersey) Regulations 2005 or provide for their suspension or resumption in order to reflect the termination, suspension or resumption of a Taxation of Savings Income Agreement with a contracting party.	Taxation (Agreements with European Union Member States) (Jersey) Regulations 2005
i)	Make Orders amending the list in Schedule 1 of the Double Taxation Regulations of the countries with which DTAs have been made and to note the date each DTA came into force.	Taxation (Double Taxation) (Jersey) Regulations 2010
j)	Amend by Order the Schedule to the Exchange of Information with Third Countries Regulations so as to add, for a third country and any description of tax, the date the tax information exchange agreement relating to that third country and description of tax came into force.	Taxation (Exchange of Information with Third Countries) (Jersey) Regulations 2008
k)	Confer privileges and immunities in relation to an economic and trade office established in the United Kingdom or in Jersey by the government of the Hong	Hong Kong Economic and Trade Office (Privileges and Immunities) (Jersey) Law 1998

	Kong Special Administrative Region.	
l)	Prescribe a range of matters <i>inter alia</i> relating to dangerous goods, rules of the air, flying restrictions, noise regulation, the provision of information, designation of zones for security purposes, and restrictions and security measures in relation aircraft, persons and aerodromes and cargo handling.	Air Navigation Order 2005 of the United Kingdom, as extended to Jersey by the Air Navigation (Jersey) Order 2008; Aviation Security Act 1982 of the United Kingdom, as extended to Jersey by the Aviation Security (Jersey) Order 1993;
m)	Appoint a Director of Civil Aviation for Jersey; determine the annual fee for the aerodrome licence; give directions in the interests of national security or in the interests of relations with another country; and make Air Navigation Orders for the purposes of implementing the Chicago Convention or generally to regulate air navigation.	Civil Aviation (Jersey) Law 2008

3.26 SENATOR S.C. FERGUSON OF THE MINISTER FOR ECONOMIC DEVELOPMENT REGARDING ALL SERVICES PROVIDED BY THAT DEPARTMENT AND SPECIFIED BY STATUTE:

Question

What are the services which the Department must supply as required and specified by statute (with references)?

Answer

The Minister for Economic Development has responsibility for all areas of economic policy and development in Jersey, including agriculture, fisheries, tourism, retail, intellectual property and gambling. The Minister also has political responsibility for the airport, air and sea links, and postal and telecommunications services as well as overseeing consumer and regulatory services.

The following tables outline the statutes, as well as the key duties and high level services pertaining to these.

Policy & Regulation

SECTOR	STATUTE	KEY DUTIES	HIGH LEVEL SERVICES
Telecoms	Wireless Telegraphy (Jersey) Order (Extension of the Wireless Telegraphy Act 2006 to Jersey)	<p>Extension of the Wireless Telegraphy Act 2006 to Jersey</p> <p>Licensing and management of spectrum</p> <p>Sets out duties for Ofcom and defines the relationship with Jersey</p>	<ul style="list-style-type: none"> • Develop spectrum strategy • Set and implement spectrum policy • Liaise with the UK Secretary of State who must consult with Minister on directions to Ofcom relating to Jersey • Ensure Jersey's existing and future spectrum needs are met • Ensure Jersey legislation is up to date and in line with advances in technology
	Telecommunications (Jersey) Law 2002	<p>Ensure provision of telecommunication services and in doing so:</p> <ul style="list-style-type: none"> • Further the interest of users • Promote competition • Promote efficiency, economy and effectiveness in commercial activities connected with telecommunications • Further Jersey's economic interests 	<ul style="list-style-type: none"> • Develop telecommunications strategy • Set and implement telecommunications policy • Ensure Jersey legislation is up to date and in line with advances in technology • Direct the JCRA in respect of the principles, procedures or policies to be followed in relation to: <ul style="list-style-type: none"> ○ The implementation of any social or environmental policies in respect of telecommunications. ○ corporate governance relating to the

