



STATES OF JERSEY ORDER PAPER

Tuesday 11th November 2014

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Income Support (General Provisions) (Amendment No. 16) (Jersey) Order 2014. <i>Minister for Social Security.</i>	R&O.159 /2014.
Companies (Transfers of Shares – Exemptions) (Jersey) Order 2014. <i>Chief Minister.</i>	R&O.164/2014.
Adoption (Amendment No. 4) Rules 2014. <i>Superior Number of the Royal Court.</i>	R&O.165/2014.
Community Provisions (Restrictive Measures – Syria) (Amendment No. 17) (Jersey) Order 2014. <i>Minister for External Relations.</i>	R&O.166/2014.
Tourism (General Provisions) (Amendment No. 18) (Jersey) Order 2014. <i>Minister for Economic Development.</i>	R&O.167/2014.
Terrorism (Proscribed Organizations) (Amendment No. 7) (Jersey) Order 2014. <i>Minister for Home Affairs.</i>	R&O.168/2014.
Community Provisions (Restrictive Measures – North Korea) (Amendment No. 4) (Jersey) Order 2014. <i>Minister for External Relations.</i>	R&O.169/2014.
Employment (Minimum Wage) (Amendment No. 8) (Jersey) Order 2014. <i>Minister for Social Security.</i>	R&O.170/2014.
Lodging Houses (General Provisions) (Amendment No. 19) (Jersey) Order 2014. <i>Minister for Housing.</i>	R&O.171/2014.
Money Laundering (Amendment No. 7) (Jersey) Order 2014. <i>Chief Minister.</i>	R&O.172/2014.
Road Traffic (Trinity) (Amendment No. 8) (Jersey) Order 2014. <i>Minister for Transport and Technical Services.</i>	R&O.173/2014.
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment No. 13) (Jersey) Order 2014. <i>Minister for Social Security.</i>	R&O.174/2014.
EU Legislation (Sanctions) (General Provisions) (Jersey) Order 2014. <i>Minister for External Relations.</i>	R&O.175/2014.
EU Legislation (Sanctions – Al-Qaida) (Jersey) Order 2014. <i>Minister for External Relations.</i>	R&O.176/2014.



EU Legislation (Sanctions – Afghanistan) (Jersey) Order 2014. R&O.177/2014.
Minister for External Relations.

States of Jersey (Proper Addresses for Ministers) (Jersey) Order 2014. R&O.178/2014.
Chief Minister.

C. DOCUMENTS PRESENTED OR LAID

States of Jersey Law 2005: delegation of functions – authorisation of actions in connection with Iran sanctions. R.142/2014.
Presented: 29th September 2014.
Minister for External Relations.

Health and Social Services: 2014 Skin Cancer Prevention Strategy for Jersey. R.143/2014.
Presented: 30th September 2014.
Minister for Health and Social Services.

Land Transactions under Standing Order 168(3) – St. Catherine’s White Tower Car Park and Promenade, La Route de St. Catherine, St. Martin – minor land exchange and counter-exchange with Amy’s House. R.144/2014.
Presented: 1st October 2014.
Minister for Treasury and Resources.

Modern Language Teaching: review (P.166/2013) – response of the Minister for Education, Sport and Culture. R.145/2014.
Presented: 2nd October 2014.
Minister for Education, Sport and Culture.

Land Transactions under Standing Order 168(3) – B007A and B Airport Fuel Compound, St. Peter – variation of lease. R.146/2014.
Presented: 2nd October 2014.
Minister for Treasury and Resources.

States of Jersey Law 2005: delegation of functions – Health and Social Services – revised delegations October 2014. R.147/2014.
Presented: 3rd October 2014.
Minister for Health and Social Services.

States of Jersey Law 2005: delegation of functions – Treasury and Resources – shareholder functions October 2014. R.148/2014.
Presented: 8th October 2014.
Minister for Treasury and Resources.

Office of the Financial Services Ombudsman (OFSO): appointment of the Board. R.149/2014.
Presented: 9th October 2014.
Minister for Economic Development.

Land Transactions under Standing Order 168(3) – 24 St. Mark’s Road (former Adolescent Centre), St. Helier – proposed sale. R.150/2014.
Presented: 10th October 2014.
Minister for Treasury and Resources.

Organisations receiving grants of over £75,000: 2012 Accounts. R.151/2014.
Presented: 15th October 2014.
Minister for Treasury and Resources.



