

# STATES OF JERSEY ORDER PAPER

Tuesday 26th September 2006

## A. COMMUNICATIONS BY THE PRESIDING OFFICER

## B. TABLING OF SUBORDINATE ENACTMENTS

*(Explanatory note attached)*

Banking Business (General Provisions) (Amendment No. 2) (Jersey) Order 2006. R&O 94/2006.

*Minister for Economic Development.*

Social Security (Earnings Limit) (Jersey) Order 2006. R&O 95/2006.

*Minister for Social Security.*

## C. DOCUMENTS PRESENTED OR LAID

Land Transactions under Standing Order 168(3) – R.73/2006.

(a) Kew Gardens, Grands Vaux, St. Helier: sale of land to Frogmore Holdings Ltd.;

(b) Field 573A, Communication Services, Le Chemin de l’Eglise, St. Ouen: sale of land to Mr. Richard Hedley Le Brocq.

Presented: 18th September 2006.

*Minister for Treasury and Resources.*

Employee protection: legislation (P.95/2006) – comments. P.95/2006. Com.

Presented: 22nd September 2006.

*Minister for Treasury and Resources.*

Fur products: petition (P.72/2006) – comments. P.72/2006

Presented: 22nd September 2006. Com.(2)

*Minister for Planning and Environment.*

## D. NOTIFICATION OF LODGED PROPOSITIONS

Fur products: petition (P.72/2006) – amendment. P.72/2006. Amd.

Lodged: 19th September 2006.

*Senator B.E. Shenton.*

Plémont headland, St. Ouen: preservation for public enjoyment. P.112/2006.

Lodged: 19th September 2006.

*Connétable of St. Ouen.*

St. Aubin: proposed land reclamation and improvements– impact assessment. P.113/2006.

Lodged: 21st September 2006.

*Deputy S.C. Ferguson of St. Brelade.*

Draft Restriction on Smoking (Workplaces) (Jersey) Regulations 200- P.114/2006.

Lodged: 22nd September 2006.

*Minister for Health and Social Services.*

## E. WITHDRAWAL OF LODGED PROPOSITIONS

**F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS**

**G. MATTERS OF PRIVILEGE**

**H. PETITIONS**

**I. QUESTIONS**

**(a) – Written Questions -**

1. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy D.W. Mezbourian of St. Lawrence regarding Jersey students attending university.
2. The Minister for Health and Social Services will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding ‘gastric band’ surgery.
3. The Minister for Treasury and Resources will table answers to questions asked by Deputy G.P. Southern of St. Helier regarding responsibilities for the Jersey Electricity Company Limited’s pension scheme, the introduction of a pensions law and regulator, and pension protection for staff of Jersey Telecom following a projected sale.
4. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding powers and provisions to counteract tax avoidance.

**(b) – Oral Questions (90 minutes) -**

1. Deputy P.V.F. Le Claire of St. Helier will ask the following question of the Minister for Transport and Technical Services –  
  
“What timetable will Jersey follow in introducing legislation in respect of the compulsory use of booster seats for children aged under 12 years as recently enacted in the U.K., if at all?”
2. The Deputy of St. Martin will ask the following question of the Minister for Home Affairs –  
  
“Would the Minister inform members of the number of States Police and Honorary Police Officers engaged on duty in connection with the launch of the Sure Mobile Service at Lower Park on Saturday 16th September 2006, together with the cost of policing the event, how many officers, if any, were brought in from outside the Island and which of the Police Forces was responsible for policing the event?”
3. Deputy J.A. Martin of St. Helier will ask the following question of the Minister for Treasury and Resources –  
  
“Would the Minister inform members how many more people, if any, are now paying income tax under the new ITIS arrangements up to the end of July 2006, compared with the previous annual payment system?”
4. Deputy D.W. Mezbourian of St. Lawrence will ask the following question of the Minister for Social Security –  
  
“Will the Minister explain how the term “long term unemployed” is defined within

the Department and do the unemployment statistics include those who are in receipt of Long Term Incapacity Allowance?"

5. Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the Minister for Housing –

“How did the Minister reach the conclusion that 400 sheltered residences are required in the immediate future?”

6. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Would the Minister inform members whether residency-based exclusions recognised by recent changes made to the Trust (Jersey) Law enable tax avoidance, or evasion, to take place by Jersey residents and non-Jersey residents alike and, if so, how?”