			system and arrangements by and under which the Authority is directed and controlled
Broadcasting	<p>Broadcasting and Communications (Jersey) Order 2004</p> <p>Communications (Jersey) Order 2003</p> <p>(Extension of the Communications Act 2003 to Jersey)</p>	<p>Extension of the Communications Act 2003 and Office of Communications Act 2002 to Jersey and Orders amending them.</p> <p>Sets out duties for Ofcom and defines the relationship with Jersey</p>	<ul style="list-style-type: none"> • Develop broadcasting strategy • Set and implement broadcasting policy • Content regulation policy • Public service broadcasting policy • Ensure Jersey’s broadcasting needs are met • Ensure Jersey legislation is up to date • Liaise with the UK Secretary of State who must consult with Minister on directions to Ofcom relating to Jersey
Rural	<p>Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law 1965</p> <p>Agricultural (Loans and Guarantees) (Jersey) Law 1974</p> <p>Agricultural (Loans) (Jersey) Regulations 1974</p>	<ul style="list-style-type: none"> • Provision of an administrative function to process repayments of existing outstanding Ag loans. 	<ul style="list-style-type: none"> • Ensure loans are repaid on time and that any arrears are addressed.

	<p>Agricultural Marketing (Jersey) Law 1953</p> <p>Agricultural Returns (Jersey) Law 1947</p> <p>Blight Disease (Jersey) Order 1982</p> <p>Certificates of Origin (Produce of the Soil) (Jersey) Law 1961</p> <p>Stem and Bulb eelworm (Jersey) Order 1971</p>	<ul style="list-style-type: none"> • Regulation of the marketing of potatoes and milk to protect quality and to provide minimum standards for local and export markets. • Provision of a function to collect and analyse agricultural statistics annually. • Provision of a regulatory function to control the spread of potato blight. • Provision of a regulatory function to control the spread of plant/animal diseases. • Provision of regulatory function to protect quality of Daffodils. 	<ul style="list-style-type: none"> • Programme of agricultural inspection. • Processing of returns. • Programme of agricultural inspection.
<p>Electronic Communications</p>	<p>Electronic Communications (Jersey) Law 2000</p>	<ul style="list-style-type: none"> • Defines legal status of electronic communications • Provides for the facilitation of electronic business and the use of electronic communications and electronic storage. • Makes provision for the obligations of service providers and for protection of service providers from 	<ul style="list-style-type: none"> • The Minister may by Order prescribe anything which may be prescribed under this Law • Ensure Jersey legislation remains up to date in light of changes or advancement in technology

		criminal and civil liability.	
Intellectual Property	Intellectual Property (Unregistered Rights) (Jersey) Law 2011 Paris Act of the Berne Convention	There are around 40 Articles within IPURL where the Minister either in his own right or as the Licensing Authority has functions he could be called upon to perform.	<ul style="list-style-type: none"> • Act as licensing authority, hearing references and making determinations regarding the activities of collective licensing schemes; • Maintain law in line with economic need and changing international obligations; • Set rules for the operation of exceptions to rights, procedure for the licensing authority and set scope of definitions important to the operation of the law;
	Trade Marks (Jersey) Law 2000 Patents (Jersey) Law 1957 Registered Designs (Jersey) Law 1957	Registered rights laws are administered by the Judicial Greffe. Registration of Patents, Trade Marks and Registered Designs. The Minister's responsibility is to ensure that the laws are brought up to date so that intellectual property rights owners can have an efficient and modern method for protecting their intellectual property. ED Minister specifies procedure for the treatment of infringing goods at the border.	
Hospitality & Leisure	Tourism (Jersey) Law 1948 Tourism (General Provisions) (Jersey) Order 1990	For the encouragement and development of Tourism in Jersey, to establish effective control of the accommodation and attractions available for tourists. The Order sets the registration criteria	<ul style="list-style-type: none"> • Establish and maintain registers of tourism accommodation. • Develop and maintain policy on the operation of Tourism Law. • Promote and enforce minimum standards for tourist accommodation;

