



# STATES OF JERSEY ORDER PAPER

Monday 15th July 2013

## A. COMMUNICATIONS BY THE PRESIDING OFFICER

## B. TABLING OF SUBORDINATE ENACTMENTS

*(Explanatory note attached)*

Alternative Investment Funds (Amendment of Regulations) (Jersey) Order 2013. <i>Minister for Economic Development.</i>	R&O.95/2013.
Alternative Investment Funds (Jersey) Order 2013. <i>Minister for Economic Development.</i>	R&O.96/2013.
Financial Services (Amendment of Schedule 2 to Law) (No. 4) (Jersey) Order 2013. <i>Minister for Economic Development.</i>	R&O.97/2013.
Financial Services (Financial Service Business) (Amendment) (Jersey) Order 2013. <i>Minister for Economic Development.</i>	R&O.98/2013.
Collective Investment Funds (Certified Funds – Prospectuses) (Amendment) (Jersey) Order 2013. <i>Minister for Economic Development.</i>	R&O.99/2013.
Terrorism (Proscribed Organizations) (Amendment No. 6) (Jersey) Order 2013. <i>Minister for Home Affairs.</i>	R&O.100/2013.

## C. DOCUMENTS PRESENTED OR LAID

Victoria and George V Cottage Homes (Repeal of General Principles) (P.44/2013): amendment (P.44/2013 Amd.) – comments. Presented: 11th July 2013. <i>Minister for Housing.</i>	P.44/2013. Amd.Com.
Public Audit in Jersey. Presented: 4th July 2013. <i>Comptroller and Auditor General.</i>	R.77/2013.
Land Transactions under Standing Order 168(3) – (a) A30A and B Albert Pier – lease; (b) S13 South Pier – variation of lease; (c) Eagle House, Colomberie, St. Helier, for the Public to enter into a lease for office accommodation. Presented: 5th July 2013. <i>Minister for Treasury and Resources.</i>	R.78/2013.
Jersey Gambling Commission: 2012 Annual Report and Accounts. Presented: 9th July 2013. <i>Minister for Economic Development.</i>	R.79/2013.



Independent Custody Visitor Report Jersey 2012. R.80/2013.  
Presented: 11th July 2013.  
*Minister for Home Affairs.*

Land Transactions under Standing Order 168(3) – Grève de Lecq Tower Car Park, R.81/2013.  
Mont de la Grève de Lecq, St. Ouen and Hotel des Pierres – proposed sale of bank.  
Presented: 11th July 2013.  
*Minister for Treasury and Resources.*

#### **D. NOTIFICATION OF LODGED PROPOSITIONS**

Draft States of Jersey (Amendment No. 7) Law 201- (P.64/2013): second P.64/2013.  
amendment (P.64/2013 Amd.(2)) – amendment. Amd.(2)  
Lodged: 8th July 2013. Amd.  
*Deputy A.K.F. Green of St. Helier.*

Draft Customs and Excise (Amendment No. 7) (Jersey) Law 201-. P.85/2013.  
Lodged: 11th July 2013.  
*Minister for Home Affairs.*

#### **E. WITHDRAWAL OF LODGED PROPOSITIONS**

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

#### **G. MATTERS OF PRIVILEGE**

#### **H. PETITIONS**

#### **I. QUESTIONS**

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

1. The Minister for Economic Development will table an answer to a question asked by Senator A. Breckon regarding monies paid out to growers/glasshouse operators as part of the exit strategy.
2. The Chairman of the Comité des Connétables will table an answer to a question asked by Senator A. Breckon regarding the employment of trainees by Parishes.
3. The Minister for Housing will table an answer to a question asked by Senator A. Breckon regarding the provision of accounts for the phases of the redevelopment of Le Squez and Le Marais.
4. 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 problems with the Energy from Waste plant.
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 deterioration of the former Bouley Bay Hotel site.



6. The Minister for Home Affairs will table an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding proposed dispatch times for police vehicles from the new Police Headquarters at Green Street.
7. The Chief Minister will table an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding the future population strategy.
8. The Minister for Transport and Technical Services will table an answer to a question asked by the Connétable of St. Helier regarding the use of unspent funds from the Town Park Capital vote.
9. The Minister for Health and Social Services will table an answer to a question asked by Deputy S. Pitman of St. Helier regarding the treatment of Chronic Fatigue Syndrome patients.
10. The Minister for Planning and Environment will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the administration of the energy efficiency scheme.
11. The Chief Minister will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the cost of the Court case against former Senator S. Syvret.
12. The Minister for Treasury and Resources will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the Budget allocated to Data Protection to fund a recent Court case.
13. The Minister for Home Affairs will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding additional suspects in a child abuse court case.
14. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding a recent incident in school involving a starting pistol.
15. The Minister for Housing will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the relocation of Le Squez Youth Club.
16. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the future use of the present Le Squez Youth Club premises.
17. The Minister for Planning and Environment will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding planning applications for the re-development of Le Squez.
18. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the report entitled 'The Value of Jersey to Britain'.
19. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the accuracy of the figures contained in the report 'The Value of Jersey to Britain'.
20. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding Jersey managed wealth and U.K. taxes.
21. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the credibility of the report entitled 'The Value of Jersey to Britain'.
22. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding clarification of recent agreements with the U.K. Prime Minister regarding taxes.



