

STATES OF JERSEY ORDER PAPER

Tuesday 24th February 2009

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Air Navigation (Dangerous Goods) (Jersey) Order 2009. R&O.13/2009.
Chief Minister.

Conservation of Wildlife (Protected Plants) (Jersey) Order 2009. R&O.14/2009.
Minister for Planning and Environment.

Road Traffic (Public Parking Places) (Amendment) (Jersey) Order 2009. R&O.15/2009.
Minister for Transport and Technical Services.

Road Racing (Karts) (Jersey) Order 2009. R&O.16/2009.
Minister for Transport and Technical Services.

Employment (Minimum Wage) (Amendment No. 2) (Jersey) Order 2009. R&O.17/2009.
Minister for Social Security.

Collective Investment Funds (Unregulated Funds) (Amendment No. 2) R&O.18/2009.
(Jersey) Order 2009.
Minister for Economic Development.

C. DOCUMENTS PRESENTED OR LAID

Priorities for the Strategic Plan: Consultation Document February 2009. R.9/2009.
Presented: 9th February 2009.
Council of Ministers.

States of Jersey Law 2005: delegation of functions – Home Affairs. R.10/2009.
Presented: 10th February 2009.
Minister for Home Affairs.

States of Jersey Law 2005: delegation of functions – Health and Social R.11/2009.
Services.
Presented: 10th February 2009.
Minister for Health and Social Services.

States of Jersey Law 2005: delegation of functions – public finances and the R.12/2009.
Treasury and Resources Department.
Presented: 10th February 2009.
Minister for Treasury and Resources.

Review of Jersey's Environmental Legislation encompassing considerations R.13/2009.
relating to waterfront land historically contaminated with ash.
Presented: 16th February 2009.
Minister for Planning and Environment.

D. NOTIFICATION OF LODGED PROPOSITIONS

Energy from Waste facility: rescindment (P.8/2009) – amendment. Lodged: 17th February 2009. <i>Deputy R.G. Le Hérisssier of St. Saviour.</i>	P.8/2009. Amd.
Draft Royal Court (Amendment No. 12) (Jersey) Law 200. Lodged: 9th February 2009. <i>Chief Minister.</i>	P.19/2009.
Ratification of the Agreements for the Exchange of Information Relating to Tax Matters between the States of Jersey and the Nordic countries (Denmark, the Faroes, Finland, Greenland, Iceland, Norway and Sweden). Lodged: 10th February 2009. <i>Chief Minister.</i>	P.20/2009.
Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 2) (Jersey) Regulations 200. Lodged: 10th February 2009. <i>Chief Minister.</i>	P.21/2009.
Law Revision Board: appointment of member. Lodged: 10th February 2009. <i>Minister for Treasury and Resources.</i>	P.22/2009.
Appointments Commission: re-appointment of member. Lodged: 11th February 2009. <i>Chief Minister.</i>	P.23/2009.
States Members' remuneration for 2009. Lodged: 19th February 2009. <i>Connétable of St. Peter.</i>	P.24/2009.

E. WITHDRAWAL OF LODGED PROPOSITIONS

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

Appointment of an additional unelected member of the Public Accounts Committee.
(Note attached)

Nomination of Senator Alan Breckon as an elected member of the Public Accounts Committee.

G. MATTERS OF PRIVILEGE

H. PETITIONS

I. QUESTIONS

(a) – **Written Questions**
(attached)

1. The Minister for Treasury and Resources will table an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding the Stabilisation Fund.

2. The Minister for Treasury and Resources will table an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding the latest financial report on Harcourt.
3. The Minister for Housing will table an answer to a question asked by the Deputy of St. John regarding the imposition of conditions on the purchase of share transfer properties.
4. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding the use of school buses to ease congestion during the morning rush hour.
5. The Minister for Social Security will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding the dispensing of 'over the counter' medications.
6. The Chief Minister will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding the suspension policy.
7. The Minister for Planning and Environment will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding the installation and amendment of signs.
8. The Minister for Health and Social Services will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding the cost of the governance function within the Health and Social Services Department.
9. The Minister for Health and Social Services will table an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding the meanstested travel policy.
10. The Minister for Economic Development will table an answer to a question asked by the Deputy of St. John regarding Harbour maintenance arrangements.
11. The Minister for Treasury and Resources will table an answer to a question asked by the Deputy of St. John regarding the status of the development agreement with Harcourt.
12. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding increasing GST during the recession.
13. The Chairman of the Privileges and Procedures Committee will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding Article 39A of the Public Elections (Jersey) Law 2002.
14. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding support for workers made redundant.
15. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the work undertaken by consultants from 2004 to 2009.
16. The Minister for Planning and Environment will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the potential to use La Collette for housing purposes.
17. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the road works at Bel Royal.
18. The Minister for Housing will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the assessment of 'j' category housing applications.

19. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding households on protected payments.
20. The Minister for Health and Social Services will table an answer to a question asked by Senator P.F. Routier regarding service provision within the Social Services division.
21. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the waste stream criteria applied during the Babbie Fichtner Technology Review 2008.
22. The Minister for Planning and Environment will table an answer to a question asked by the Deputy of St. Mary regarding the scoping of the Environment Impact Assessment for the Energy from Waste plant.
23. The Minister for Transport and Technical Services will table an answer to a question asked by the Deputy of St. Mary regarding the incinerator at Bellozanne.
24. The Minister for Transport and Technical Services will table an answer to a question asked by the Deputy of St. Mary regarding the contract for the Energy from Waste plant.
25. The Minister for Transport and Technical Services will table an answer to a question asked by the Deputy of St. Mary regarding the emissions performance of the new Energy from Waste plant.
26. The Minister for Housing will table an answer to a question asked by Deputy S. Pitman of St. Helier regarding the development of social housing.
27. The Minister for Economic Development will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding assistance for Island residents who lost money with Landsbanki Bank.
28. The Minister for Treasury and Resources will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the payments for the new Energy from Waste plant.
29. The Minister for Housing will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding 'j' category consents from 2005 to date.
30. The Minister for Economic Development will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the cost of consultant's reports from 2005 to date.
31. The Chief Minister will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the number of public sector employees from 2005 to date.
32. The Minister for Housing will table an answer to a question asked by Deputy S. Pitman of St. Helier regarding the demand for 2, 3 and 4 bedroom accommodation.

(b) – Oral Questions

(90 minutes)

1. The Deputy of St. John will ask the following question of the Minister for Planning and Environment –

“Will the Minister inform members of the total fees which have been paid to Hopkins Architects Limited to date by the Planning and Environment Department and advise as to how many staff hours on-Island this relates?”

2. Deputy J.M. Maçon of St. Saviour will ask the following question of the Minister for Home Affairs –

“Given the current economic climate what measures, if any, are being taken to deal with the potential for increases in thefts and burglaries?”
3. Deputy S.S.P.A. Power of St. Brelade will ask the following question of the Chairman of the Comité des Connétables –

“Would the Chairman confirm how many of the 12 Parishes still retain ownership and control of around 10 vergées of land (known as Clos des Pauvres) which was donated to them in 1850 for the use of families with limited means to grow vegetables and fruit and would he further confirm whether this land could be made available for allotment farming during these difficult times?”
4. Deputy S.S.P.A. Power of St. Brelade will ask the following question of the Minister for Transport and Technical Services –

“Would the Minister confirm whether facilities will be available at the new Energy from Waste plant for members of the public to deliver mixed loads of combustibles, such as old furniture, carpets and mattresses, which can presently be unloaded at the top yard at Bellozanne?”
5. The Deputy of St John will ask the following question of the Minister for Social Security –

“Could Members be told if the cost of supplying medication to patients has increased or decreased for the Social Security Department since the removal of prescription charges, and, if so, by how much either way?”
6. Deputy P.V.F. Le Claire of St. Helier of will ask the following question of the Minister for Health and Social Services –

“What attempts, if any, have been made by the Minister to engage face to face with the United Kingdom’s Health Minister in relation to the cessation of the reciprocal Health agreement and what attempts, if any, have been made to engage face to face with the French Health Minister to consider accessing their highly regarded Health care system as an alternative option?”
7. The Deputy of St. Martin will ask the following question of the Chief Minister –

“Will the Chief Minister inform members of the methodology he intends to adopt to attract a potential Chairman and Panel members to review the role of the Bailiff and the Law Officers, as approved by the States on 4th February 2009?”
8. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Housing –

“How does the Minister reconcile his decision to virtually suspend the issuing of ‘j’-category permits with the Council of Ministers’ policy of increasing the population by 430 individuals per annum, as detailed in the draft Strategic Plan?”
9. Deputy A.K.F. Green of St. Helier will ask the following question of the Minister for Economic Development –

“Will the Minister inform members whether potato leachate is still being discharged from Beauport and, if so, would he advise the current annual cost, the total cost of this process to date and when leachate will cease to be discharged?”
10. Deputy R.G. Le Hérisier of St. Saviour will ask the following question of the Minister for

Transport and Technical Services –

“What is the annual sum payable by Connex for the rental of Liberation Station?”

11. Deputy S. Pitman of St. Helier will ask the following question of the Minister for Housing –

“Would the Minister inform members how many former States-owned properties have been sold to States tenants since the implementation of the Housing Property Plan and how many have been sold to non-States tenants?”

12. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Economic Development –

“In light of the comments by the President of the American Association for the Advancement of Science that ‘the US President has just four years to save the planet’ and that the old economic model of continuous growth is bankrupt, what plans, if any, does the Minister have to make Jersey’s economy a world leader in the sustainable use of resources?”

13. Senator S. Syvret will ask the following question of the Minister for Economic Development –

“Will the Minister state whether all non-‘J’-category staff employed in his Department in any period from January 2008 until the present, are, or were, qualified to undertake such work under the 5 year rule?”