		for all tourist accommodation, hotels, guest house, self-catering, youth, hostels, holiday camps and camp sites.	<ul style="list-style-type: none"> • Develop the law according to the needs of the tourism industry whilst protecting the interests of visitors to the island.
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	Places of Refreshment (Jersey) Law 1967	To provide for the registration of places of refreshment and of persons carrying on and managing such places, fore the proper conduct and control of such places.	<ul style="list-style-type: none"> • Register, inspect and ensure compliance of places of refreshment.
	Policing of Beaches (Jersey) Regulations 1959	Regulations controlling activities on beaches including trading, presenting exhibits, parking, driving etc.	<ul style="list-style-type: none"> • Oversee and ensure compliance with regulations. <p>Implement changes to the regulations in response to needs of the industry</p>
	Licensing (Jersey) Law 1974	A Law to control the sale and consumption of alcohol. Areas covered are Taverners, Residential, Restaurant, Comprehensive, Club, Off and Entertainment Licences.	<ul style="list-style-type: none"> • Approve mangers and deputies • Pronounce on the suitability of registered premises • Attend the Licensing Assembly as the Chief Executive Officer's Deputy <p>EDD Minister sets policy about the regulation of the licensed industry and is responsible for ensuring that legislation is fit for purpose.</p>
	Hawkers and Non-	A Law to control persons who go from	<ul style="list-style-type: none"> • The Parish of St Helier carries out this

	Resident Traders (Jersey) Law 1965	place to place or from door to door for the purpose of selling goods and also to control non-residents who wish to trade in the island.	function on behalf of the Minister.
Jersey Harbours	Harbours (Administration) (Jersey) Law 1961	<p>Duty to provide for safe administration of Jersey ports and territorial waters. Sets parameters for the administration of harbours and territorial waters and provides for duties and powers of Harbour Master</p> <p>Includes subordinate legislation covering</p> <ul style="list-style-type: none"> • Harbour Regulations - Port and ship safety management, issuing permits & directions for what may or may not be authorised and setting the Sea Transport Policy. • Inshore Safety – provides framework for registration and control of local pleasure craft and seaborne sport and leisure activities. Licensing of local passenger craft. • Protection of Undersea Cables <p>In addition to commercial port activity, Jersey Harbours provides marinas and moorings for local boat owners and visitors. Jersey Harbours also provides</p>	<p>Functions are split between Minister, Assistant Minister and various officers at Jersey Harbours and EDD who may also carry delegated duties.</p> <p>EDD Minister is responsible for developing the policy and long-term strategy for the provision of ferry services.</p>

		the Coastguard Service for territorial waters.	
	Pilotage (Jersey) Law 2009	To set the arrangements under which pilotage services are provided by the port	<p>Jersey Harbours administers this with Harbour Master responsible, for example, as follows:</p> <ul style="list-style-type: none"> • Licensing of pilots • Setting the charges and area for compulsory pilotage • Issuing pilotage exemption certificates <p>Arrangements audited through EDD and Port Marine Safety Code</p>
	Community Provisions (Ship and Port Facility – Security) (Jersey) Regulations 2004	To ensure the port and ships entering or leaving Jersey are in compliance with international security standards – in particular the International Ship and Port Security Code under the SOLAS Convention Chapter XI-II	<p>Duties and functions of officers, port officials and private individuals and organisations:</p> <ul style="list-style-type: none"> • Inspection and potential detention of ships • Inspection of port facilities • Security requirements for ships and facilities • Conduct of security searches <p>Arrangements audited by UK DfT through EDD</p>
Jersey Airport	Aerodromes (Administration) (Jersey) Law 1952	<p>Duty to provide for safe administration of Jersey airport. Provides for duties and powers of Airport Director</p> <p>Jersey Airport provides a comprehensive network of commercial routes, facilities for business aviation and for local and</p>	<p>The policing, administration and management of Jersey Airport</p> <p>Minister for Economic Development contracts Jersey Airport to provide air traffic control for</p>

		visiting private aircraft.	the Channel Island Control Zone on behalf of the UK and French authorities.
Jersey Airport	<p>The Aviation Security (Bailiwick of Guernsey) (Amendment) Direction, 2013</p> <p>Annex A</p> <p>Channel Islands Common Standards for Safeguarding Aviation against Unlawful Interference</p> <p>Islands Basic for Civil Act of</p>	<p>Annex is based on Regulation (EC) No 300/2008.</p> <p>Part I must be read subject to Part II.</p> <p>Note that Part II is based on the following EC Regulations:</p> <p>Chapter 1: Commission Regulation (EU) No 18/2010</p> <p>Chapter 2: Commission Regulation (EU) No 1254/2009</p> <p>Jersey Airport is legally obligated to ensure it makes adequate provisions in regard of all aspects of aviation security contained in the Annex.</p>	<p>The annex sets out the specific proscriptive compliance obligations including:</p> <ul style="list-style-type: none"> • Airport security • Demarcated areas of airports • Aircraft security • Passengers and cabin baggage • Hold baggage • Cargo and mail • Air carrier mail and air carrier material • In-flight supplies • Airport supplies • In-flight security measures • Staff recruitment and training • Security equipment
Trading Operations	Public Finances (Jersey) Law 2005	Requirement to maintain a Trading Fund and make agreed returns to the States	Jersey Harbours provides for the administration, management, operation, financing, development and maintenance of the harbours of Jersey and their associated facilities.