23. H.M. Attorney General will table an answer to a question asked by Deputy J.H. Young of St. Brelade regarding access to the transcript of the Inspector's public hearing into the Plémont development.
24. The Minister for Planning and Environment will table an answer to a question asked by Deputy J.H. Young of St. Brelade regarding the preservation of the historic sea wall on the Esplanade.

**(b) – Oral Questions**

(120 minutes)

1. Senator S.C. Ferguson will ask the following question of the Minister for Treasury and Resources –  
  
“Are JT attempting to create for themselves a monopoly in fibre routers for the broadband fibre rollout and, if so, what action, if any, does the Minister, as the shareholder representative, intend to take?”
2. The Connétable of St. Mary will ask the following question of the Minister for Transport and Technical Services –  
  
“Considering the results obtained from a broadly constituted road safety workshop in which of 27 respondents on the matter of introducing a penalty points system for minor traffic offences, 19 were strongly supportive and 8 supportive, is this matter being actively addressed by the Minister and, if so, what are the next steps?”
3. Deputy S. Pitman of St. Helier will ask the following question of the Minister for Health and Social Services –  
  
“What treatment is available to ME/Chronic Fatigue sufferers within the Health and Social Services Department?”
4. Deputy S.S.P.A. Power of St. Brelade will ask the following question of the Chief Minister –  
  
“Notwithstanding the acknowledged quality and hard work of the Minister for Treasury and Resources, will the Chief Minister indicate whether he is content with that Minister commenting in public on the work of other Ministers and Departments and writing open letters to the media on live applications coming before the Minister for Planning and Environment, the Planning Applications Panel and the Planning and Environment Department?”
5. Deputy G.P. Southern of St. Helier will ask the following question of the Chief Minister –  
  
“Will the Chief Minister inform members of the mechanisms by which tax ‘leakage’, estimated at £600 million by the report ‘The Value of Jersey to Britain’, occurs through Jersey from UK tax revenues and state what measures, if any, he is prepared to take to close down such mechanisms identified?”
6. The Connétable of St. Brelade will ask the following question of the Minister for Education, Sport and Culture –  
  
“How is the Minister addressing the need to ensure that the Jersey Curriculum is suitably structured to provide pupils with the necessary skills for life in the 21st century, and, with increasing emphasis being placed on the teaching of more advanced skills both in Jersey and further afield, will he confirm the status of his Department's draft IT Skills Strategy?”



7. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Education, Sport and Culture –

“Will the Minister advise when a decision was made to remove the children’s play area at Les Quennevais Playing Fields and why?”
8. Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the Minister for Planning and Environment –

“What has been the trend in the last 5 years in respect of nitrate levels in the water supply and, in the case of an adverse trend, what mitigation measures, if any, are in place in order to reduce levels?”
9. Deputy J.A. Martin of St. Helier will ask the following question of the Chief Minister –

“Would the Chief Minister advise whether, under the Control of Housing and Work (Residential and Employment Status) (Jersey) Regulations 2013, the rental market now ranges from (a) to (k), allowing a person qualified under the former 1(1)(k) category status to rent more modest accommodation than before and, if so, does he not think that opening up the market in this way will lead to higher rents overall?”
10. Deputy T.M. Pitman of St. Helier will ask the following question of the Chairman of Privileges and Procedures –

“Does the Chairman accept that both of the amendments to Option B being put forward (by myself and Deputy A.K.F. Green) ensure much fairer, more equal representation in regard to parity of weight of vote for St. Helier in comparison to other parishes and, further still, that both more strongly protect the continued functioning of the so called ‘Troy Rule’?”
11. Deputy G.P. Southern of St. Helier will ask the following question of the Chief Minister –

“Will the Chief Minister state what proportion of the £400 billion in specialist structures for businesses and institutions is in Jersey for the specific purpose of avoiding UK tax and advise whether the simplest of these structures, whereby a company which otherwise would have no connection with the Island is registered in Jersey for tax purposes, will continue to form the basis of our finance industry?”
12. Deputy S. Pitman of St. Helier will ask the following question of the Minister for Social Security –