14. The Connétable of St. Helier will ask the following question of the Chief Minister –

“Does the Chief Minister intend to honour his predecessor’s pledge that the Millennium Town Park project should be completed by 2011, and, if so, will he undertake to work closely with the Ministers of Planning and Environment and Transport and Technical Services to identify and provide replacement parking for that which will be lost at Gas Place?”

15. The Deputy of St. Mary will ask the following question of the Minister for Education, Sport and Culture –

“Will the Minister confirm whether he has read the New Scientist articles circulated to all Members recently about a sustainable, ecological economy and, if so, will he inform the Assembly what steps, if any, are being taken to ensure that students leaving school have a good understanding of the linked issues of peak oil, climate change and sustainability in general, and are prepared to cope with this changing world?”

16. Deputy T.M. Pitman of St. Helier will ask the following question of the Minister for Economic Development –

“In the light of his Assistant Minister’s statement that he is lobbying against the proposed deemed rental charge what is the Minister’s position on this, how does he propose to ensure a level playing field for locally owned businesses and will he give a guarantee that it will not be ordinary working people who end up being taxed to make up the £5 million shortfall?”

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

“In accordance with his commitment to conform with European Union legislation, will the Minister advise whether the new incinerator will, as is the current practice, burn heavy metals which are present in unseparated waste?”

18. The Deputy for St. Martin will ask the following question of the Chairman of the Privileges

and Procedures Committee –

“Will the Chairman inform members which, if any, Convention rights are potentially affected by Article 39A of the Public Elections (Jersey) Law 2002 and the reasoning behind the statement of her predecessor in P.65/2008 that the provisions of that Law are compatible with Convention rights?”

19. The Deputy of Grouville will ask the following question of the Minister for Transport and Technical Services –

“Given that the figure of over 250 households per year from 2008 to 2035 was built into the waste arisings model developed by the Transport and Technical Services Department and used to justify the size of the new incinerator, would the Minister advise what States decision, if any, was used as the basis for this net inward migration figure of over 250 heads of households over this time period?”

20. Senator S. Syvret will ask the following question of H.M. Attorney General –

“Could the Attorney General state what appeal mechanism lays open to victims of crimes should he decide not to prosecute apparent offences; could he identify the specific legislation which describes, and confers upon him the powers to prosecute; could he confirm that the process of mounting private prosecutions in Jersey is the same as that which prevails in the United Kingdom, and if not the same, could he explain why?”

21. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Transport and Technical Services –

“Will the Minister advise how often the Department expects to have to use fuel oil to supplement the waste being burnt in the new incinerator, in order to maintain the minimum safe temperatures required on a continuous basis to prevent toxic emissions being produced in excess of European Union Directives, and how much fuel oil he expects the plant to burn per annum and the likely cost at today’s prices?”

22. Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the Minister for Health and Social Services –

“Would the Minister outline the process by which locally based persons will be identified to serve on the Inquiry Team investigating the death of the patient who died following an operation on 17th October 2006?”

23. The Connétable of St. Helier will ask the following question of the Minister for Planning and Environment –

“Would the Minister state whether the Director of Environment only notified the Department of Environment Food And Rural Affairs by letter on 13th February 2009 of the decision to construct an incinerator adjacent to Jersey's RAMSAR site and, if so explain why, and advise whether is he fully satisfied that all requirements of the Planning Law in relation to the Environmental Impact Statement and RAMSAR regulations have been met?”

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

1st question period – Minister for Home Affairs

2nd question period – Chief Minister

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

L. PUBLIC BUSINESS

Draft Amendment (No. 10) of the Standing Orders of the States of Jersey. Lodged: 5th December 2008. <i>Privileges and Procedures Committee.</i>	P.179/2008.
Draft Companies (Amendment No. 10) (Jersey) Law 200. Lodged: 23rd December 2008. <i>Minister for Economic Development.</i> <i>(Principles adopted on 3rd February 2009)</i>	P.185/2008.
Draft Companies (Amendment No. 3) (Jersey) Regulations 200. Lodged: 23rd December 2008. <i>Minister for Economic Development.</i>	P.186/2008.
Draft Summary Fines (Miscellaneous Amendments) (Jersey) Law 200-. Lodged: 13th January 2009. <i>Comité des Connétables.</i>	P.6/2009.
Energy from Waste facility: rescindment. Lodged: 20th January 2009. <i>Deputy of St. Mary.</i>	P.8/2009.
Energy from Waste facility: rescindment (P.8/2009) – comments. Presented: 3rd February 2009. <i>Minister for Transport and Technical Services.</i>	P.8/2009. Com.
Energy from Waste facility: rescindment (P.8/2009) – comments. Presented: 3rd February 2009. <i>Minister for Planning and Environment.</i>	P.8/2009. Com.(2)
Energy from Waste facility: rescindment (P.8/2009) – addendum. Presented: 3rd February 2009. <i>Deputy of St. Mary.</i>	P.8/2009. Add.
Energy from Waste facility: rescindment (P.8/2009) – addendum (P.8/2009 Add.)– comments. Presented: 3rd February 2009. <i>Minister for Transport and Technical Services.</i>	P.8/2009. Add.Com.
Energy from Waste facility: rescindment (P.8/2009) – amendment. Lodged: 17th February 2009. <i>Deputy R.G. Le Hérisier of St. Saviour.</i>	P.8/2009. Amd.
Jersey Consumer Council: appointment of Chairman. Lodged: 23rd January 2009. <i>Minister for Economic Development.</i>	P.10/2009. (re-issue)
Draft Limited Partnerships (Amendment) (Jersey) Law 2009 (Appointed Day) Act 200-. Lodged: 23rd January 2009. <i>Minister for Economic Development.</i>	P.11/2009.

