

STATES OF JERSEY ORDER PAPER

Tuesday 15th January 2013 at 10.15 a.m.

A. COMMUNICATIONS BY THE PRESIDING OFFICER

Planning and Environment (2013 Fees) (Jersey) Order 2012.

Minister for Planning and Environment.

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

(4	
Community Provisions (Restrictive Measures – Syria) (Amendment No. 9) (Jersey) Order 2012. Deputy Chief Minister for and on behalf of Chief Minister.	R&O.145/2012.
Public Finances (Accounting Standards) (No. 2) (Jersey) Order 2012. Minister for Treasury and Resources.	R&O.146/2012.
Intellectual Property (Unregistered Rights) (Miscellaneous Provisions) (Jersey) Order 2012. Minister for Economic Development.	R&O.149/2012.
Intellectual Property (Unregistered Rights) (Fees) (Jersey) Order 2012. Minister for Economic Development.	R&O.150/2012.
Intellectual Property (Unregistered Rights) (Proceedings Before Licensing Authority) (Jersey) Order 2012. Minister for Economic Development.	R&O.151/2012.
Intellectual Property (Unregistered Rights) (Works of Foreign Provenance) Order 2012. Minister for Economic Development.	R&O.152/2012.
Companies (Designated Body) (Jersey) Order 2012. Minister for Economic Development.	R&O.153/2012.
Bankruptcy (Désastre) (Amendment) (Jersey) Order 2012. Minister for Economic Development.	R&O.154/2012.
Sand Racing (No. 2) (Jersey) Order 2012. Minister for Transport and Technical Services.	R&O.159/2012.
Road Racing (Hill Climbs and Sprints) (No. 2) (Jersey) Order 2012. Minister for Transport and Technical Services.	R&O.160/2012.
Social Security (Contributions) (Amendment No. 13) (Jersey) Order 2012. Minister for Social Security.	R&O.161/2012.
Social Security (Miscellaneous Provisions No. 2) (Jersey) Order 2012. Minister for Social Security.	R&O.162/2012.
Social Security (Home Carer's Allowance) (Jersey) Order 2012. Minister for Social Security.	R&O.163/2012.

R&O.164/2012.



Health Care (Registration) (Prescribed Qualifications) (Amendment No. 5) (Jersey) Order 2012. Minister for Health and Social Services.	R&O.165/2012.
Health and Social Services (2013 Fees) (Jersey) Order 2012. Minister for Health and Social Services.	R&O.166/2012.
Planning and Building (General Development) (Amendment) (Jersey) Order 2012. Minister for Planning and Environment.	R&O.167/2012.
Artificial Insemination of Domestic Animals (Bovine Semen) (Amendment) (Jersey) Order 2012. Minister for Planning and Environment.	R&O.168/2012.
Fire and Rescue Service (Charges) (Amendment) (Jersey) Order 2012. Minister for Home Affairs.	R&O.169/2012.
Fire Precautions (Fees) (Amendment No. 2) (Jersey) Order 2012. Minister for Home Affairs.	R&O.170/2012.
Fire Precautions (Prescribed Forms) (Jersey) Order 2012. Minister for Home Affairs.	R&O.171/2012.
DOCUMENTS PRESENTED OR LAID	
States Members' remuneration: proposed increase for 2013 (P.127/2012) – comments. Presented: 21st December 2012. Privileges and Procedures Committee.	P.127/2012. Com.
Sea Transport Policy: direction to the Harbour Master concerning ferry services. Presented: 19th December 2012. Minister for Economic Development.	R.144/2012.
Land Transactions under Standing Order 168(3) – acquisition of 'Life-Long' Homes on Fields 516, 517 and 518, La Rue de Patier, St. Saviour. Presented: 20th December 2012. Minister for Treasury and Resources.	R.145/2012.
Budget Management Report for the period ended 30th June 2012. Presented: 20th December 2012. <i>Minister for Treasury and Resources</i> .	R.146/2012.
Land Transactions under Standing Order 168(3) – (a) V12S Victoria Pier, V36 Victoria Pier, B003G Jersey Airport – lease; (b) V26A Victoria Pier, A20, A21, A25 and A24 Albert Pier – lease; (c) Wellington Hill, St. Saviour – new bus lay-by. Presented: 9th January 2013. Minister for Treasury and Resources.	R.1/2013. (re-issue)

C.

Environment Scrutiny Panel.

Ash Disposal. S.R.20/2012. Presented: 17th December 2012.



D. NOTIFICATION OF LODGED PROPOSITIONS

Statistics User Group: appointment of Chairman.

P.137/2012.

Lodged: 27th December 2012.

Chief Minister.

Comptroller and Auditor General: appointment.

P.138/2012.

Lodged: 28th December 2012.

Chief Minister.

St. Helier Harbour: creation of cycle track.

P.1/2013.

Lodged: 7th January 2013.

Deputy G.C.L. Baudains of St. Clement.

Draft Control of Housing and Work (Residential and Employment Status) (Jersey)

P.2/2013.

Regulations 201-.

Lodged: 11th January 2013.

Chief Minister.

Draft Control of Housing and Work (Transitional and Consequential) (Jersey)

P.3/2013.

Regulations 201-.

Lodged: 11th January 2013.

Chief Minister.

E. WITHDRAWAL OF LODGED PROPOSITIONS

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

St. Helier Harbour: creation of cycle track.

P.1/2013.

Lodged: 7th January 2013.

Deputy G.C.L. Baudains of St. Clement.

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

Resignation of the Connétable of St. Brelade from the Education and Home Affairs scrutiny panel.

Nomination of Deputy M. Tadier of St. Brelade as a member of the Education and Home Affairs scrutiny panel.