“How many people with ME/Chronic Fatigue Syndrome are in receipt of Invalidity Benefit, how many are on Long Term Invalidity Allowance, how many are also receiving Income Support and how is the incapacity of a sufferer assessed?”
13. Deputy T.M. Pitman of St. Helier will ask the following question of the Chairman of Privileges and Procedures –

“Given that the Privileges and Procedures Committee has the power to initiate investigations into apparent breaches of the Members’ Code of Conduct, will the Chairman clarify whether his Committee have started an inquiry yet into the answers given by the Assistant Minister with responsibility for External Affairs regarding the confidentiality issues raised by two local businessmen travelling on the same flight?”
14. Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the Chief Minister –

“Is the Council of Ministers unable or unwilling to propose the introduction of work permits and why is this the case, given their application in other similar jurisdictions?”



15. The Connétable of St. Mary will ask the following question of the Chief Minister –

“With the introduction of Control of Housing and Work cards, what steps, if any, are being taken to assist long term residents to comply with the new requirements, whose employment or contribution history may not be continuous due to departmental procedural reasons and will arrangements be made to assist students seeking holiday jobs to obtain their necessary confirmations of attendance centrally from Education, Sport and Culture Department records?”

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

1st question period – Minister for Housing

2nd question period – Minister for Planning and Environment

**J. PERSONAL STATEMENTS**

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

**L. PUBLIC BUSINESS**

Committee of Inquiry into Historical Abuse: appointment of Chairman. Lodged: 14th June 2013. <i>Chief Minister.</i>	P.76/2013.
Draft States of Jersey (Amendment No. 7) Law 201-. Lodged: 3rd June 2013. <i>Privileges and Procedures Committee.</i>	P.64/2013.
Draft States of Jersey (Amendment No. 7) Law 201- (P.64/2013): amendment. Lodged: 2nd July 2013. <i>Deputy T.M. Pitman of St. Helier.</i>	P.64/2013. Amd.
Draft States of Jersey (Amendment No. 7) Law 201- (P.64/2013): second amendment. Lodged: 2nd July 2013. <i>Deputy A.K.F. Green of St. Helier.</i>	P.64/2013. Amd.(2)
Draft States of Jersey (Amendment No. 7) Law 201- (P.64/2013): second amendment (P.64/2013 Amd.(2)) – amendment. Lodged: 8th July 2013. <i>Deputy A.K.F. Green of St. Helier.</i>	P.64/2013. Amd.(2) Amd.
Referendum on States reform: outcome. Lodged: 6th June 2013. <i>Senator B.I. Le Marquand.</i>	P.74/2013.
Draft Succession to the Crown (Jersey) Law 201-. Lodged: 8th May 2013. <i>Chief Minister.</i>	P.57/2013.
Historic buildings in Pitt Street and Dumaresq Street: request to Minister for Planning and Environment. Lodged: 29th May 2013. <i>Connétable of St. Helier.</i>	P.60/2013.



Draft Security Interests (Amendment of Law) (Jersey) Regulations 201-. Lodged: 31st May 2013. <i>Minister for Economic Development.</i>	P.61/2013.
Draft Trusts (Amendment No. 6) (Jersey) Law 201-. Lodged: 31st May 2013. <i>Minister for Economic Development.</i>	P.62/2013.
Draft Social Housing (Transfer) (Jersey) Law 201-. Lodged: 31st May 2013. <i>Minister for Housing.</i>	P.63/2013.
Victoria and George V Cottage Homes (Repeal of General Principles). Lodged: 28th March 2013. <i>Minister for Housing.</i>	P.44/2013.
Victoria and George V Cottage Homes (Repeal of General Principles) (P.44/2013): amendment. Lodged: 3rd May 2013. <i>Deputy G.P. Southern of St. Helier.</i>	P.44/2013. Amd.
Victoria and George V Cottage Homes (Repeal of General Principles) (P.44/2013): amendment (P.44/2013 Amd.) – comments. Presented: 11th July 2013. <i>Minister for Housing.</i>	P.44/2013. Amd.Com.
Draft Income Support (Amendment No. 9) (Jersey) Regulations 201-. Lodged: 4th June 2013. <i>Minister for Social Security.</i>	P.66/2013.
Draft Dwelling-Houses (Rent Control) (Standard Tenancy Agreement) (Amendment) (Jersey) Regulations 201-. Lodged: 4th June 2013. <i>Minister for Housing.</i>	P.68/2013.
Draft Firearms (Amendment No. 3) (Jersey) Law 201-. Lodged: 4th June 2013. <i>Minister for Home Affairs.</i>	P.69/2013.
Draft Security Interests (Jersey) Law 2012 (Appointed Day) Act 201-. Lodged: 18th June 2013. <i>Minister for Economic Development.</i>	P.77/2013.
Draft States of Jersey (Transfer of Functions No. 6) (Economic Development and Treasury and Resources to Chief Minister) (Jersey) Regulations 201-. Lodged: 6th June 2013. <i>Chief Minister.</i> <i>(Cannot be debated until 18th July 2013)</i>	P.75/2013.
Draft States of Jersey (Transfer of Functions No. 6) (Economic Development and Treasury and Resources to Chief Minister) (Jersey) Regulations 201- (P.75.2013): comments. Presented: 20th June 2013. <i>Chairmen's Committee.</i>	P.75/2013. Com.