	Public Finances (Transitional Provisions – States Trading Operations) (Jersey) Regulations 2005		Jersey Airport provides for the administration, management, operation, financing, development and maintenance of Jersey Airport, its associated facilities and the Channel Islands Control Zone
Maritime	Maritime Security (Jersey) Order 1996	Extends sections of the UK Aviation and Maritime Security Act specific to port security – duty to maintain security at international standards	<p>The Order creates offences in relation to the hijacking of ships and introduces a number of powers and duties specific to the Minister, officers and port officials at Jersey Harbours such as:</p> <ul style="list-style-type: none"> • To require port officials and others to carry out searches • To place restrictions on persons or property taken on board a ship • To set up restricted zones in harbours. <p>Arrangements audited by UK DfT through EDD.</p>

	Merchant Shipping (Oil	Extends sections of the UK Merchant	
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	Pollution) (Jersey) Order 1997	<p>Shipping Act 1995 specifically to allow Oil Pollution Liability and Compensation Conventions to apply to the Island – international duty to comply with Conventions.</p> <p>Oil Pollution Liability and Compensation Conventions apply to the Island. In particular these allow access to international funds to compensate for oil spills at sea.</p>	Routine maintenance and up-dating of the legislation is carried out by EDD with assistance from Law Officers
	Merchant Shipping (Categorisation of Registries of Relevant British Possessions) Order 2003	Sets limits on size and type of ship registered in Jersey – duty of Minister and Registrar to comply.	<p>Jersey ships registered in compliance with the Order and MOU with UK.</p> <ul style="list-style-type: none"> • Specific functions relate to international legislation, safety, survey and certification. These come under the Shipping (Jersey) Law 2002 and related subordinate legislation (below).
	Shipping (Jersey) Law 2002	<p>Minister has general superintendence of all matters relating to shipping and seafarers.</p> <p>Inter alia:</p> <ul style="list-style-type: none"> • Jersey Harbours has delegated duty 	<p>Seventeen pieces of subordinate legislation. These have on-going functions variously related to:</p> <ul style="list-style-type: none"> • Ship and Fishing vessel Registration • Safety at sea • Survey and certification

		<p>to take or co-ordinate measures to prevent and minimise marine pollution</p> <ul style="list-style-type: none"> • Harbour Master is Receiver of Wreck • There is a Registrar of Ships • There are surveyors and inspectors 	<ul style="list-style-type: none"> • Prevention and management of Pollution • Manning and Qualifications • Dealing with Wreck • Search and Rescue • Lighthouses • Accident Investigation • Compliance & Enforcement <p>Functions carried out by Minister, officers (e.g. Registrar) and port officials at Jersey Harbours (e.g. Harbour Master)</p>
Competition and Utilities	Postal Services (Jersey) Law 2004	Ensure a competitive and effective market exists for postal services, and ensure that social objectives are met.	<p>Responsibility for directing JCRA on social policies and other areas, and to issue guidance to JCRA in any area.</p> <p>Responsibility to oversee operation of postal sector to ensure public benefit</p> <p>Development and emergency management of postal services</p>
	Competition (Jersey) Law 2005	Oversee the management of the competitive environment in Jersey by the	Represent the public interest in the management of competition regulation in Jersey, which

		JCRA	includes mergers, acquisitions and the operation of monopoly or dominant operators. To make decisions about some procedural operations of the JCRA in respect of competition.
	Competition Regulatory Authority (Jersey) Law 2001	Oversee and part fund the operation of the JCRA	<ul style="list-style-type: none"> • Nominate the Chairman of the JCRA • Oversee governance arrangement, • Manage the provision of funds for the operation of the authority • Manage reporting. • Minister requests market studies under Article 6(4).
	Shops (Regulation of Opening) (Jersey) Regulations 2011	The law falls under the aegis of the EDM, but is administered and a run by the Connétables	To designate special occasions Maintain policy and law in respect of Sunday trading