G. MATTERS OF PRIVILEGE

H. PETITIONS

I. QUESTIONS

(a) - Written Questions

(attached)

Question 1 was deferred from the meeting of 11th December 2012 at the request of the Minister for Social Security and therefore appears in addition to Deputy M.R Higgins of St. Helier's five other written questions.



- 1. The Minister for Social Security will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding Health Insurance Fund payments to doctors.
- 2. The Minister for Economic Development will table an answer to a question asked by the Connétable of St. John regarding the economic benefit to the Island of the Hangar8 project.
- 3. The Chief Minister will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the number of 'J' category permits converted to allow permanent residence in the past 5 years.
- 4. The Minister for Treasury and Resources will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the 'Gigabit Jersey' project.
- 5. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the recent sewer repairs along St. Clement's Coast Road.
- 6. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the average daily usage and the cost of administering the Island's cycle path network.
- 7. The Minister for Health and Social Services will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding waiting times for hospital appointments with consultants.
- 8. The Minister for Health and Social Services will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the funding of nurses' pay awards.
- 9. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the screening of the Energy from Waste plant.
- 10. The Minister for Transport and Technical Services will table an answer to a question asked by the Deputy of St. Martin regarding the roads resurfacing schedule for 2013.
- 11. The Minister for Housing will table an answer to a question asked by Deputy R.J. Rondel of St. Helier regarding the delivery of affordable housing.
- 12. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding company tax returns.
- 13. The Minister for Housing will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the impact that the continued payment of funds to the Treasury will have on the ability to fund the Housing Transformation Project.
- 14. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the recovery of Income Support overpayments.
- 15. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the negotiation of a Foreign Account Tax Compliance Act agreement with the UK authorities.
- 16. The Minister for Planning and Environment will table an answer to a question asked by Deputy J.H. Young of St. Brelade regarding the procedures followed after receiving the Planning Inspector's report in relation to Plémont.



- 17. The Minister for Planning and Environment will table an answer to a question asked by Deputy J.H. Young of St. Brelade regarding the planning obligation agreement associated with the development of the Plémont Bay Holiday Village site.
- 18. H.M. Attorney General will table an answer to a question asked by Deputy J.H. Young of St. Brelade regarding the legal impact of a the planning obligation agreement associated with the development of the Plémont Bay Holiday Village site.
- 19. H.M. Attorney General will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the final total cost of the Low Value Consignment Relief Court case.
- 20. The Minister for Treasury and Resources will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the final cost of failing to hedge the Euro for the Energy for Waste Plant.
- 21. The Minister for Economic Development will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the final contribution from the fulfilment industry towards the costs of the Low Value Consignment Relief Court case.
- 22. The Minister for Health and Social Services will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding patients treated at Orchard House over the past 5 years.
- 23. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the operation of the Energy from Waste Plant.

(b) - Oral Questions

(120 minutes)

- 1. Deputy T.M. Pitman of St. Helier will ask the following question of the Chief Minister
 - "Does the Chief Minister plan to propose the creation of a Minister for External Relations and, if so, has he considered how this would impact on the so-called 'Troy' rule in the eventuality of the number of States Members being reduced as proposed by the Electoral Commission?"
- 2. Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the Minister for Social Security
 - "What steps, if any, are in place to prevent overprescribing by GP's and how many such cases have been identified by the Department in the last 5 years?
- 3. The Connétable of St John will ask the following question of the Minister for Economic Development
 - "As members have been given a cost profile for the new Police Station and other major projects, will the Minister identify a projected cost range for the Hanger8 project to fully inform States Members and, if not, why not?"
- 4. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Home Affairs
 - "Will the Minister provide an estimate of the cost incurred by Department in respect of the surveillance, arrest, security and conviction of Curtis Warren and associates and the cost to date of the investigation and subsequent disciplinary action being pursued against three of the officers involved in the said case?"



5. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Planning and Environment –

"With regard to the recent fish monitoring exercise in Portelet Bay, would the Minister advise how many staff were involved, the total cost and what this achieved?

6. Deputy R.J. Rondel of St. Helier will ask the following question of the Minister for Home Affairs –

"Given the United Kingdom's 'unprecedented baby boom', would the Minister advise the Assembly whether the same situation is being experienced in Jersey and also advise the Assembly of the total births in Jersey in 2012 against deaths?"

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

"Will the Minister inform members when he will bring the Housing Transformation Plan (HTP) to the Assembly for debate and what provision, if any, will he make to ensure that members can examine in detail the figures which underpin the business case for the Plan?"

8. The Deputy of St. Martin will ask the following question of the Minister for Transport and Technical Services –

"Is the Minister satisfied with the current condition of the Island's roads?"

9. Deputy R.J. Rondel of St. Helier will ask the following question of the Minister for Transport and Technical Services –

"Would the Minister advise the Assembly why the new bus timetables were not printed in the Island?"

10. Deputy M. Tadier of St. Brelade will ask the following question of H.M. Attorney General –

"Will H.M. Attorney General provide an estimate of the prosecution costs in respect of the conviction of Curtis Warren and associates, including the appeal case, and advise what steps, if any, have been taken to recover the court and case costs?"

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

"Will the Chief Minister outline for members the schedule for negotiating Foreign Account Tax Compliance Act (FATCA) agreements with the United Kingdom (UK) and United States and advise what implications, if any, the Isle of Man's agreement to a FATCA with the UK has for Jersey?"

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

"Would the Minister, as the shareholder representative, investigate the above the cost of living charges made by the Jersey Electricity Company and ascertain why profits were used to provide some home owners with thermal insulation grants when these funds could have benefited all households by lowering electricity bills?"

13. Deputy T.M. Pitman of St. Helier will ask the following question of the Chief Minister –

"Will the Minister clarify how much taxpayers' money has thus far been spent in support of the four individuals bringing actions under the Data Protection (Jersey) Law 2005, relating to the internet?"



14. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Transport and Technical Services –

"With regard to the abandoned harbour cycle track project, would the Minister advise what consultation took place, with whom and when, the cost of the project to date (including Planning fees) and when the application was withdrawn?"

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

1st question period – Minister for Social Security

2nd question period – Chief Minister

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

States Members' remuneration: proposed increase for 2013 (P.127/2012) –

L. PUBLIC BUSINESS

comments.

Presented: 21st December 2012. *Privileges and Procedures Committee*.

Tourism Shadow Board: establishment. Lodged: 30th October 2012. Minister for Economic Development.	P.113/2012.
Connétables and other parish officials: explanatory document and new legislation. Lodged: 6th November 2012. Deputy M.R. Higgins of St. Helier.	P.119/2012.
Connétables and other parish officials: explanatory document and new legislation (P.119/2012) – comments. Presented: 11th December 2012. Comité des Connétables.	P.119/2012. Com.
Greville Bathe Fund: appointment of Jurat. Lodged: 16th November 2012. Minister for Treasury and Resources.	P.123/2012.
Draft Community Provisions (Goods Infringing Intellectual Property Rights) (Jersey) Regulations 201 Lodged: 27th November 2012. Minister for Home Affairs.	P.125/2012.
Draft Public Employees (Contributory Retirement Scheme) (States of Jersey Prison Service – Amendments) (Jersey) Regulations 201 Lodged: 29th November 2012. States Employment Board.	P.126/2012.
States Members' remuneration: proposed increase for 2013. Lodged: 3rd December 2012. Connétable of St. Saviour.	P.127/2012.

P.127/2012.

Com.



M.

Draft Limited Liability Partnerships (Amendment of Law) (Jersey) Regulations 201 Lodged: 4th December 2012. Minister for Economic Development.	P.132/2012.
Draft Income Tax (Amendment No. 42) (Jersey) Law 201 Lodged: 4th December 2012. Minister for Treasury and Resources.	P.133/2012.
Jersey Appointments Commission: appointment of Commissioner. Lodged: 13th December 2012. <i>Chief Minister</i> .	P.136/2012.
ARRANGEMENT OF PUBLIC BUSINESS	
29th January 2013	
Minister for Justice and Department of Justice: report. Lodged: 13th November 2012. Senator L.J. Farnham.	P.120/2012.
Draft Civil Partnership (Consequential Amendments) (No. 2) (Jersey) Regulations 201 Lodged: 4th December 2012. Chief Minister.	P.128/2012.
Ratification of the Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income between the Government of Jersey and the Government of the Republic of Singapore. Lodged: 4th December 2012. <i>Chief Minister</i> .	P.129/2012.
Draft Taxation (Double Taxation) (Amendment) (Jersey) Regulations 201 Lodged: 4th December 2012. <i>Chief Minister</i> .	P.130/2012.
Higher Education Grants: method of assessment. Lodged: 11th December 2012. Deputy G.C.L. Baudains of St. Clement.	P.134/2012.
Draft Motor Traffic (Third Party Insurance) (Cost Recovery) (Jersey) Regulations 201 Lodged: 13th December 2012. Minister for Health and Social Services.	P.135/2012.
Statistics User Group: appointment of Chairman. Lodged: 27th December 2012. Chief Minister.	P.137/2012.
Comptroller and Auditor General: appointment. Lodged: 28th December 2012. Chief Minister.	P.138/2012.



19th February 2013

Police Station Relocation: review of decision (as amended).

Lodged: 2nd October 2012.

Deputy J.A. Martin of St. Helier.

Police Station Relocation: review of decision (P.92/2012) – comments.

Presented: 19th November 2012.

Com.

Council of Ministers.

Police Station Relocation: review of decision (P.92/2012) – comments.

Presented: 20th November 2012.

Minister for Planning and Environment.

P.92/2012.

Com.(2)

Committee of Inquiry: Historical Child Abuse. P.118/2012.

Lodged: 6th November 2012. *Council of Ministers*.

5th March 2013

Starter Home Deposit Loan Scheme. P.131/2012.

Lodged: 4th December 2012.

Minister for Treasury and Resources.

Draft Control of Housing and Work (Residential and Employment Status) (Jersey) P.2/2013.

Regulations 201-.

Lodged: 11th January 2013.

Chief Minister.

Draft Control of Housing and Work (Transitional and Consequential) (Jersey) P.3/2013.

Regulations 201-.

Lodged: 11th January 2013.

Chief Minister.

19th March 2013

Jersey Innovation Fund: establishment, funding and operation.

P.124/2012.

Lodged: 20th November 2012.

Minister for Treasury and Resources.

M.N. DE LA HAYE Greffier of the States

10th January 2013

Note -

Members are reminded that the annual Service of Dedication in the Parish Church of St. Helier will take place at 9.30 a.m. prior to the States' meeting at 10.15 a.m.

In accordance with the meeting dates fixed for 2013 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 16th and Thursday 17th January 2013.



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.145/2012.

This Order gives effect in Jersey to Council Implementing Regulation (EU) No. 1117/2012 of 29th November 2012 (O.J. L330, 30.11.12, p.9). From 30th November 2012, that Regulation amended Annex II to Council Regulation (EU) No. 36/2012 concerning restrictive measures in view of the situation in Syria. It updated the entries for 7 persons and entities in the list in that Annex of those whose funds and economic resources are frozen, and removed one person from that list.

The Community Provisions (Restrictive Measures – Syria) (Jersey) Order 2012 gives effect in Jersey to Council Regulation (EU) No. 36/2012. It defines "Council Regulation" as that Regulation as amended up to 16th October 2012. By the substitution of 30th November 2012 for that date, the changes to the Annex II list are brought within the scope of the Jersey Order.

The Order was made on 10th December 2012 came into force on 11th December 2012.

R&O.146/2012.