Draft States of Jersey Police Force Law 2012 (Appointed Day) Act 201-. P.78/2013.  
Lodged: 18th June 2013.  
*Minister for Home Affairs.*

## **M. ARRANGEMENT OF PUBLIC BUSINESS**

### **10th September 2013**

Chief Minister and Chairman of Comité des Connétables: monthly meetings. P.51/2013.  
Lodged: 16th April 2013.  
*Deputy M. Tadier of St. Brelade.*

Chief Minister and Chairman of Comité des Connétables: monthly meetings P.51/2013.  
(P.51/2013) – comments. Com.  
Presented: 13th May 2013.  
*Comité des Connétables.*

Chief Minister and Chairman of Comité des Connétables: monthly meetings P.51/2013.  
(P.51/2013) – comments. Com.(2).  
Presented: 13th May 2013.  
*Council of Ministers.*

Draft States of Jersey (Minister for External Relations) (Jersey) Regulations 201-. P.67/2013.  
Lodged: 4th June 2013.  
*Chief Minister.*

Draft Loi (201-) (Amendement) sur la Voirie. P.70/2013.  
Lodged: 4th June 2013.  
*Comité des Connétables.*

Draft Public Finances (Amendment No. 4) (Jersey) Law 201-. P.73/2013.  
Lodged: 6th June 2013.  
*Minister for Treasury and Resources.*

Jersey Appointments Commission: re-appointment of member. P.79/2013.  
Lodged: 25th June 2013.  
*Chief Minister.*

Draft Adoption (Amendment No. 6) (Jersey) Law 201-. P.80/2013.  
Lodged: 25th June 2013.  
*Chief Minister.*

British Nationality Act (H.M. Armed Forces Exemption) Bill: extension to Jersey. P.81/2013.  
Lodged: 25th June 2013.  
*Chief Minister.*

Committee of Inquiry: costs for local businesses. P.82/2013.  
Lodged: 27th June 2013.  
*Senator A. Breckon.*

Commissioners of Appeal for Taxes Office: re-appointment of members. P.83/2013.  
Lodged: 28th June 2013.  
*Minister for Treasury and Resources.*





Draft Criminal Justice (Mandatory Minimum Periods of Actual Imprisonment)  
(Amendment) (Jersey) Law 201-. P.84/2013.  
Lodged: 2nd July 2013.  
*Chief Minister.*

Draft Customs and Excise (Amendment No. 7) (Jersey) Law 201-. P.85/2013.  
Lodged: 11th July 2013.  
*Minister for Home Affairs.*

**24th September 2013**

Hospital Outpatients: re-introduction of prescriptions charges. P.72/2013.  
Lodged: 4th June 2013.  
*Minister for Health and Social Services.*

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

10th July 2013

**Note –**

**In accordance with the meeting dates fixed for 2013 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Tuesday 16th, Wednesday 17th and Thursday 18th July 2013.**



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

(See Item B)

### **R&O.95/2013.**

This Order substitutes Regulation 3 of the Alternative Investment Funds (Jersey) Regulations 2012 (the “2012 Regulations”) which defines an “AIF” (or alternative investment fund) for the purposes of the Regulations.

*Article 1* substitutes Regulation 3 of the 2012 Regulations. The new Regulation 3(1) provides that schemes or arrangements permitted under the Control of Borrowing (Jersey) Order 1958, and recognized, unregulated and unclassified funds, permitted under the Collective Investment Funds (Jersey) Law 1988, are all AIFs if they fall within the definition of AIFs in Directive 2011/61/EU, are marketed within the European Economic Area and are either registered in Jersey or are Jersey trusts (within the meaning given in the Trusts (Jersey) Law 1984) that are unit trusts. New Regulation 3(2) defines the companies and partnerships that are “registered in Jersey” for the purposes of this Order. The new Regulation 3(3) enables the Minister for Economic Development to prescribe other schemes or arrangements that are AIFs for the purposes of the Regulations, prescribe the extent to which the Regulations will apply to an AIF and any conditions that must be satisfied for the purposes of applying or disapplying any provision of the 2012 Regulations to a scheme or arrangement.