7. Deputy J.A. Martin of St. Helier will ask the following question of the Chief Minister –

“During question time on 12th September 2006 the Chief Minister stated that figures produced by the Statistics Unit showed that there had been an increase of 700 locally qualified people in employment in the private sector in December 2005 compared to December 2004. Would the Chief Minister advise members whether the data he referred to includes details of how many, if any, of these represent new jobs?”

8. Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the Minister for Transport and Technical Services –

“Would the Minister explain why, despite strong assertions from himself that the service is a success, the Airport Express Service is being removed from the Winter schedule?”

9. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Why has there been a delay in the Minister bringing forward figures giving a detailed analysis, by sector, of the amount of tax revenue lost as a result of the 0/10 proposals and the volume of tax revenues that will be recouped from alternative tax-raising methods proposed in the fiscal strategy, and when will the Assembly receive them?”

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

1st question period – Minister for Planning and Environment.

2nd question period – Minister for Social Security.

**J. PERSONAL STATEMENTS**

**K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

**L. PUBLIC BUSINESS**

Fur products: petition.  
Lodged: 6th June 2006.

P.72/2006.

*Senator S. Syvret.*

Fur products: petition (P.72/2006) – comments.  
Presented: 30th August 2006.  
*Minister for Home Affairs.* P.72/2006.  
Com.

Fur products: petition (P.72/2006) – comments.  
Presented: 22nd September 2006.  
*Minister for Planning and Environment.* P.72/2006  
Com.(2)

Fur products: petition (P.72/2006) – amendment.  
Lodged: 19th September 2006.  
*Senator B.E. Shenton.* P.72/2006.  
Amd.

Draft Road Traffic (Amendment No. 4) (Jersey) Law 200.  
Lodged: 4th July 2006.  
*Minister for Transport and Technical Services.* P.88/2006.

Draft Legal Deposit (Jersey) Law 200-.  
Lodged: 5th July 2006.  
*Minister for Education, Sport and Culture.* P.90/2006.

Employee protection: legislation.  
Lodged: 27th July 2006.  
*Senator B.E. Shenton.* P.95/2006.

Employee protection: legislation (P.95/2006) – comments.  
Presented: 22nd September 2006.  
*Minister for Treasury and Resources.* P.95/2006.  
Com.

Draft The Law Society of Jersey (Amendment) Law 200-.  
Lodged: 1st August 2006.  
*Chief Minister.* P.96/2006.

Draft Licensing (Licence Fees) (Jersey) Regulations 200-.  
Lodged: 3rd August 2006.  
*Minister for Economic Development.* P.99/2006.

Draft Social Security (Reciprocal Agreement with the Netherlands)  
(Jersey) Act 200-.  
Lodged: 11th August 2006.  
*Chief Minister.* P.100/2006.

Statistics User Group: appointment of Chairman.  
Lodged: 12th September 2006.  
*Chief Minister.* P.107/2006.

In accordance with Standing Order 30(2), Senator B.E. Shenton has informed the Greffier of the States that the following matter listed for debate at the present meeting is to be listed for debate at a later date –

Ministerial Government: review of first 12 months.  
Lodged: 20th June 2006.  
*Senator B.E. Shenton.* P.77/2006.

## **M. ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS**

## **10th October 2006**

- Composting facilities at La Collette, St. Helier: cessation.  
Lodged: 15th June 2006.  
*Deputy G.C.L. Baudains of St. Clement.* P.76/2006.
- Composting facilities at La Collette, St. Helier: cessation (P.76/2006)–  
comments.  
Presented: 4th July 2006.  
*Minister for Transport and Technical Services.* P.76/2006.  
Com.
- Draft Waste Management (OECD Revised Decision) (Jersey)  
Regulations 200-  
Lodged: 1st August 2006.  
*Minister for Planning and Environment.* P.97/2006.
- Draft Waste Management (Jersey) Law 2005 (Appointed Day) Act  
200-  
Lodged: 1st August 2006.  
*Minister for Planning and Environment.* P.98/2006.
- Draft Income Support (Jersey) Law 200-  
Lodged: 29th August 2006.  
*Minister for Social Security.* P.102/2006.
- Plémont headland, St. Ouen: preservation for public enjoyment.  
Lodged: 19th September 2006.  
*Connétable of St. Ouen.* P.112/2006.
- St. Aubin: proposed land reclamation and improvements– impact  
assessment.  
Lodged: 21st September 2006.  
*Deputy S.C. Ferguson of St. Brelade.* P.113/2006.