Financial Directions (R.121/2014): response of the Minister for Treasury and Resources. Presented: 16th October 2014. <i>Minister for Treasury and Resources.</i>	R.152/2014.
States Investment Strategies. Presented: 22nd October 2014. <i>Minister for Treasury and Resources.</i>	R.153/2014.
Land Transactions under Standing Order 168(3) – St. Aubin’s Tunnels, Mont les Vaux, St. Brelade – Jersey Funbikes Ltd. – cancellation of licence; proposed 9 year lease. Presented: 24th October 2014. <i>Minister for Treasury and Resources.</i>	R.154/2014.
Governance of the States of Jersey Pension Schemes (R.84/2014): response of the Minister for Treasury and Resources. Presented: 28th October 2014. <i>Minister for Treasury and Resources.</i>	R.155/2014.
Land Transactions under Standing Order 168(3) – Apartment No. 12, Block F, Les Quennevais Park – transfer of the Public’s flying freehold ownership and cancellation of existing 99 year lease. Presented: 28th October 2014. <i>Minister for Treasury and Resources.</i>	R.156/2014.
Ports Incorporation: response of the Minister for Economic Development to the public consultation. Presented: 6th November 2014. <i>Minister for Economic Development.</i>	R.157/2014.
Travel and Entertainment Expenses 2012 and 2013: Ministers and Assistant Ministers. Presented: 6th November 2014. <i>Chief Minister.</i>	R.158/2014.
Land Transactions under Standing Order 168(3) – Red Houses Upper Car Park, La Route des Quennevais, St. Brelade – lease. Presented: 6th November 2014. <i>Minister for Treasury and Resources.</i>	R.159/2014.
Retail Policy (S.R.6/2014): response of the Minister for Transport and Technical Services. Presented: 1st October 2014. <i>Minister for Transport and Technical Services.</i>	S.R.6/2014. Res.(3)
Digital Skills (S.R.9/2014): response of the Minister for Economic Development. Presented: 2nd October 2014. <i>Minister for Economic Development.</i>	S.R.9/2014. Res.
Digital Skills (S.R.9/2014): response of the Minister for Education, Sport and Culture. Presented: 6th October 2014. <i>Minister for Education, Sport and Culture.</i>	S.R.9/2014. Res.(2)



The Redesign of Health and Social Services (S.R.10/2014): joint response of the Minister for Health and Social Services and the Minister for Treasury and Resources. Presented: 29th September 2014. <i>Minister for Health and Social Services.</i>	S.R.10/2014. Res.
Radon (S.R.11/2014): response of the Minister for Planning and Environment. Presented: 3rd October 2014. <i>Minister for Planning and Environment.</i>	S.R.11/2014. Res.
Radon (S.R.11/2014): response of the Minister for Health and Social Services. Presented: 23rd October 2014. <i>Minister for Health and Social Services.</i>	S.R.11/2014. Res.(2)
Internal Audit: Following Up the Report of the Comptroller and Auditor General (P.A.C.3/2014) – response of Departments. Presented: 5th November 2014. <i>Minister for Treasury and Resources.</i>	P.A.C.3/2014. Res.

D. NOTIFICATION OF LODGED PROPOSITIONS

Draft Freedom of Information (Schedule 1 to Law) (Amendment No. 2) (Jersey) Regulations 201- (P.154/2014): amendment. Lodged: 4th November 2014. <i>Chief Minister.</i>	P.154/2014. Amd.
Draft Employment (Minimum Wage) (Amendment No. 11) (Jersey) Regulations 201-. Lodged: 21st October 2014. <i>Minister for Social Security.</i>	P.157/2014.
Draft Proceeds of Crime (Amendment – Financial Intelligence) (Jersey) Law 201-. Lodged: 21st October 2014. <i>Chief Minister.</i>	P.158/2014.
Greville Bathe Fund: appointment of Jurats. Lodged: 23rd October 2014. <i>Minister for Treasury and Resources.</i>	P.159/2014.
Draft Criminal Justice (Insane Persons) (Amendment) (Jersey) Law 201-. Lodged: 27th October 2014. <i>Chief Minister.</i>	P.160/2014.
Draft International Criminal Court (Jersey) Law 2014 (Appointed Day) Act 201-. Lodged: 27th October 2014. <i>Chief Minister.</i>	P.161/2014.
Draft Freedom of Information (Exemptions – Amendment of Law) (Jersey) Regulations 201-. Lodged: 29th October 2014. <i>Chief Minister.</i> <i>(Cannot be debated before 10th December 2014)</i>	P.162/2014.
Council of Ministers' meetings: public access. Lodged: 3rd November 2014. <i>Deputy M. Tadier of St. Brelade.</i>	P.163/2014.