*Article 2* provides the title of this Order and states that the Order will come into force on 22nd July 2013.

The Order was made on 5th July 2013 and comes into force on 22nd July 2013.

### **R&O.96/2013.**

This Order makes provisions that supplement the Alternative Investment Funds (Jersey) Regulations 2012 (“AIF Regulations”). The AIF Regulations make provision for the implementation of Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No. 1060/2009 and (EU) No. 1095/2010 (O.J. No. L174 1.7.2011, p.1) (“Directive 2011/61/EU”).

*Article 1* defines “AIF Regulations” as the Alternative Investment Funds (Jersey) Regulations 2012.

*Article 2* exempts certain AIFs from the application of the AIF Regulations, provided the Jersey Financial Services Commission gives written permission for them to be marketed in the European Economic Area. The AIFs to which Article 2 applies are recognized funds, that are already subject to regulation under Collective Investment Funds (Recognized Funds) (Rules) (Jersey) Order 2003, and unclassified funds in respect of which a certificate has been granted under Article 8B of the Collective Investment Funds (Jersey) Law 1988. *Article 2(3)* exempts certain AIFs from the requirement to hold a certificate under Regulation 7 of the AIF Regulations for so long as the national laws of the EEA State in which the AIF is being marketed or managed do not require compliance by the AIF with Directive 2011/61/EU.

The AIF Regulations define “service provider” in relation to an AIF as being either a person who carries on AIF services business (within the meaning of the Financial Services (Jersey) Law 1998) in relation to the AIF or a person who provides prescribed services. *Article 3* prescribes 2 such services, being the services of certain depositaries that are not registered to carry on fund services business under the Financial Services (Jersey) Law 1998 (*Article 3(a)*); and the services of certain AIF managers in respect of which Article 3(2) of Directive 2011/61/EU applies and which are exempt from registration under the Financial Services (Jersey) Law 1998 (*Article 3(b)*). (Article 3(2) of Directive 2011/61/EU deals with certain AIF managers that are not required to comply fully with the Directive.)

*Article 4* provides that service providers are to be approved by the Jersey Financial Services Commission and provides how approval is granted or deemed to have been granted. Once approval under the AIF Regulations has been granted in respect of the services of a depositary, the service provider is to be treated for all purposes as if it were registered under Article 9 of the Financial Services (Jersey) Law 1998. (This does not apply in the case where deemed approval is given to providers who are already



regulated, whether under the Financial Services (Jersey) Law 1998, or under the Collective Investment Funds (Jersey) Law 1988.) An AIFM providing the services referred to in Article 3(b) in respect of an AIF will not need to be approved for so long as the national laws of the EEA State in which the AIFM is marketing or managing that AIF do not require compliance by the AIFM with Directive 2011/61/EU.

*Article 5* provides the title of this Order and states that it will come into force immediately upon the coming into force of the Alternative Investment Funds (Amendment of Regulations) (Jersey) Order 2013. The Order was made on 5th July 2013 and comes into force on 22nd July 2013.

### **R&O.97/2013.**

Article 3 of, and Schedule 2 to, the Financial Services (Jersey) Law 1998 exempts specified activities from classes of financial service business and consequently from the requirement to be registered under the Financial Services (Jersey) Law 1998 in respect of the class from which it is exempt. This Order amends Schedule 2 to that Law in relation to certain AIF (alternative investment fund) services business.

*Article 1* defines “Law” as the Financial Services (Jersey) Law 1998.

*Article 2* amends Part 1 of Schedule 2 and has the effect of exempting a person carrying on AIF services business from being required to register as a person carrying on investment business.

*Article 3* amends Part 2 of Schedule 2 and has the effect of exempting a person carrying on AIF services business from being required to register as a person carrying on trust company business.

*Article 4* adds a new Part 5 to Schedule 2 to deal with exemptions in relation to persons carrying on AIF services business. New Paragraph 23(1)(a) and (b) has the effect of exempting a person carrying on AIF services business from being required to register as such if that person –

- (a) is registered to carry on fund services business in relation to an unclassified fund or an unregulated fund, where that fund services business includes the same functions as the AIF services business, provided the person has notified the Jersey Financial Services Commission that it markets the AIF in a Member State of the European Union or other State within the European Economic Area; or
- (b) holds a permit as a functionary of a recognized fund under the Collective Investment Funds (Jersey) Law 1988, where the functions of the person as that functionary include the same functions as the AIF services business, provided the person has notified the Jersey Financial Services Commission that it markets the AIF in a Member State of the European Union or other State within the European Economic Area.