Waterfront Enterprise Board: appointment of States director. Lodged: 28th January 2009. <i>Senator B.E. Shenton.</i>	P.13/2009.
Public Employees Contributory Retirement Scheme: membership of the Committee of Management. Lodged: 29th January 2009. <i>Chief Minister.</i>	P.14/2009.
Manual Workers' Joint Council: Employers' Side membership. Lodged: 29th January 2009. <i>Chief Minister.</i>	P.15/2009.
Law Revision Board: appointment of member. Lodged: 10th February 2009. <i>Minister for Treasury and Resources.</i>	P.22/2009.

M. ARRANGEMENT OF PUBLIC BUSINESS

10th March 2009

Ann Court Site, St. Helier: use for sheltered social housing for the over-55s. Lodged: 23rd December 2008. <i>Deputy J.A. Martin of St. Helier.</i>	P.184/2008. (re-issue)
Voisinage and customary law: review. Lodged: 5th January 2009. <i>Senator B.E. Shenton.</i>	P.1/2009.
Property sold by the public: restriction on renting back. Lodged: 20th January 2009. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.7/2009.
Waterfront Enterprise Board: revised Memorandum and Articles of Association. Lodged: 27th January 2009. <i>Council of Ministers.</i>	P.12/2009.
Natural gas pipeline: strategic study. Lodged: 29th January 2009. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.16/2009.
Appointments Commission: re-appointment of member. Lodged: 11th February 2009. <i>Chief Minister.</i>	P.23/2009.
States Members' remuneration for 2009. Lodged: 19th February 2009. <i>Connétable of St. Peter.</i>	P.24/2009.

24th March 2009

Ratification of the Agreements for the Exchange of Information Relating to Tax Matters between the States of Jersey and the Nordic countries (Denmark, the	P.20/2009.
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Faroes, Finland, Greenland, Iceland, Norway and Sweden).
Lodged: 10th February 2009.
Chief Minister.

Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 2) (Jersey) Regulations 200.
Lodged: 10th February 2009.
Chief Minister. P.21/2009.

31st March 2009

Rates: the States' liability.
Lodged: 16th September 2008.
Connétable of St. Helier. P.147/2008.

Rates: the States' liability (P.147/2008) – comments.
Presented: 16th January 2009.
Minister for Treasury and Resources. P.147/2008.
Com.

Draft Income Tax (Amendment No. 32) (Jersey) Law 200.
Lodged: 21st October 2008.
Minister for Treasury and Resources. P.161/2008.

Draft Income Tax (Amendment No. 32) (Jersey) Law 200 (P.161/2008):
comments.
Presented: 25th November 2008.
Corporate Services Scrutiny Panel. P.161/2008.
Com.

Ministerial government: review.
Lodged: 10th December 2008.
Deputy of St. John. P.181/2008.

La Pouquelaye old school site: provision of youth and community facilities.
Lodged: 24th December 2008.
Connétable of St. Helier. P.187/2008.

Williamson Report: Implementation Plan – funding.
Lodged: 4th February 2009.
Minister for Treasury and Resources. P.17/2009.

Draft Royal Court (Amendment No. 12) (Jersey) Law 200.
Lodged: 9th February 2009.
Chief Minister. P.19/2009.

12th May 2009

Public Elections (Jersey) Law 2002: rescindment of Article 39A.
Lodged: 4th February 2009.
Deputy G.P. Southern of St. Helier. P.18/2009.

Greffier of the States

19th February 2009

Note –

In accordance with the meeting dates fixed for 2009 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 25th and Thursday 26th February 2009.

Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.13/2009.

This Order is made under Article 70 of the Air Navigation Order 2005, as that Order is modified and applied to Jersey by the Air Navigation (Jersey) Order 2008 (“the Air Navigation Order”). It introduces restrictions on the carriage of dangerous goods by air. The restrictions give effect to the requirements of Annex 18 to the Chicago Convention of 7th December 1944 on international civil aviation. They incorporate elements of the relevant Technical Instructions issued by the International Civil Aviation Organization under Annex 18.

Article 1 defines terms used in the Order that are not already defined in the Air Navigation Order under which it is made.

Article 2 classifies as dangerous goods those articles and substances that are treated as dangerous goods by the Technical Instructions.

Article 3 contains exceptions, reflecting those in the Technical Instructions, for flights for agriculture, horticulture, forestry or pollution control and for certain goods carried in accordance with requirements in Article 5.