Under Article 32 of the Public Finances (Jersey) Law 2005, the Treasurer of the States must prepare an annual financial statement in accordance with generally accepted accounting principles as supplemented and adapted by accounting standards prescribed by Order. This Order prescribes those standards for the annual financial statement for 2012 (and ensuing years if the Order is not replaced). The standards are to be found in a new edition of the States of Jersey Financial Reporting Manual, set out in the Schedule to the Order. The Order revokes the Public Finances (Accounting Standards) (Jersey) Order 2012, which therefore applied only to the annual financial statement for 2011.

The Order was made on 10th December 2012 and came into force on being made.

R&O.149/2012.

This Order contains miscellaneous provisions that supplement the Intellectual Property (Unregistered Rights) (Jersey) Law 2011 (the "Law").

Article 1 is the interpretation provision.

Article 2 prescribes, for the purposes of Article 7 of the Law, establishments and peripatetic teachers employed by the States as, respectively, establishments and persons who are, for the purposes of Part 1 of the Law, to be treated as educational establishments.

Articles 3 to 6 supplement Articles 60 to 66 of the Law as to the circumstances in which librarians and archivists may make and supply copies of works, and the administrative arrangements for such supply. Schedules 1 and 2 contain forms to be used in those circumstances.

Article 7 prescribes circumstances in which an article is to be regarded, for the purposes of Article 80 of the Law, as made by an industrial process.

Article 8 prescribes bodies who may make recordings of broadcasts (but not of encrypted transmissions) for archival purposes.

Article 9 gives effect to Schedule 3, which contains a form of notice of seizure of infringing goods that must be left at premises at which the goods are seized under Article 131 or 317 of the Law.

Article 10 provides for the citation and commencement of the Order.

The Order was made on 11th December 2012 and came into force on 18th December 2012.

R&O.150/2012.

This Order prescribes fees in respect of applications and references to the licensing authority under the Intellectual Property (Unregistered Rights) (Jersey) Law 2011.

The Order was made on 11th December 2012 and came into force on 18th December 2012.



R&O.151/2012.

This Order provides for the appointment of advisers to assist the licensing authority in proceedings before the licensing authority under the Intellectual Property (Unregistered Rights) (Jersey) Law 2011. The licensing authority is permitted by the Order to appoint advisors to advise upon technical matters, matters of law, taxation of costs and whether to award interest in proceedings before the licensing authority.

The Minister for Economic Development may, by Order, make provision as to who is the licensing authority. In the absence of provision for the appointment or establishment of a licensing authority, the Minister for Economic Development is the licensing authority.

The Order was made on 11th December 2012 and came into force on 18th December 2012.

R&O.152/2012.

This Order -

- (a) extends the application of the rights conferred by the Intellectual Property (Unregistered Rights) (Jersey) Law 2011 (the "Law") to certain works of foreign provenance; and
- (b) modifies the Law in its application to certain copyright works and protected performances of foreign provenance.

The Order was made on 11th December 2012 and came into force on 18th December 2012.

R&O.153/2012.

This Order designates The Financial Reporting Council Limited for the purposes of Articles 113K, 113L and 113N of the Companies (Jersey) Law 1991 (the "Law"). The Order replaces the Companies (Professional Oversight Board) (Jersey) Order 2010, which designated the Professional Oversight Board.

As the designated body, The Financial Reporting Council may (or must, in the case of Article 113M) carry out the following powers and duties of the Financial Services Commission –

Article 113K of the Law empowers the Commission or designated body to require a recognized professional body (for example, the Institute of Chartered Accountants in England and Wales) to give notice of events and provide information.

Article 113L empowers the Commission or designated body to require a recognized auditor to provide information.

Article 113M requires the Commission or designated body to ensure that, where a recognized auditor conducts an audit of a market traded company under Part 16 of the Law, the audit must be carried out in accordance with the rules referred to in the Law.

As the designated body, The Financial Reporting Council Limited is required to report to the Minister for Economic Development at least once a year, and from time to time as required, on the exercise of the powers conferred and the discharge of the duties imposed on it as the designated body.

The Professional Oversight Board's last report as designated body was delivered in 2011 and related to the period March 2010 to March 2011. Given that the Professional Oversight Board was established under the articles of association of The Financial Reporting Council Limited, transitional provision is made for continuity of reporting by the designated body. The transitional arrangement requires The Financial Reporting Council Limited to report on the discharge of the designated body's functions from March 2011 onwards, notwithstanding that it is only designated from commencement of this Order.

The Order was made on 11th December 2012 and came into force on 18th December 2012.



R&O.154/2012.

This Order amends Article 5 of the Bankruptcy (Désastre) (Jersey) Order 2006, which sets limits for the amounts, due to employees, that are to be given priority over certain other debts. The Order increases, from £3,500 to £4,350, the limit for the purpose of Article 32(1)(b)(i) of Bankruptcy (Désastre) (Jersey) Law 1990, covering arrears of wages from the preceding 6 months. It also increases, from £1,000 to £1,250, the limit for the purpose of Article 32(1)(b)(ii) of that Law, covering holiday pay and bonuses.

The Order was made on 11th December 2012 and came into force on 18th December 2012.

R&O.159/2012.

This Order permits the Jersey Motor Cycle and Light Car Club to hold sand races and practices on various parts of the beaches at Millbrook, St. Ouen's Bay and West Park on various dates in 2013.

The Order was made on 17th December 2012 and came into force forthwith.

R&O.160/2012.

This Order specifies dates and times in 2013 when the Jersey Motor Cycle and Light Car Club may close the Bouley Bay Hill and Five Mile Road courses to normal traffic and use them for the purposes of motor races and practices.

The Order was made on 17th December 2012 and came into force forthwith.

R&O.161/2012.

This Order further amends the Social Security (Contributions) (Jersey) Order 1975 (referred to as the "Order" by virtue of *Article 1*) in two main respects.