New Paragraph 23(1)(c) has the effect of exempting a person carrying on AIF services business from being required to register under Article 7 of the Law as such if that person is a person in respect of which Article 3(2) of Directive 2011/61/EU applies. Article 3(2) of Directive 2011/61/EU deals with certain AIF managers that are not required to comply fully with that Directive.

New paragraph 23(3) has the effect of exempting a person carrying on AIF services business from the requirement to register as such under Article 7(1) of the Law if the person is carrying on the marketing or management of an AIF in an EEA State, provided that, and for so long as, that EEA State’s national laws do not require compliance by that business with Directive 2011/61/EU.

*Article 5* gives the title to this Order and provides for it to come into force immediately after the coming into force of the Alternative Investment Funds (Amendment of Regulations) (Jersey) Order 2013.

The Order was made on 5th July 2013 and comes into force on 22nd July 2013.



### **R&O.98/2013.**

The Financial Services (Amendment of Law) (No. 4) (Jersey) Regulations 2012 amended the definition of “financial service business” in Article 2 of the Financial Services (Jersey) Law 1998 (the “Law”) so as to include AIF (alternative investment fund) services businesses in the definition. Article 8(2) of the Financial Services (Jersey) Law 1998 prescribes the classes of financial service business in respect of which a person may be registered by the Jersey Financial Services Commission. This Order amends the Financial Services (Financial Service Business) (Jersey) Order 2009 to add to the classes of financial service business prescribed for the purposes of Article 8(2) of the Law the class of a manager of an AIF.

The Order was made on 5th July 2013 and comes into force on 22nd July 2013.

### **R&O.99/2013.**

*Article 1* of this Order amends the Collective Investment Funds (Certified Funds – Prospectuses) (Jersey) Order 2012 so as to exempt a certificate holder from the requirement to prepare a prospectus in compliance with that Order if the fund is a “Jersey eligible investor fund” that satisfies the criteria set out in newly inserted Schedule 2 to that Order.

*Article 2* provides the title of this Order and states that it will come into force immediately upon the coming into force of the Alternative Investment Funds (Amendment of Regulations) (Jersey) Order 2013.

The Order was made on 5th July 2013 and comes into force on 22nd July 2013.

### **R&O.100/2013.**

This Order amends Schedule 1 to the Terrorism (Jersey) Law 2002 to add newly proscribed organizations – Tehrik-e Taliban Pakistan; Indian Mujahideen; and Ansarul Muslimina Fi Biladis Sudan (Vanguard for the protection of Muslims in Black Africa) (Ansaru). It also adds alternative names by which currently proscribed organizations are known – Kongra Gele Kurdistan and KADEK (for the Kurdistan Workers’ Party); and Al Muhajiroun, ALM, Call to Submission, Islam4UK, Islamic Path, London School of Sharia and Muslims Against Crusades (for both Al-Ghurabaa and The Saved Sect).

The Order was made on 8th July 2013 and came into force on 15th July 2013.



## WRITTEN QUESTIONS

(See Item I(a))

1. The Minister for Economic Development will table an answer to the following question asked by Senator A. Breckon –

“Can the Minister advise Members how much, including monies paid as part of the ‘exit strategy’, has been paid to growers/glasshouse operators in each year from 1995 to the present day and to whom?”

2. The Chairman of the Comité des Connétables will table an answer to the following question asked by Senator A Breckon –

“In view of the various initiatives in place to get people back into work and as every Parish employs both manual and clerical workers, can the Chairman advise how many trainees, if any, have been employed in each year since 2010 and in which Parish?”

3. The Minister for Housing will table an answer to the following question asked by Senator A. Breckon –

“Given that it was stated in the report accompanying P6/2007 (Social Housing Property Plan 2007–2016) approved on 17th July 2007, that the financing of Le Squez and Le Marais would be met from the £50 million sales of 208 properties to existing tenants and the receipts would fund the redevelopment of the whole estate, would the Minister provide the accounts for the phases of this development and identify the sources of funding?”

4. 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 Energy from Waste Plant (incinerator) would the Minister -

- a) update members on the tree screening progress;
- b) advise whether there are problems with the travelling crane and hearth and, if so, give details of the malfunctions.
- c) state whether any monies have been paid to the construction firm and, if so, what percentage of the total,
- d) advise whether he has sought to re-negotiate the contract in view of the number of problems and breakdowns, and,
- e) agree to arrange for a competent firm of engineers (independent of both the Transport and Technical Services Department and the contractor) to prepare a comprehensive report on the incinerator.

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 site of the former Bouley Bay Hotel, would the Minister explain why this area has been allowed to deteriorate, does he consider that the pot-holes are a danger to vehicles and pedestrians alike and, if so, what action, if any, will he be taking?”