Article 4 prohibits the carriage of dangerous goods in categories that are forbidden by the Technical Instructions.

Article 5 permits carriage of certain goods (mainly related to items for use on a flight) subject to special limited requirements in the Technical Instructions. If those requirements are complied with then Article 3(2) exempts the goods from Articles 6 to 20. Otherwise the goods can only be carried if they comply with the full requirements of Article 6 and the rest of the Order.

Article 6 requires that other dangerous goods are loaded and carried in accordance with the Technical Instructions. The operator must also be approved under the relevant European regulation or by the Director of Civil Aviation under Article 7, and the goods must be carried in accordance with any conditions on the approval.

Article 7 introduces a system for the Director of Civil Aviation to approve operators as competent to carry dangerous goods safely, for cases where the operator is not required to hold an equivalent approval under the relevant European regulation.

Article 8 requires aircraft operators to provide relevant information to their crews and commanders, and to notify the Director of Civil Aviation and police of an aircraft accident or serious incident involving dangerous goods.

Article 9 contains requirements for inspections and completion of check-lists before accepting for carriage any packages, overpacks or freight containers containing dangerous goods.

Article 10 restricts how aircraft operators load dangerous goods.

Article 11 contains further requirements for inspections by aircraft operators before and after loading dangerous goods.

Article 12 requires removal of contamination resulting from leakage or damage, and prohibits flying where radioactive leakage or contamination is known or suspected, and radiation levels are above the minimum specified in the Technical Instructions.

Article 13 imposes duties on shippers before they consign dangerous goods, including checks on the goods and completion of a dangerous goods transport document (to be given to the operator).

Article 14 requires commanders to provide information about dangerous goods to air traffic control in the event of an in-flight emergency.

Article 15 requires operators to provide commanders with written information, and preserve a copy for 6 months. It also requires operators and shippers to provide information and training to their employees. Training must be approved under the relevant European regulation, or by the Director of Civil Aviation in other cases.

Article 16 requires warnings to be given to passengers, at various stages, about the goods they must not bring into an aircraft hold or cabin.

Article 17 requires operators to display notices about carriage of dangerous goods where cargo is accepted for carriage.

Article 18 requires operators to report to the Director of Civil Aviation certain details of any dangerous goods accidents, dangerous goods incidents or the finding of undeclared or misdeclared dangerous goods.

Article 19 requires relevant documents to be preserved.

Article 20 requires relevant documents to be produced to authorized persons on demand.

Article 21 provides powers for authorized persons to examine and seize suspected dangerous goods, including provisions for their return or destruction.

Article 22 provides for liability of a partner, officer or member where the Order is contravened by a limited liability partnership or body corporate. Articles 70(2), 148 and 148A of the Air Navigation Order make it an offence, punishable by up to 2 years' imprisonment and a fine, to contravene this Order (unless reasonable care was taken) and provide for liability of operators and commanders for contraventions by others.

Article 23 sets out the title to this Order and provides that it comes into force 7 days after it is made.

The Order was made on 5th February 2009 and came into force on 12th February 2009.

R&O.14/2009.

This Order prescribes plants which are to be protected under Article 3 of the Conservation of Wildlife (Jersey) Law 2000.

The Order was made on 9th February 2009 and came into force on 16th February 2009.

R&O.15/2009.

The object of this amendment is to add the Seymour Tower car park to the list of those public parking places in Grouville parish where parking is limited to 12 hours in every 24 hours.

The Order was made on 13th February 2009 and came into force on 20th February 2009.

R&O.16/2009.

This Order specifies dates and times when the Sorel Point loop road (otherwise known as the Ronez loop road) may be closed to normal traffic, and used, by the Jersey Kart and Motor Club for the purposes of "kart" races and practices.

The Order was made on 13th February 2009 and came into force immediately.

R&O.17/2009.

This Order increases the hourly rate of the minimum wage for an employee from £5.80 to £6.08 and the hourly rate of the minimum wage for an employee who is trainee from £4.35 to £4.56. These increases take effect from 1st April 2009. These amounts were last increased with effect from 1st April 2008.

The order was made on 13th February 2009 and comes into force on 1st April 2009.

R&O.18/2009.

The object of this Order is to amend the list of exchanges and markets in Schedule 4 to the Collective Investment Funds (Unregulated Funds) (Jersey) Order 2008. The list relates to the trading of units in an unregulated exchange-traded fund.

The amendment clarifies that units may be traded on the Specialist Fund Market, the Alternative Investment Market, and the Main Market, of the London Stock Exchange but not on the Professional Securities Market of that Exchange.

The Order was made on 16th February 2009 and came into force on 23rd February 2009.

PUBLIC ACCOUNTS COMMITTEE: APPOINTMENT OF UNELECTED MEMBER

(See Item F)

In accordance with Standing Order 124(1) the Chairman of the Public Accounts Committee has given notice of his nomination for the position of an additional unelected member of the PAC.