It extends existing transitional arrangements for the treatment of benefits in kind in accordance with legislative provisions prior to 1st January 2012, for a further period of six months ending on 1st July 2013. This is the effect of the amendments made by *Articles 4 and 5* to paragraph 14 of Schedule 1 to the Order and to paragraph 5 of Schedule 2 to the Order respectively.

This Order also modifies the way in which the earnings of a Class 1 insured person are calculated under Schedule 1 to the Order, in the context of the assessment of a person's entitlement to insolvency benefit under Articles 26A to 26J of the Social Security (Jersey) Law 1974.

A person qualifying under Article 26A is entitled, by virtue of Article 26B, to insolvency benefit calculated by adding together the components referred to in Article 26C, and then by making deductions specified in Articles 26F and 26G and applying any discounts under Article 26D. Two of the components referred to in Article 26C as comprising part of any insolvency benefit are pay in lieu of notice of termination of employment (as defined in Article 26C(2)(a)) and holiday pay (as defined in Article 26C(2)(c) and (d)).

Article 26G provides that if primary Class 1 contributions would have been payable in respect of any component specified in Article 26C if that component had been paid by an employer, the value of such contributions shall be deducted from the component.

Schedule 1 to the Order has effect for the purposes of the Social Security (Jersey) Law 1974, and thus in particular for the purposes of Article 5 (Class 1 contributions) of, and Schedule 1A (Class 1 Factors and Contribution Rates) to, that Law, to determine a person's earnings on the basis of which Class 1 contributions are to be calculated. However, without the modifications made by *Articles 2 and 3* of this Order, there would be a mismatch between the way in which payment in lieu of notice and holiday pay are assessed for the purposes of calculating Class 1 contributions, and the way in which they are defined for the purposes of calculating a deduction from the relevant component of insolvency benefit.

Under the unmodified provision of paragraph 1(1)(a) of Schedule 1 to the Order, holiday pay is treated as earnings of a Class 1 insured person unless it is paid more than one month after the employment is terminated. But where employment is terminated because of an employer's insolvency, holiday pay which is due and owing to a person claiming insolvency benefit will rarely be paid within the time limit: indeed the date when holiday pay might be paid is irrelevant in this situation. The modified provision as



applied by *Article 2* means that any contributions payable in respect of holiday pay are deductible under Article 26G(1) irrespective of when the claimant actually receives any payment.

For similar reasons the modification made by *Article 3* displaces a similar time limit in paragraph 2(1)(c) of Schedule 1 to the Order so that any Class 1 contributions payable in respect of a payment in lieu of notice are always deductible in accordance with the scheme for calculation of insolvency benefit as described above.

The Order was made on 21st December 2012 and came into force on 1st January 2013.

R&O.162/2012.

This Order amends the Social Security (Claims and Payments) (Jersey) Order 1974, the Social Security (Contributions) (Jersey) Order 1975, the Social Security (Determination of Claims and Questions) (Jersey) Order 1974, the Social Security (General Benefit) (Jersey) Order 1975 and the Social Security (Overlapping Benefits) (Jersey) Order 1975. The amendments are consequential upon, and supplement, the replacement of invalid care allowance by home carer's allowance, effected by Part 2 of the Social Security (Amendment of Law No. 4) (Jersey) Regulations 2012 (R&O.141/2012).

The Order was made on 21st December 2012 and came into force on 1st January 2013.

R&O.163/2012.

This Order supplements Article 18A of the Social Security (Jersey) Law 1974, added by the Social Security (Amendment of Law No. 4) (Jersey) Regulations 2012 (R&O.141/2012). Article 18A of that Law creates the entitlement to home carer's allowance, which replaces invalid care allowance from 1st January 2013.

Home carer's allowance is payable where a person is regularly and substantially engaged in caring for another person. *Article 2* specifies what constitutes regular and substantial care.

Articles 3, 4 and 5 create conditions of entitlement to home carer's allowance concerning the carer's presence in Jersey and earnings, and the cared for person's ordinary residence in Jersey.

Article 6 provides for the allocation of home carer's allowance where 2 or more carers would otherwise be entitled to it in respect of the same cared for person.

Article 7 provides for a carer to receive home carer's allowance even though he or she only partially satisfies the contribution conditions for the allowance.

The Order was made on 21st December 2012 and came into force on 1st January 2013.

R&O.164/2012.

This Order increases fees in the following enactments –

Dangerous Wild Animals (Jersey) Law 1999

Artificial Insemination of Domestic Animals (Bovine Semen) (Jersey) Order 2008

Community Provisions (Bovine Embryos) (Fees) Order 2011

High Hedges (Application Fee) (Jersey) Order 2008

Waste Management (Fees) (Jersey) Order 2008

Water Resources (Charges) (Jersey) Order 2009 (the "Water Charges Order")

Planning and Building (Fees) (Jersey) Order 2008 (the "Planning Fees Order")

The increases are generally around 2.5%. Some fees in the Planning Fees Order relating to building control are increased by between 1.9% and 4%.

All fees except for those under the Planning Fees Order take effect from 1st January 2013. Fees under the Planning Fees Order take effect from 14th January 2013.

Apart from fees under the Water Charges Order, fees in the above enactments were last increased with effect from 16th January 2012. The fees in the Water Charges Order were last increased with effect from 15th September 2011.



The Order was made on 21st December 2012 and comes into force in accordance with Article 8.

R&O.165/2012.

The objects of this Order are -

- (a) to update the references to the qualifications of social workers so that these are compatible with the recent changes to the Health Professions Order 2001 (now the Health and Social Work Professions Order 2001) of the United Kingdom; and
- (b) to prescribe the qualifications that a person needs in order to be registered as any of the following under the Health Care (Registration) (Jersey) Law 1995 –

Midwife prescribing practitioner

Nurse prescribing practitioner

Specialist community public health nurse prescribing practitioner.