6. The Minister for Home Affairs will table an answer to the following question asked by Deputy S.S.P.A. Power of St. Brelade –

“Would the Minister indicate to the Assembly the estimated and proposed dispatch times for police vehicles responding to an emergency to most points on the Island from the proposed Green Street Police Headquarters location and can he compare those dispatch times to the seven minute average dispatch time of police vehicles attributed to most parts of the Island from the present location at Rouge Bouillon?

Would the Minister confirm whether there will be any calculated difference?”

7. The Chief Minister will table an answer to the following question asked by Deputy S.S.P.A. Power of St. Brelade –

“Further to his response to a written question from Deputy G.P. Southern of St. Helier on 2nd July 2013, what information is the Chief Minister’s Department studying, awaiting or appraising, in addition to the various reports produced by the Statistics Unit since the first 2011 Census report, in order to bring a report to the States so that Members can consider and then debate the future population strategy?

In the aforementioned response a reference was made to the consideration of the economy, the environment and the community and the type of Island “we” want, would the Chief Minister elaborate on this?”

8. The Minister for Transport and Technical Services will table an answer to the following question asked by the Connétable of St. Helier –

“Despite the fact that the States Budget Management Report for the period ended December 2012 (page 6) states that half a million pounds of unspent funds from the Town Park Capital vote is to be returned to the rolling votes of Transport and Technical Services and Housing, would the Minister confirm whether this sum was identified for another project which was never undertaken and, if so, would the Minister explain what this ‘other project’ was, when it was agreed and by whom, why it was not undertaken and when that decision was made, and why the extra funding was included in the vote for the Millennium Town Park if it was never intended to be spent on that project?

Would the Minister provide a breakdown of how the £10 million sum allocated by the States was spent and what became of the earlier sums allocated to the Millennium Town Park project?”

9. The Minister for Health and Social Services will table an answer to the following question asked by Deputy S. Pitman of St. Helier –

“Would the Minister advise how many people have been treated for ME/CFS (Chronic Fatigue Syndrome) by the Health Service in the last 10 years and provide figures for each year 2000 to 2012?

Is there a specialist doctor or consultant that treats these patients?

What public information, if any, is provided by the Health Service to Islanders about the illness and the family support available?”



10. The Minister for Planning and Environment will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier –

“Can the Minister confirm whether the publicly funded energy efficiency scheme was temporarily suspended in 2011 and 2012 to be re-evaluated, due to internal procedural problems within the Department and, if so, would he further confirm that, as a consequence, significant amounts of public money was misspent by the programme officers through the funding of private applicants whose homes fell outside of the remit of the scheme and impacted upon the ability to gauge the benefits of such energy efficiency measures?”

11. The Chief Minister will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier –

“Now that the secret court case against former Senator Stuart Syvret has concluded and given that data protection matters fall within the remit of the Chief Minister’s department, will he detail –

- (a) the total cost of the case from public funds;
- (b) who authorised this sum and oversaw its allocation;
- (c) whether any of the 4 individuals bringing the case with the assistance of the Data Protection Commissioner also had to contribute their own funds and, if so, were these differing amounts and what were those sums;
- (d) whether former Senator Syvret was afforded 'financial equality of arms' from the same public funds;
- (e) whether any background checks were carried out on the 4 individuals to ascertain whether they had a history of similar allegations made against themselves;

If the Chief Minister is unable or is the wrong person to provide the relevant information, will he clarify under whose authority these Data Protection matters fall?”

12. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier –

“Will the Minister clarify what was the total amount of monies allocated or transferred to the office of the Data Protection Commissioner to fund the case against former Senator Stuart Syvret relating to 4 private individuals and breaches of the Data Protection (Jersey) Law 2005?”

13. The Minister for Home Affairs will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier –

“In the course of the abuse case brought against James Donnelly in 2008/9 how many suspects were investigated in addition to Donnelly; how many initial suspects were not even interviewed, how many, if any, in addition to Donnelly were arrested and how many cases were sent to H.M. Attorney General’s office for consideration to be given to the individuals being charged?”



14. The Minister for Education, Sport and Culture will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier –

“Following an incident at a secondary school involving a male pupil and a starting pistol, would the Minister confirm whether the school concerned dealt with the incident in line with established procedures?

Would the Minister advise whether the school contacted the injured child's mother to inform her about the incident or did she only learn about it after school from her son?

Did the school transport the child to hospital after the incident and, if not, why not and who did?”

15. The Minister for Housing will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“Would the Minister confirm the assurances that he has given to Le Squez Youth Club that they will be re-located on the opposite side of the road as part of Housing’s re-development of the site, and will he give the latest estimate of when this might occur?”