The Chairman has given notice that he will nominate the following person on 24th February 2009 –

Mr. Alexander Fearn
(a short biography for this nominee is attached)

BIOGRAPHY

Mr. Alexander Fearn

Mr Fearn is currently head of Investment Management at Barclays Wealth Management Jersey. Prior to this role he was Head of Investment Business Management overseeing business development and improvement, the governance of the investment business to the Barclays' group risk and controls framework, and management of service and change delivery providers.

Previous work experience includes Operations Development Manager for Citicorp International Securities Limited, London in a proprietary quant trading and fund management business specialising in the emerging Asian derivatives markets.

Mr Fearn has a proven track record of Business, Technology and Change Delivery with 19 years business management in leading Global financial institutions Citibank and Barclays, in a broad range of roles: front, middle and back office, risk and people management, projects and technology platforms build and run. He has in-depth understanding of global business models, management styles and best market practices coupled with a successful track record of delivering major organisational and cultural change on time and within budget. Experience of full business cycle via start up, development, integration and consolidation, with use of IT to enable change.

He is married with one daughter, and lives in St John.

WRITTEN QUESTIONS

(See Item I(a))

1. The Minister for Treasury and Resources will table an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier–

“Given that a share portfolio could be subject to substantial losses, would the Minister confirm that the monies in the Stabilisation Fund are retained in the form of cash, and, if not, why not?”

Would the Minister inform the Assembly by what value, if any, the Stabilisation Fund has reduced, and how much more, if any, will be lost once the portfolio is liquidated to provide cash support for local businesses?”

2. The Minister for Treasury and Resources will table an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier–

“Would the Minister confirm whether the Waterfront Enterprise Board received the latest financial report on Harcourt 3 months ago and, if so, would he advise when this matter will be presented to the Assembly and the reasons for the delay?”

3. The Minister for Housing will table an answer to a question asked by the Deputy of St. John–

“Would the Minister inform members if he has sought legal advice from the Law Officers’ Department on the subject matter of imposing conditions such as flying freehold on new flats/apartments/developments in order to preclude non qualified investors purchasing shares in companies owning residential property with local occupancy conditions attached?”

4. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour–

“Will the Minister consider using empty school buses to relieve the congestion on the regular service buses during the morning rush hour?”

5. The Minister for Social Security will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour–

“Why are ‘over the counter’ medications such as Aspirin formally prescribed and dispensed and what is the cost to the Department each time a General Practitioner writes such a prescription?”

6. The Chief Minister will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour–

“Has there been a change to the policy that regards the suspension of a public servant as a neutral act and, if so, what is the change?”

7. The Minister for Planning and Environment will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour–

“Is the installation and amendment of signs subject to the full Planning process and, if so, why?”

8. The Minister for Health and Social Services will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour–

“What is the annual cost of the Governance function within the Health and Social Services Department and how is its effectiveness measured?”

9. The Minister for Health and Social Services will table an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier–

“Would the Minister advise how much money has been saved by the Health and Social Services Department in each year since the introduction of a means tested travel policy?”

What other medical charges, if any, do patients have to pay for when receiving treatment as patients in the United Kingdom or elsewhere when they have been sent by the States for treatment off-Island in a non-private capacity?”

10. The Minister for Economic Development will table an answer to a question asked by the Deputy of St. John–

“Does the Minister consider that the standard of maintenance for engineering matters within the Harbours domain has improved since the transfer of staff to the Transport and Technical Services Department and, if so, would the Minister advise why delays are occurring on general maintenance, such as the replacement of a large chain on Bonne Nuit jetty? Could the Minister explain, if maintenance times have slipped, how call-out arrangements could be improved to reduce response times?”

11. The Minister for Treasury and Resources will table an answer to a question asked by the Deputy of St. John–

“Would the Chief Minister please inform the Assembly as to the current position and status of the due diligence being undertaken in respect of Harcourt and the proposed Development Agreement under preparation by Waterfront Enterprise Board (WEB) and advise the anticipated timeline for bringing these matters to the Assembly?”

Given that the project was to be at no cost to the Island, and in light of the current economic downturn and the difficulties being experienced with UK and Irish banks in obtaining funding for commercial developments, will the funding for the project still be provided in full by the proposed developer or will the States be required to provide loan guarantees or part funding for the project?

Has the proposed developer funded the architectural and other consultancy services to date or has this been funded by the States or WEB and, if so, how much has been expended to date on the project including fees paid to Hopkins Architects Limited by the Planning Department and WEB?”

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

“Will the Minister inform members what his position is on increasing taxes, such as GST and “20 means 20 in times of recession, and will he give his undertaking to the Assembly not to pursue approval for any such increases whilst recession persists?”

Will he further undertake to bring a report to the States on the potential of reducing taxes, such as GST, to stimulate the economy through the recession?"

13. The Chairman of the Privileges and Procedures Committee will table an answer to a question asked by Deputy G.P. Southern of St. Helier—

“Will the Chairman inform members whether she maintains her position on Article 39A of the Public Elections Law that assistance rendered by a candidate in completing or delivering an application form to request a postal vote is equivalent to allowing the candidate ‘to enter the polling booth with a voter’ as she has previously stated in the Assembly, and if so, how she justifies this position?”