In each case of a profession referred to above at (b), what will be required is –

- (i) an entry on the appropriate UK register;
- (ii) a notation on the entry indicating that the practitioner is able to prescribe prescription only medicines; and
- (iii) a reasonable degree of experience, and of continuing professional development, in prescribing those medicines.

Article 1 amends Article 1 of the Health Care (Registration) (Prescribed Qualifications) (Jersey) Order 2003 in order to change references to the Health Professions Order 2001 to references to the Health and Social Work Professions Order 2001, as the same Order is now called. Article 1 is also amended in order to insert a definition of "prescription only medicine".

Article 2 amends the Schedule to the same Order in order to update and insert the qualifications referred to at (a) and (b) above.

Article 3 sets out how this Order may be referred to and provides for it to come into force 7 days after it is made.

The Order was made on 24th December 2012 and came into force on 31st December 2012.

R&O.166/2012.

This Order increases fees administered by the Department for Health and Social Services as set out below.

It increases by approximately 2.5% –

- (a) the fee for a licence to sell ice-cream from a van or stall;
- (b) the fees connected with the grant, renewal or transfer of a licence to conduct a nursing agency;
- (c) the fees connected with a registration authorizing the carrying on of a nursing home, mental nursing home or residential home;
- (d) the fees in relation to the enrolment, restoration or retention of a person's name on the roll of ancillary dental workers;
- (e) the fee for a cremation of a person aged 18 years or more;
- (f) the maximum fee that a registered medical practitioner may charge for completing a medical certificate to accompany an application for cremation; and
- (g) hospital charges for long-stay patients.

All of the fees were last increased with effect from 1st January 2012.

The Order was made on 24th December 2012 and came into force on 1st January 2013.



R&O.167/2012.

This Order amends the Planning and Building (General Development) (Jersey) Order 2011 ("the 2011 Order"), in response to changes to be brought about by the Gambling (Jersey) Law 2012. The amendment leaves the term "betting office" with its ordinary English meaning.

Article 1 removes the definition of "betting office" from Article 1(1) of the 2011 Order. That definition currently reads –

"'betting office' means a building in respect of which there is in force a betting office licence granted pursuant to Regulations made under the Gambling (Jersey) Law 1964".

On 1st January 2013 the Gambling (Jersey) Law 2012 ("the 2012 Law") will repeal and replace the Gambling (Jersey) Law 1964. The 2012 Law, and the Regulations under it, do not distinguish betting office licences from licences for other commercial gambling operations. There will therefore no longer be a statutory betting office licence as such for this definition to relate to.

The term "betting office" is used only once in the 2011 Order, at paragraph (f) of Class A in Schedule 2. This amending Order leaves that paragraph in place. The effect of Class A continues to be that a betting office is classed as a shop (if it provides a service to visiting members of the public), with the result that no application need be made for planning permission to change the use of any other type of shop to a betting office (or a betting office to another type of shop). The effect of the removal of the definition is that "betting office" will bear its ordinary English meaning for this purpose (as do, for example, the undefined terms "beauty salon" and "estate agency" in paragraphs (e) and (g) of Class A, and "amusement arcade" in Article 3(3)(a)).

This Order will have effect in place of a consequential amendment unsuccessfully attempted by Article 54(8) of the 2012 Law. That Article would have amended the equivalent definition in the previous Planning and Building (General Development) (Jersey) Order 2008. But that Order was repealed and replaced by the 2011 Order before the 2012 Law was passed, leaving Article 54(8) with no effect.

Article 2 names the Order and brings it into force on 1st January 2013 (immediately after the 2012 Law comes into force).

The Order was made on 28th December 2012 and came into force in accordance with Article 2.

R&O.168/2012.

This Order amends Article 35 of the Artificial Insemination of Domestic Animals (Bovine Semen) (Jersey) Order 2008 (the "2008 Order"), concerning provisions controlling the supply of bovine semen for artificial insemination of a bovine animal in Jersey. The effect of the amendment is that a person can only supply bovine semen for artificial insemination if that semen has been stored in –

- (a) an EC storage centre in Jersey, another British Island, or another member State (i.e. premises licensed under Article 3(3) of the 2008 Order, where bovine semen intended for intra-Community trade or intra-British Islands trade may be stored); or
- (b) a domestic storage centre (i.e. premises licensed under Article 17(2) of the 2008 Order, where bovine semen not intended for intra-Community trade or intra-British Islands trade may be stored).

This Order shall come into effect immediately.

The Order was made on 28th December 2012 and came into force forthwith.

R&O.169/2012.

Article 15 of the Fire and Rescue Service (Jersey) Law 2011 gives the Minister for Home Affairs power to make provision by Order specifying actions taken under that Law or any other enactment for which the Chief Fire Officer may charge specified persons. The Fire and Rescue Service (Charges) (Jersey) Order 2012, made in exercise of that power, sets out the actions for which a charge may be made, the classes of persons who may be charged and the amounts or rates of the charges.

By Article 1, this Order amends the Fire and Rescue Service (Charges) (Jersey) Order 2012, to uprate the amounts and rates of charges specified in the Schedule to that Order. Article 2 gives the title to this Order and provides for it to come into force on 1st January 2013.



The Order was made on 28th December 2012 and came into force on 1st January 2013.

R&O.170/2012.

This Order uprates the fees which may be charged for the issue of fire certificates as provided by the Fire Precautions (Fees) (Jersey) Order 2010 ("the 2010 Order").

Article 1 amends the Schedule to the 2010 Order to insert the new amounts of the fees. Article 2 gives the title to this Order and provides for it to come into force on 1st January 2013.

The Order was made on 28th December 2012 and came into force on 1st January 2013.

R&O.171/2012.