16. The Minister for Education, Sport and Culture will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“Would the Minister confirm that Le Squez Youth Club is due to be moved during Housing’s re-development of Le Squez estate and, if so, would the Minister state, in light of the imminent replacement of the club roof, what future use the building is destined for and assure members that the premises are not to be refurbished only to be demolished a year or so later?”

17. The Minister for Planning and Environment will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“With regard to Housing's re-development of Le Squez estate, could the Minister confirm, given Housing’s ongoing alterations to the original plan, that each variation has and will be the subject of an application to Planning, together with appropriate advertisement so that interested parties are aware and have a chance to make input and, if not, why not?”

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

“With regard to the report ‘The Value of Jersey to Britain’ by Capital Economics published on 2nd July 2013, will the Chief Minister inform members –

- a) who paid for this report, how much did it cost and what was the source of the States contribution towards this;
- b) what bodies in the UK or Jersey provided the figures on which the report is based;
- c) were any of the critics of Jersey’s finance industry spoken to;
- d) how ‘independent’ is Capital Economics; does this body have declared sponsors, were enquiries made regarding previous publications and their sponsors before commissioning this report and, if so, would the Chief Minister provide details;





- e) is Capital Economics a commercial company which provides economic and financial investment advice for investors and, if so, has this report been subject to critical peer review;
- f) what track record have the authors of the report (Andrew Evans, Rachel Lund and Mark Pragnell) in respect of publication in authoritative, peer- reviewed academic journals?"

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

“Does the Chief Minister accept the figures contained in the report ‘The Value of Jersey to Britain’ that the United Kingdom loses around £150 million in tax evasion through Jersey channels and a total of £600 million in tax “leakage” (avoidance and evasion)?

What measures, if any, has the Chief Minister in hand to reduce these sums in the short term?”

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

“Does the Chief Minister accept that the chart (Figure 1) contained within the Capital Economics report published on 2nd July 2013, summarising the sources and destination of Jersey managed wealth, demonstrates that the total for the United Kingdom sourced funds must include the £150 billion of funds from non-doms, who only place funds in Jersey to circumvent the taxes due in the UK?

Does he further accept that the chart shows that

- a) less than 50% of funds managed in Jersey are invested in the UK, and;
- b) a significant proportion of funds invested in the UK from Jersey did in fact come from the UK in the first place and only went to Jersey to avoid or evade tax by taking advantage of our tax-neutral status?”

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

“Can the Chief Minister account for the discrepancy between the statement in the Capital Economics report that ‘*Jersey is custodian of £1.2 trillion of wealth: £200 billion in banks; £400 billion in trusts established by private individuals; £400 billion in specialist structures for businesses and institutions; and £200 billion in administered or managed funds*’ and the figures given in the quarterly report of Jersey Finance Limited that ‘*the total value of banking deposits held in Jersey increased by £3bn from £152.1bn to £155.1bn during the first quarter of 2013*’?

Does this cast the credibility of the report into some doubt?”



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

“Notwithstanding the response given on 2nd July 2013, will the Chief Minister clarify for members what changes, if any, he has recently agreed with the UK Prime Minister, in relation to

1. how much information exchange Jersey has entered into;
2. why Jersey refuses to provide corporate tax transparency;
3. why Jersey still has no register of trusts;
4. why Jersey does not commit to full automatic information exchange under the terms of the existing European Union Savings Tax Directive;
5. why Jersey opposes the extension of the European Union Savings Tax Directive;
6. when Jersey will sign the OECD tax mutual assistance agreement;
7. what information Jersey will exchange under its new commitment to automatic information exchange, and when?”

23. 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 under the Planning and Building (Public Inquiries) (Jersey) Order 2008, the Inspector who was appointed by the Minister for Planning and Environment to hold a public inquiry into the redevelopment of Plémont Holiday Village is required to prepare and publish a transcript or record of the hearing which took place on 25th and 26th September 2012 and, if so, would he inform the Assembly of the legal procedures which are available to the public to obtain access to that record or transcript and to formally challenge the content of the Inspector’s report to the Minister in respect of alleged omissions, factual errors and erroneous analysis contained therein?”

24. 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 inform the Assembly whether, in the light of information and representations which have subsequently come to light, he will be modifying his decision in respect of Unit 4 of the States of Jersey Development Company (SoJDC) office development on the Esplanade to ensure that the historic sea wall alongside the Esplanade remains as an integrated feature of the SoJDC scheme to guarantee the wall’s conservation and heritage interpretation and, if so, will he provide details of such modification?”



## ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

**2013**

### **2nd Session 2013**

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