Trading Standards

	STATUTE	KEY DUTIES	HIGH LEVEL SERVICES
	Weights and Measures (Jersey) Law 1967	Statutory duty to enforce as well as enforcement of subordinate legislation	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary

		<p>Carry out routine inspections</p> <p>Fees charged for statutory verification of weighing and measuring equipment in use for trade</p> <p>Provide compliance advice and guidance for retail/wholesale/packing businesses</p> <p>Quality assurance services provided to businesses on request</p>	<ul style="list-style-type: none"> Approval of annual increase of verification fees
	<p>Subordinate legislation enforced.</p> <p>Weights and Measures (Abbreviations of Units of Measurement) (Jersey) Order 1975</p> <p>Weights and Measures (Beer and Cider) (Exemption) (Jersey) Order 1968</p> <p>Weights and Measures (Egg-Grading Machines</p>		

	<p>(Jersey) Order 1968</p> <p>Weights and Measures (Equivalents for dealing with drugs) (Jersey) Order 1969</p> <p>Weights and Measures (General Provisions) (Jersey) Order 1968</p> <p>Weights and Measures (International Definitions) (Jersey) Order 1968</p> <p>Weights and Measures (Marking) (Jersey) Order 1975</p> <p>Weights and Measures (Measuring Instruments) (Liquid Fuel and Lubricants) (Jersey) Order 1968</p> <p>Weights and Measures (Measuring Instruments) (Intoxicating Liquor)</p>		
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	<p>(Jersey) Order 1975</p> <p>Weights and Measures (Prescribed Quantities No 1) (Jersey) Order 1977</p> <p>Weights and Measures (Prescribed Quantities No 2 (Jersey) Order 1977</p> <p>Weights and Measures (Prescribed Stamp) (Jersey) Order 1975</p> <p>Weights and Measures (Weights) (Jersey) Order 1975</p> <p>Weights and Measures (Working Standards and Testing Equipment) (Testing and Adjustment) (Jersey) Order 1975</p> <p>Weights and Measures (Jersey) Order 1968</p>		
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	Price and Charge Indicators(Jersey) Law 2008	Provide compliance advice and guidance for retail/wholesale businesses Ensure consistent enforcement Investigate alleged offences	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary
	Subordinate legislation enforced Price and Charge Indicators (Jersey) Regulations 2008		
	Protection of Children (Restriction on Supply of Goods) (Jersey) Law 2009	Provide compliance advice and guidance to retailers Investigate alleged offences	<ul style="list-style-type: none"> • Ensure the Minister is advised of any need to restrict the supply of additional goods
	Subordinate legislation enforced Protection of Children (Cigarette Lighter Refills) (Jersey)		

	Regulations 2009		
	Distance Selling (Jersey) Law 2007	<p>Provide compliance advice and guidance to on-line retailers and other traders who sell goods and services by other distance means</p> <p>Monitor compliance within an annual inspection programme</p>	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary • Provide non-compliance reports to the Attorney General when necessary
	Consumer Safety (Jersey) Law 2006	<p>Provide compliance advice and guidance to importers and producers</p> <p>Publish national safety recalls in association with local suppliers</p> <p>Investigate alleged offences</p>	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary
	Trade Marks (Jersey) Law 2000	<p>Enforce the anti-counterfeiting provisions using powers in Article 25 and 26 of the Law</p> <p>Work with Customs officers to authenticate suspect goods at point of entry to Jersey</p>	<ul style="list-style-type: none"> • Ensure the Minister is aware of any significant seizures of counterfeit goods
		Enforce the age restrictions for film	<ul style="list-style-type: none"> • Ensure the Minister is advised of any