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

“Will the Minister inform members on the progress of negotiations to deliver statutory notice payments to ex-Woolworth employees and advise when such payments will be delivered?”

Will he further inform members how the moral precedent established by the acceptance of P.8/2009 will be applied to further insolvency redundancies, such as the staff of other local retailers and what specific support, if any, Jersey workers made redundant can expect from his Department?

Does the Minister have a timescale for the introduction of an insolvency fund, and if not, when will he produce one?”

15. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy T.M. Pitman of St. Helier—

“Given that figures presented to the Assembly on 3rd February 2009, in response to my written question on consultancy fees, reveal that the Transport and Technical Services Department has, since 2004, paid out a sum of £4,795,919 to consultants relating to the solid waste strategy/incinerator (with nearly £1.7 million being paid out in both 2007 and 2008) could the Minister provide a year-by-year (2004 to 2009) breakdown of exactly what work has been produced by the consultants for these sums?”

16. The Minister for Planning and Environment will table an answer to a question asked by Deputy T.M. Pitman of St. Helier—

“Considering the quality of the sea views and the potential of this virgin site, has the land at La Collette which was zoned for industrial use in July 2000 by Project P.96/2000, ever been considered for housing, either within or outside the Island Plan; and has it been valued for housing and if not, why?”

17. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy T.M. Pitman of St. Helier—

“Further to the information given to the Assembly by his predecessor on 21st October 2008, would the Minister consider releasing the key documents leading to the road works at Bel Royal, and if not, why not?”

18. The Minister for Housing will table an answer to a question asked by Deputy G.P. Southern of St. Helier—

“Will the Minister set out for members the new criteria he is using to assess applications for

J-category licences showing clearly how they differ from the old?

Will he assess for members the impact he expects from his new measures on the economy and employment?

Will he explain to members the extent to which the changes are a return to limited 3-year licences?

Will he give members a breakdown of J-category licence applications and refusals by quarter and by sector over the past 2 years alongside current data for this year to date to illustrate the impact of his actions?

Will the Minister inform members when he expects a Migration policy giving clear criteria for future licensing to be lodged in the Assembly?"

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

“Given that in his previous answer to my written question on 3rd February 2009, relating to Income Support, the Minister categorised households on protected payments as “Households with a high legacy benefit” and “Other” in addition to “Households receiving a disability benefit”, “Households with someone 65+ or on DTA” and “Households with high income”, will he inform members which types of households comprise the first two aforementioned groups and what components make up their Income Support?

Will he further indicate what weekly sums will be withdrawn from all groups over the periods indicated in his response to that question (from 1st October 2009 to 2014)?"

20. The Minister for Health and Social Services will table an answer to a question asked by Senator P.F. Routier –

“Will the Minister detail the financial variances between the Annual Business Plan approved revenue expenditure estimates and the actual spend for each of the years 2005, 2006, 2007 and 2008 for the three areas of Social Services (namely Children's Services, Adult Social Services and Special Needs Services)?

Will the Minister detail the service provision variances which were planned and then actually delivered for the same years?

Will the Minister explain what has happened to the resources which were due to fund the psychology post to support people with autism, people with Asperger’s Syndrome and people with learning disabilities?

What prioritisation criteria were used to decide on the relocation of resources across the Health and Social Services Department?"

21. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy M. Tadier of St. Brelade–

“Would the Minister inform the Assembly how the criteria applied within the Babtie-Fichtner Technology Review 2008 to all the plants reviewed (namely ‘A key factor in determining the sustainability of facilities has been the ability of the proposed process to deal with the whole waste stream’) arose and who approved it?"

22. The Minister for Planning and Environment will table an answer to a question asked by the Deputy of St. Mary–

“Could the Minister provide the Assembly with the dates and the minutes of all the meetings held to scope

the Environment Impact Assessment for the Energy from Waste plant?”

23. The Minister for Transport and Technical Services will table an answer to a question asked by the Deputy of St. Mary–

“When were the original two streams at Bellozanne commissioned?

When was the third stream commissioned?

Are they run simultaneously or individually or in other combinations, and if so, which?

What flue gas treatment has been fitted on the three streams?

What are the actual current pollution levels from each stream?

What was the design life of the third stream on commissioning?

What is the remaining design life of the third stream?”

24. The Minister for Transport and Technical Services will table an answer to a question asked by the Deputy of St. Mary–

“Would the Minister inform members whether there is mention of the possibility of unforeseen circumstances (such as extra hard granite causing additional costs to be met by the purchaser) in the contract for the Energy from Waste plant, and, if so, would he advise the exact wording of the contract in this regard, including the maximum additional potential cost to which the purchaser is exposed and the exact reference within the contract?”