This Order substitutes the form currently used for an application for a fire certificate under the Fire Precautions (Jersey) Law 1977 (the "Law"). There are now 2 forms – one for new applications and another for an application for a fire certificate in respect of premises for which a fire certificate has previously been issued. The forms also now require the name, address and contact details of the "responsible person" for the premises. Under the Law the responsible person is, in relation to a workplace, the employer, if the workplace is to any extent under the employer's control; and if the premises are not a workplace under the control of the employer, the responsible person is the owner, where no other person has control of the premises (as occupier or otherwise).

The Order was made on 28th December 2012 and came into force on 1st January 2013.



(See Item I(a))

The following question was deferred from the meeting of 11th December 2012 at the request of the Minister for Social Security and therefore appears in addition to Deputy M.R Higgins of St. Helier's five other written questions. It should also be noted that this question has been altered slightly from the originally version, as agreed by Deputy Higgins at the request of the Minister for Social Security.

1. The Minister for Social Security will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

"Will the Minister complete two tables using the following format noting that the information will be anonymous in that each doctor will be allocated a number and those who entered or left practice in or after 2009 should appear at the end of the list and only show an aggregate figure for each year for –

Doctor	2009	2010	2011
1			
2			
3			
4 etc			

- (a) the amount of money paid to each GP out of the States Health Insurance Fund for visits to the doctor each year;
- (b) the amount of money paid to each GP out of the States Health Insurance Fund for letters of referral for each year?"
- 2. The Minister for Economic Development will table an answer to the following question asked by the Connétable of St. John
 - "Further to the Minister's answer to my question of 11th December 2012 regarding Hanger8 in which he stated that the new operation will 'pay all relevant taxes', what economic benefit, if any, will this company deliver to the Island?"
- 3. The Chief Minister will table an answer to the following question asked by Deputy R.G. Le Hérissier of St. Saviour
 - "How many 'J' category permits have, in each of the last 5 years, been converted from time limited permits to those allowing permanent residence and can a breakdown be provided of the occupational makeup of these changed permits?"



4. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy R.G. Le Hérissier of St. Saviour –

"Would the Minister as representative of the shareholders confirm whether the 'Gigabit Jersey' project is on target in terms of predicted connections and projected costs?

How many connections have been made to date and how many were predicted?

What was the anticipated cost per connection and what is the actual cost?"

5. The Minister for Transport and Technical Services will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

"With regard to the recent 'hole in the road' in St. Clement, would the Minister advise of the projected life expectancy of the repairs, whether there is any contingency to replace the sewer and, if so, at what cost?

Would the Minister also advise whether the ten men in the photograph published in the Jersey Evening Post watching two others working in the hole in the road were public sector employees and, if so, what their job titles are?"

6. The Minister for Transport and Technical Services will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

"Would the Minister give details of the of cycle paths his department administers, together with the estimated average daily usage by cyclists?"

7. The Minister for Health and Social Services will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

"Would the Minister, further to the answer given on 11th December 2012, explain why over 4000 patients have to wait on average more than five months to see a hospital consultant?

Would she further explain why the average wait for General Medicine (affecting 1,094 patients) is eight months, whether she is content with these delays and, if not, explain what tangible changes are being made to remedy the situation?"

8. The Minister for Health and Social Services will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

"Would the Minister advise whether the 'contribution from the Health and Social Services budget' referred to by the Chief Minister in his statement on 4th December 2012 with regard to funding nurses' pay awards, includes any component from the Health Insurance Fund transfer recently approved by the Assembly?"

9. The Minister for Transport and Technical Services will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

"Would the Minister confirm that planting and other measures were to have been used to mitigate the unsightliness of the new incinerator and, if so, would be explain why this has not yet been done



given that the last reason for delay given by his department (over a year ago) was that it was the wrong season?

Would the Minister further advise what action, if any, will be taken to screen the rusty containers and what seems to be a huge white plastic sheet that have appeared in recent times and when will this take place?"

10. The Minister for Transport and Technical Services will table an answer to the following question asked by the Deputy of St. Martin –

"Would the Minister list which roads are scheduled for resurfacing during 2013 and the estimated expenditure budgeted for that work?"

11. The Minister for Housing will table an answer to the following question asked by Deputy R.J. Rondel of St. Helier –

"Would the Minister advise the Assembly how many, if any, new homes have been delivered in 2012 and how many will be delivered as 'affordable housing' for purchase in 2013 and 2014 and on which sites?"

12. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

"Can the Minister reconcile the figures given in answers to questions in March 2011 and November 2012 which stated that company tax returns of £54.6 million in income tax had been received for the trading year 2009 from all trades other than financial intermediation (15th March 2011) and £43 million from financial services for 2009 (6th November 2012) when a total figure of £83 million for company tax for 2009 was given on 6th November 2012?

Is the Minister able to provide the equivalent figures for the trading year 2010 along with estimates for 2011?

Given his consistent denial that the figures produced by the Statistics Unit for the overall profits for the financial services sector (£809 million for 2009, which gives an effective tax rate of 5%) cannot be used as a guide to the tax base used by the Income Tax department to assess actual tax due from the financial sector, will he inform members exactly how the differences in methodology can be used to produce a different figure for an effective tax rate?"

13. The Minister for Housing will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

"Further to the answer given on 6th December 2012 (7269) will the Minister state what precise impact the continuing payment of the sum of £24 million (indexed) to the Treasury will have on the ability of the new arms-length housing organisation to fund the building, maintenance and repair of social housing over the coming decade with specific reference to the business plans on which the Housing Transformation Project (HTP) is based?

Will he further state what efforts he has made, if any, to reduce these payments in the HTP and, if not, will he do so before lodging the HTP proposition?