<p>Video Recordings (Jersey) Law 1990</p>	<p>classifications</p> <p>Provide compliance advice and guidance when necessary.</p> <p>Investigate alleged offences</p>	<p>amendments necessary</p>
<p>Supply of Goods and Services (Jersey) Law 2009</p>	<p>Provide advice and guidance to retailers on their responsibilities under the law</p> <p>Provide a free confidential consumer advice and conciliation service to resolve contractual disputes over goods and services.</p>	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary
<p>Intellectual Property (Unregistered Rights) (Jersey) Law 2011</p>	<p>Investigate offences under duties and powers provided in Article 397 of the Law</p> <p>Provide case files with recommendations to the Crown Officers for consideration</p>	<ul style="list-style-type: none"> • Ensure the Minister is aware of any significant seizures of products which breach intellectual property rights

Rural Economy

	Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law 1965	Provision of an administrative function to process repayments of existing outstanding Agricultural loans.	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary
	<p>Subordinate Legislation:</p> <p>Basic Slag and Lime (Jersey) Scheme 1968</p> <p>Control of Infestation (Potato Root eel Worm) (Jersey) Scheme 1968</p>		
	Agricultural (Loans and Guarantees) (Jersey) Law 1974		<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary
	Agricultural (Loans) (Jersey) Regulations 1974		<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary
	Agricultural Marketing (Jersey) Law 1953	Regulation of the marketing of potatoes and milk to protect quality and to provide minimum standards for local and export markets	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary

<p>Subordinate Legislation:</p> <p>Jersey Potato Export Marketing (Polls) (Jersey) Order 2002</p> <p>Jersey Potato Export Marketing (Registration of Producers) (Jersey) Order 2001</p> <p>Jersey Potato Export Marketing Scheme (Approval) (Jersey) Act 2001</p> <p>Milk Marketing (Polls) (Jersey) Order 1954</p> <p>Milk Marketing (Registration of Producers) (Jersey) Order 1954</p> <p>Milk Marketing Scheme (Approval) (Jersey) Act 1954</p>		
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	Agricultural Returns (Jersey) Law 1947	Provision of a function to collect and analyse agricultural statistics on an annual basis.	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary
	Blight Disease (Jersey) Order 1982	Provision of a regulatory and advisory function to control the spread of plant disease.	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary
	Certificates of Origin (Produce of the Soil) (Jersey) Law 1961	Provision of a regulatory function to control the spread of plant and animal disease.	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary
	<p>Subordinate Legislation</p> <p>Bovine Spongiform Encephalopathy (Jersey) Order 1988*</p> <p>Foot-and-Mouth Disease (Sera and Glandular Products) (Jersey) Order 1958*</p> <p>Foot-and-Mouth Disease (Jersey) Order 1958*</p> <p>European Communities Legislation (Implementation) (Cattle Identification) (Jersey)</p>		

	<p>Regulations 2002*¹</p> <p>Fertilisers and Feeding Stuffs (Fees) (Jersey) Order 1951*²</p> <p>Fertilisers and Feeding Stuffs (Jersey) Order 1972*²</p> <p>Pesticides (General Provisions) (Jersey) Order 1991*³</p> <p>Pesticides (Maximum Residue Levels in Food) (Jersey) Order 1991*³</p>		
	Stem and Bulb Eelworm (Jersey) Order 1971	Provision of regulatory function to protect quality of Daffodils	<ul style="list-style-type: none"> • Ensure the Minister is advised of any amendments necessary

Key

* Orders under Disease of Animals (Jersey) Law 1956, administered by the Planning & Environment Department

*¹ An Order under European Communities Legislation (Implementation) (Jersey) Law 1996, administered by the Chief Ministers Department

*² Orders under Fertilisers and Feeding Stuffs (Jersey) Law 1950, administered by the Planning & Environment Department

*³ Orders under Pesticides (Jersey) Law 1991, administered by the Planning & Environment

3.27 SENATOR S.C. FERGUSON OF THE MINISTER FOR PLANNING AND ENVIRONMENT REGARDING ALL SERVICES PROVIDED BY THAT DEPARTMENT AND SPECIFIED BY STATUTE:

Question

What are the services which the Department must supply as required and specified by statute (with references)?

Answer

The table below sets out the activities and services which the Department supplies and associated statute.