## **24th October 2006**

- Goods and Services Tax: exempt or zero-rated items.  
Lodged: 4th July 2006.  
*Senator S. Syvret.* P.86/2006.
- Goods and Services Tax: exempt or zero-rated items (P.86/2006) –  
second amendment.  
Lodged: 13th September 2006.  
*Senator S. Syvret.* P.86/2006.  
Amd.(2)
- Fields 190 and 192, Rue de la Sergente, St. Brelade: petition  
Lodged: 13th June 2006, *and referred to the Minister for Planning and  
Environment.*  
*Deputy S. Power of St. Brelade.* P.75/2006.
- Policing commercial and profit-making events: new ‘user pays’ charge.  
Lodged: 21st July 2006.  
*Minister for Home Affairs.* P.94/2006.
- Code of Practice for Scrutiny Panels and the Public Accounts  
Committee.  
Lodged: 15th August 2006. P.101/2006.

*Chairmen's Committee.*

Code of Practice for Scrutiny Panels and the Public Accounts  
Committee (P.101/2006): comments.

Presented: 1st September 2006.

*H.M. Attorney General.*

P.101/2006.  
Com.

Code of Practice for Scrutiny Panels and the Public Accounts Committee (P.101/2006): amendment. Lodged: 6th September 2006. <i>Chairmen's Committee.</i>	P.101/2006. Amd.
Code of Practice for Scrutiny Panels and the Public Accounts Committee (P.101/2006): second amendment. Lodged: 13th September 2006. <i>Council of Ministers.</i>	P.101/2006. Amd.(2)
Draft Weights and Measures (Amendment) (Jersey) Law 200-. Lodged: 31st August 2006. <i>Minister for Economic Development.</i>	P.103/2006.
Draft Amendment (No. 5) of the Standing Orders of the States of Jersey. Lodged: 5th September 2006. <i>Privileges and Procedures Committee.</i>	P.104/2006.
Draft Maintenance Orders (Enforcement) (Amendment No. 2) (Jersey) Law 200-. Lodged: 8th September 2006. <i>Chief Minister.</i>	P.105/2006.
Draft Lois sur la Société de Bienfaisance de la Marine Marchande de Jersey (Repeals) (Jersey) Law 200-. Lodged: 8th September 2006. <i>Chief Minister.</i>	P.106/2006.
Draft Data Protection (Appeals) (Jersey) Regulations 200-. Lodged: 12th September 2006. <i>Minister for Treasury and Resources.</i>	P.108/2006.
<b><u>7th November 2006</u></b>	
Provision of Pedestrian Crossings. Lodged: 23rd May 2006. <i>Connétable of St. Helier.</i>	P.60/2006.
Provision of Pedestrian Crossings (P.60/2006): comments. Presented: 20th June 2006. <i>Minister for Transport and Technical Services.</i>	P.60/2006. Com.
Draft Howard Davis Farm (Removal of Covenant) (Jersey) Law 200-. Lodged 30th May 2006. <i>Minister for Treasury and Resources.</i>	P.65/2006.
Ministerial Government: review of first 12 months. Lodged: 20th June 2006. <i>Senator B.E. Shenton.</i>	P.77/2006.
Draft Housing (General Provisions) (Amendment No. 23) (Jersey) Regulations 200-. Lodged: 13th September 2006. <i>Minister for Housing.</i>	P.109/2006.

Draft Rates (Apportionment) (Jersey) Regulations 200-. P.110/2006.  
Lodged: 13th September 2006.  
Comité des Connétables.

Draft Electronic Communications (Amendment) (Jersey) Law 200-. P.111/2006.  
Lodged: 14th September 2006.  
*Minister for Economic Development.*

Draft Restriction on Smoking (Workplaces) (Jersey) Regulations 200-. P.114/2006.  
Lodged: 22nd September 2006.  
*Minister for Health and Social Services.*

**21st November 2006**

Howard Davis Farm, Trinity: part of Fields 562, 827 and 828 – sale of P.68/2006.  
land.  
Lodged: 5th June 2006.  
*Minister for Treasury and Resources.*

Howard Davis Farm, Trinity: part of Fields 562, 827 and 828 – sale of land P.68/2006.  
(P.68/2006) – comments. Com.  
Presented: 8th August 2006.  
*Public Accounts Committee.*

**M.N. DE LA HAYE**  
**Greffier of the States**

21st September 2006

**Note –**

**In accordance with a decision of the States on 25th October 2005, this meeting will continue, if necessary, on Wednesday 27th and Thursday 28th September 2006.**

## **Explanatory Note regarding subordinate legislation tabled at this meeting.**

(See Item B)

### **R&O 94/2006**

This Order increases by 15% the annual fees payable under the Banking Business (General Provisions) (Jersey) Order 2002 for the registration of deposit-taking businesses in Jersey. The current fees were set in 2004.