What evidence, if any, does the Minister have to contradict Professor Whitehead's finding that £2.5 million would be produced by a £35 increase in weekly rent, but cost £3.3 million in additional



Income Support, and if none, why does he not rule out rent increases to fund future day-to-day repairs and scheduled maintenance (historically running at £7.5 million annual under-funding)?"

14. The Minister for Social Security will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

"Following his response to my question of 26th June 2012 which revealed that some 2,688 cases of overpayment (median £135) had occurred on an annual basis in the processing of Income Support claims, what measures, if any, has the Minister put in place to reduce this level and, if none, why not?

Given that in supplementary discussion of the issue of the Department claiming back such overpayments, the Minister accepted that such claims could cause hardship and that a limit of £21 weekly reduction in benefit would normally be applied, what action, if any, has been taken on this issue, and can he assure members that any such hardship is being addressed?"

15. The Chief Minister will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

"What further progress has the Chief Minister or his Ministers, along with our colleagues in Guernsey and the Isle of Man, had in negotiating the terms of a United States' (US) style Foreign Account Tax Compliance Act (FATCA) agreement with the UK authorities?

How is the position of the UK government affecting progress, if at all, with FATCA negotiations with the US?"

16. The Minister for Planning and Environment will table an answer to the following question asked by Deputy J.H. Young of St. Brelade –

"Will the Minister provide the Assembly with full details of the procedures he and Planning Officers followed after receiving the Planning Inspector's report of the public inquiry for Plémont Bay Holiday Village on 6th November 2012 and before 14th November 2012, when he announced his decision to approve the application and, in particular will he advise -

- (a) whether a draft report had previously been submitted and comments offered to the Inspector and, if so, would he disclose those comments;
- (b) whether any questions or requests for clarification were raised with the Inspector on the reports contents and, if so, provide details of the matters queried and the replies received;
- (c) whether he sought and considered the advice of his planning officers or third parties on the principle and practice of 'enabling development' in the UK and Jersey, the application of policy ERE 3 and the mandatory conditions applying to that policy and, if so, provide details; and,
- (d) whether he considered the applicant's policy arguments or absence of them, for proposing enabling development and the use of policy ERE 3?"



17. The Minister for Planning and Environment will table an answer to the following question asked by Deputy J.H. Young of St. Brelade –

"Will the Minister confirm that his decision ref (MD-PE-2012-0120) dated 23rd November 2012 to approve the Plémont Bay Holiday Village application requires a planning obligation agreement to be entered into between the Minister and the applicant before the planning permit has any legal effect and, if so, will he inform the Assembly of the arrangements he proposes to reach agreement with the applicant and obtain any required prior approval from the Assembly or other Ministers, including the following matters requiring prior agreement;

- (a) an appropriate body or trust to which the open land to be created outside the three housing clusters, is ceded by the applicant for public access in perpetuity in accordance with a scheme of public access determined by the Minister;
- (b) the commuted sum payable by the applicant to the appropriate body or trust to fund the landscape maintenance regime works required to be carried out for at least 25 years;
- (c) the restrictive covenants to be included in the contracts of sale of the houses proposed to be built, to prevent their owners and occupiers from using the land out-with their domestic curtilage for domestic purposes?"
- 18. H.M. Attorney General will table an answer to the following question asked by Deputy J.H. Young of St. Brelade –

"Will H.M. Attorney General inform the Assembly whether the Minister for Planning and Environment's decision to approve the development of Plémont Bay Holiday Village (MD-PE-2012-0120) on 23rd November 2012, which is conditional on a Planning Obligation Agreement being entered into between the Minister and applicant, has any legal effect before that Agreement is entered into and whether, in the interim pending the required Agreement, the Minister is permitted to use powers under the Planning and Building Law (Public Inquiries) (Jersey) Order 2008 to reopen the planning inquiry to consider any issues which are insufficiently or not covered in the Inspectors report, including issues arising in respect of the required Planning Obligation Agreement?"

19. H.M. Attorney General will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

"What is the final total cost of the Low Value Consignment Relief Court case and Jersey's share of H.M. Government's costs?"

20. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

"Will the Minister advise the final cost to the States of failing to hedge the Euro for the Energy for Waste Plant?"

21. The Minister for Economic Development will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

"What is the final contribution from the fulfilment industry towards the costs of the Low Value Consignment Relief Court case versus H.M. Government?"



22. The Minister for Health and Social Services will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

"Over the last five years how many patients have been confined in Orchard House, the medical classifications used for their confinement and what medication was usually prescribed for each particular classification?

How many patients were re-admitted over that five year term?

How many patients, if any, committed suicide after their treatment?"

23. The Minister for Transport and Technical Services will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

"Are all the outstanding problems for the Energy for Waste Plant now resolved and, if not, what issues still remain?

How much electricity, shown as a percentage of its capacity, has been generated by the Plant?

How much waste has been burnt since the Plant became operational and what percentage of its capacity has it averaged?"



ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

<u>2013</u>

1st Session 2013

January 29th	Transport and Technical Services	Home Affairs
February 19th	Treasury and Resources	Chief Minister
March 5th	Education, Sport and Culture	Health and Social Services
March 19th	Economic Development	Chief Minister
April 16th	Housing	Planning and Environment
April 30th	Social Security	Chief Minister
May 14th	Transport and Technical Services	Home Affairs
June 4th	Treasury and Resources	Chief Minister
June 18th	Education, Sport and Culture	Health and Social Services
July 2nd	Economic Development	Chief Minister
July 16th	Housing	Planning and Environment

2nd Session 2013

September 10th	Social Security	Chief Minister
September 24th	Transport and Technical Services	Home Affairs
October 8th	Treasury and Resources	Chief Minister
October 22nd	Education, Sport and Culture	Health and Social Services
November 5th	Economic Development	Chief Minister
November 19th	Housing	Planning and Environment
December 3rd	Social Security	Chief Minister
December 10th	Transport and Technical Services	Home Affairs