Ref	Department Section	Service / Activity	Associated Legislation and Multi Multi-Lateral Environmental Agreements (MEAs)*
1	Environmental Management and the Rural Economy (EMRE)	<ul style="list-style-type: none"> - Regulation of the agricultural land bank through considering planning applications and conditioning use of agricultural land. - Regulate the marketing of agricultural products. - Provision of an advisory and scientific service to farmers, growers, the dairy industry and other government departments with specialist diagnosis of plant pests and diseases, as well as the analysis of soil, water and plant tissue samples. - Develop management plans and work schedules for all the Island's protected natural open spaces. - Protect and champion the Island's biodiversity, marine resources and ecosystems in line with international MEAs. - Manage the delivery of the Integrated Coastal Zone Management Strategy - Regulate commercial and leisure fishing activity, aquaculture and exploitation of living aquatic resources in the 800 square miles of Jersey waters - administer the Agricultural Land Control of Sales and Leases) (Jersey) Law 1974 in order to control the occupation and use of 	<p>Legislation</p> <ul style="list-style-type: none"> - Agricultural Land (Control of Sales and Leases) (Jersey) Law 1974 - Agricultural Marketing (Jersey) Law 1953 - Animals (Trapping)(Jersey) Law 1961 - Artificial Insemination of Domestic Animals (Jersey) Law 1952 - Fertilisers and Feeding Stuffs (Jersey) Law 1950 - Food and Environmental Protection Act 1985 (Jersey) - Pesticides (Jersey) Law 1991 - Relevant Regulations made in accordance with European Communities Legislation (Implementation) (Jersey) Law 1996 - Planning and Building (Environmental Impact) (Jersey) Order 2006 - Plant Health (Jersey) Law 2003 - Sea Fisheries (Jersey) Law 1994 - Sea Fisheries (Channel Islands) Order 1973 - Loi (1894) sur la coupe et la pêche des vraics - Sea Beaches (Removal of sand and stone) (Jersey) Law 1963 - Protection of Agricultural Land (Jersey) Law

			<p>disposal</p> <ul style="list-style-type: none"> - The Convention for the protection of the marine environment of the North-East Atlantic (the OSPAR Convention) - Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter 1972 - UN Vienna Convention for the Protection of the Ozone layer - Montreal Protocol to above Convention - UNECE Convention on Long Range Transboundary Air Pollution and Associated Protocols (CLRTAP) - Associated Protocols to above Convention
4	Veterinary Services	<ul style="list-style-type: none"> - promote best animal health and welfare practice for all farmed, captive and domestic species by providing advice and investigating adverse welfare complaints. - exercise controls to prevent the incursion or eradicate notifiable animal, poultry and fish diseases to protect the health of animals, poultry and fish and in the case of zoonoses, humans. - facilitate the export of animals and animal products from the Island including the administration and enforcement of welfare controls - controls on artificial breeding of animals 	<p>Legislation</p> <ul style="list-style-type: none"> - Animal Welfare (Jersey) Law 2004 - Dangerous Wild Animals (Jersey) Law 1999 - Diseases of Animals (Jersey) Law 1956 - Diseases of Animals (Rabies) (Jersey) Law 1976 - Slaughter of Animals (Jersey) Law 1962 - Artificial Insemination of Domestic Animals (Jersey) Law 1952 - Food Safety (Jersey) Law 1966 Article 10 - European Communities Legislation (Implementation) (Jersey) Law 1996 various subordinate legislation controlling e.g. cattle

		<ul style="list-style-type: none"> - provision of legislation, policy, guidance and advice to ensure that the special importance of Jersey's historic environment is protected and managed appropriately 	<p>MEAs</p> <ul style="list-style-type: none"> - Convention on Environmental Impact Assessment in a Transboundary Context (ESPOO) - European Convention on the Protection of the Archaeological Heritage (Valetta) - Convention for the Protection of the Architectural Heritage of Europe (Granada)
8	Meteorological Section	<ul style="list-style-type: none"> - provide meteorological information for the purposes of International Air Navigation according to the standards and recommended practices of Annex 3 to the Chicago Convention on International Civil Aviation. 	<p>Legislation</p> <ul style="list-style-type: none"> - Air Navigation (Jersey) Order 2008 - Civil Aviation (Jersey) Law 2008

* The Department administers various European Union Directives and International Conventions (known as Multi-Lateral Environmental Agreements (MEAs)) for which ratification has been extended to Jersey