The Order also enables overseas deposit-taking businesses to register in Jersey at reduced rates of fees, if the Jersey Financial Services Commission is satisfied that they are registering only for the purpose of “business continuity”.

The expression “business continuity” means the continuing in Jersey of a business that is normally carried on overseas, but has been disrupted because of accident, disaster, epidemic, civil unrest or other similar occurrence.

Reductions of fees may be granted in 2 circumstances –

(a) *The initial application fee:*

The element of the registration fee that is the “application fee” for first-time applicants will be reduced by 50% if the applicant is a member of the same group as another deposit-taking business already in Jersey, and is applying for registration only to be able to use the other member’s business facilities in Jersey for the purpose of business continuity.

It is immaterial whether the events that necessitate its doing so have or have not arisen.

(b) *Annual registration fees:*

If any deposit-taking business (whether or not it is a member of a group that already has a member in Jersey) is or is to be registered in Jersey for the purpose only of anticipating a possible need for business continuity that has not yet arisen, the element of the registration fee that is the annual fee will be reduced by 50%.

If the need does arise during the period for which the annual fee is payable, and the business accordingly commences operations in Jersey, the balance of the annual fee will then become payable in full, regardless of the length of the period still to run.

The new provisions for reduced rates of fees will come into force 7 days after the Order is made. The provisions for the increase in annual registration fees will come into force on 1st October 2006.

The Order was made on 14th September 2006.

### **R&O 95/2006**

This Order increases from £3138 to £3242 the earnings limit above which an insured person’s earnings are disregarded in calculating Class 1 contributions.

The Order was made on 18th September 2006, and shall come into effect on 1st January 2007.

## WRITTEN QUESTIONS

(See Item I(a))

The Minister for Education, Sport and Culture will table an answer to the following question asked by Deputy D.W. Mezbourian of St. Lawrence –

“For the years 2001 to 2005 inclusive, would the Minister inform members –

- (a) of the names of all courses undertaken by Jersey students attending University, irrespective of the location?
- (b) of the number of students studying each course?
- (c) of the total cost to the Department for each year?
- (d) of the number of students, if any, withdrawing from any course without completing it?
- (e) of the cost to the Department for those students who did not complete a course? and,
- (f) how many students are known to have returned to work in Jersey?”

The Minister for Health and Social Services will table an answer to the following question asked by Deputy G.P. Southern of St. Helier -

“Would the Minister inform members –

- (a) of the number of patients, if any, currently awaiting surgery to put in place a ‘gastric band’ together with the cost of such operations?
- (b) whether funding for this procedure has been agreed and, if not, the reasons why together with the timescale for resolution of any funding difficulties, if any? and,
- (c) whether any guidelines are in place that specify if such operations are treated as essential for reasons of ongoing health of the patient rather than as a cosmetic procedure of lower priority?”

The Minister for Treasury and Resources will table answers to the following questions asked by Deputy G.P. Southern of St. Helier –

- “1. Would the Minister inform members whether the States of Jersey has any input into the management of the Jersey Electricity Company Limited’s (JEC) pension scheme and, if not, the reasons why given that the States own 54% of the ordinary shares of the company?
- 2. What consideration, if any, has the Minister given to the introduction of a pensions law and pensions regulator in Jersey, using the principles of the U.K. Pensions Acts 1997 and 2004 and, if not, the reasons why?
- 3. Will the Minister outline what measures, if any, he will take to ensure that the pensions of current and future Jersey Telecom employees are protected following its projected sale?”

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

“Further to a recent statement made by the Comptroller of Income Tax regarding reassurances of his powers to counteract risks associated with possible increased tax avoidance by Jersey residents following recent changes to Article 9(a) of the Trust (Jersey) Law, would the Minister inform members –

- (a) what the substance of this ‘risk’ is and how it is to be counteracted?
- (b) whether the ‘settler reserved powers’ referred to elsewhere in the statement pose a risk of possible greater tax avoidance by non-Jersey residents and, if so, how?
- (c) what consideration, if any, has been given to the possibility of a legal challenge to the actions of the Comptroller under his ‘strengthened Article 134A’ or the proposed ‘tick the box scheme’?”

**ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE  
ROTA**

(See Item I(c))

**First 15 minute period**

Housing

Treasury and Resources

Economic Development

Transport and Technical Services

Education Sport and Culture

**Second 15 minute period**

Chief Minister

Home Affairs

Chief Minister

Health and Social Services

Chief Minister