25. The Minister for Transport and Technical Services will table an answer to a question asked by the Deputy of St. Mary–

“Would the Minister inform members whether there is mention of the required performance of the plant with respect to any kind of emissions in the contract for the Energy from Waste plant and if so, would he advise of the exact wording of the contract in this regard, and the exact reference within the contract?”

26. The Minister for Housing will table an answer to a question asked by Deputy S. Pitman of St. Helier–

“Would the Minister inform members which developers have been contracted by the States to build social housing in the last 10 years, and how many times each developer has been contracted, in the last 10 years and for which building projects? Further, who are the Directors of these companies?

Would the Minister inform members what developers will be contracted to construct sheltered housing on the 60 vergées of countryside that were rezoned by the States in July 2008, and what contracts will these Developers have?”

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

1. With regard to the failed Landsbanki Guernsey Bank would the Minister –

(a) state the number of Jersey residents the Minister has been notified of who had deposits with this

Bank together with the sums they are owed;

- (b) detail the letters, meetings and telephone conversations he personally has had on behalf of these depositors with the following organisations and individuals from the time of the bank’s failure up to 16th February 2009 and outline the results of those communications –

Guernsey Chief Minister or Treasury Minister or their departments
 Guernsey Financial Services Commission
 H.M. Government
 Icelandic Government
 Landsbanki Guernsey Bank Administrators
 Any other body or individual involved with this affair;

- (c) detail the letters, meetings and telephone conversations his staff or any other officers (such as the Jersey Financial Services Commission) have had at his instigation with the organisations listed in paragraph (b) above from the time of the bank failure up to 16th February 2009 and outline the results of these communications.

- 2. State what actions, if any, he is prepared to take to help these individuals recover their deposits with this failed bank?

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

- 1. Would the Minister for Treasury and Resources –

- (a) complete the following table relating to the stage payments made to the main contractor under the design and build contract for the Energy from Waste incinerator plant, showing the dates of each stage payment and the amount paid at each stage?

Date of Stage payment	Euro Value of Payment	Sterling Value of Payment	Rate of exchange at which the Euros were purchased to make payment
1.			
2.			
3.			
4.			
5.			
6.			

- (b) State whether any additional payments have been made in advance of their anticipated stage payment dates under the contract and if so, the date and value of any such payments made.

29. The Minister for Housing will table an answer to a question asked by Deputy M.R. Higgins of St. Helier–

“Would the Minister for Housing complete the following table by inserting the numbers of persons in each category who were granted a J-category consent by his Department in each of the years shown?”

J-category consents granted to:	2005	2006	2007	2008	2009*

Persons who were resident outside Jersey when the consent was granted					
Persons living in Jersey when the consent was granted					
Persons granted a consent with right to purchase a house					
Persons granted a consent with right to lease a property					
Persons granted a consent to stay in the Island for 5 years					
Persons granted a consent to stay in the Island for 10 years					
Persons granted a consent to stay in the Island for a period of other than 5 or 10 years					

* In 2009 for the period between 1st January and 16th February. All other years between 1st January and 31st December of the relevant year.”

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

“Would the Minister complete the following table relating to the number, type and cost of consultants’ reports commissioned by the Economic Development Department in each of the years indicated in the table?”

Year	Report Topics	Terms of Reference of each report	Date Commissioned	Date received or estimated to be received	Cost of completed reports or estimated cost for those not yet completed
2005					
2006					
2007					
2008					
2009*					

* Year up to 16th February 2009.”

31. The Chief Minister will table an answer to a question asked by Deputy M.R. Higgins of St. Helier–

“Would the Chief Minister please complete the following table relating to the number of public sector staff employed by the States of Jersey and their salaries during the period indicated:

Year/ Salary	2005	2006	2007	2008	2009 to Feb. 16*	Appointed but not yet in post**

£250,000+						
£225,000 – £249,999						
£200,000 – £224,999						
£175,000 – £199,999						
£150,000 – £174,999						
£125,000 – £149,999						
£100,000 – £124,999						
£75,000 – £99,999						
£50,000 – £74,999						
£25,000 – £49,999						
Under £25,000						
Total number of employees						
Total wage/salary bill for year						

* Employed at any point between 1st January to 31st December of any year except 2009 in which the numbers should be recorded between 1st January and 16th February.

** Persons offered a contract in 2009 and who have accepted but who have not yet taken up their post.”

32. The Minister for Housing will table an answer to a question asked by Deputy S. Pitman of St. Helier-

“Would the Minister inform members what the demand is amongst States Tenants and those on the States waiting list, for 2, 3 and 4-bedroom accommodation?”

ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

1st Session –

	First 15 minute period	Second 15 minute period
	Minister	Minister
10th March	Housing	Planning and Environment
24th March	Social Security	Chief Minister
31st March	Transport and Technical Services	Treasury and Resources
28th April	Economic Development	Chief Minister
12th May	Education, Sport and Culture	Health and Social Services
19th May	Home Affairs	Chief Minister
2nd June	Housing	Planning and Environment
16th June	Social Security	Chief Minister
30th June	Transport and Technical Services	Treasury and Resources
14th July	Economic Development	Chief Minister