E. WITHDRAWAL OF LODGED PROPOSITIONS

In accordance with Standing Order 34(1), the proposers of the following propositions lodged 'au Greffe' have informed the Greffier of the States that they are to be withdrawn –

Draft Employment of States of Jersey Employees (Amendment No. 7) (Jersey) Regulations 201-. P.97/2014.
Lodged: 21st May 2014.
States Employment Board.

Draft Employment of States of Jersey Employees (Amendment No. 7) (Jersey) Regulations 201- (P.97/2014): amendment. P.97/2014.
Lodged: 30th June 2014. Amd.
Chief Minister.

Draft Employment of States of Jersey Employees (Amendment No. 7) (Jersey) Regulations 201- (P.97/2014): second amendment. P.97/2014.
Lodged: 20th August 2014. Amd.(2)
States Employment Board.

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

- (i) Appointment of President of the Chairmen's Committee.
- (ii) Appointment of the Members of the Privileges and Procedures Committee.
- (iii) Appointment of the Members of the Public Accounts Committee.
- (iv) Appointment of the Members of the Scrutiny Panels in the following order -
 - (a) Corporate Services
 - (b) Economic Affairs
 - (c) Education and Home Affairs
 - (d) Environment, Housing and Technical Services
 - (e) Health and Social Security
- (v) Appointment of two States Commissioners of the Jersey Overseas Aid Commission.
- (vii) Appointment of two Members of the States Employment Board.
- (viii) Appointment of up to two Members of the Jersey Police Authority.

M. ARRANGEMENT OF PUBLIC BUSINESS

25th November 2014

Bedrocan BV: possession for treatment purposes – petition. P.126/2014.
Lodged: 16th July 2014.
Deputy M. Tadier of St. Brelade.



Bedrocan BV: possession for treatment purposes – petition (P.126/2014) – comments. Presented: 9th September 2014. <i>Minister for Health and Social Services.</i>	P.126/2014. Com.
Sativex: possession for treatment purposes – petition. Lodged: 16th July 2014. <i>Deputy M. Tadier of St. Brelade.</i>	P.127/2014.
Sativex: possession for treatment purposes – petition (P.127/2014) – comments. Presented: 8th September 2014. <i>Minister for Health and Social Services.</i>	P.127/2014. Com.
Cannabis: possession of cannabis for treatment purposes – petition. Lodged: 16th July 2014. <i>Deputy M. Tadier of St. Brelade.</i>	P.128/2014.
Cannabis: possession of cannabis for treatment purposes – petition (P.128/2014) – comments. Presented: 8th September 2014. <i>Minister for Health and Social Services.</i>	P.128/2014. Com.
Draft Freedom of Information (Jersey Heritage Trust) (Jersey) Regulations 201-. Lodged: 14th August 2014. <i>Chief Minister.</i>	P.146/2014.
Freedom of Information: extension to companies owned or controlled by the States. Lodged: 16th September 2014. <i>Deputy of Grouville.</i>	P.149/2014.
Draft Pet Travel Scheme (Amendment) (Jersey) Regulations 201-. Lodged: 22nd September 2014. <i>Minister for Planning and Environment.</i>	P.150/2014.
Draft Financial Services Commission (Amendment No. 6) (Jersey) Law 201-. Lodged: 22nd September 2014. <i>Chief Minister.</i>	P.151/2014.
Draft Financial Services Ombudsman (Jersey) Law 2014 (Appointed Day) Act 201-. Lodged: 22nd September 2014. <i>Minister for Economic Development.</i>	P.152/2014.
Draft Freedom of Information (Schedule 1 to Law) (Amendment No. 2) (Jersey) Regulations 201-. Lodged: 23rd September 2014. <i>Chief Minister.</i>	P.154/2014.
Draft Freedom of Information (Schedule 1 to Law) (Amendment No. 2) (Jersey) Regulations 201- (P.154/2014): amendment. Lodged: 4th November 2014. <i>Chief Minister.</i>	P.154/2014. Amd.
Draft Freedom of Information (Costs) (Jersey) Regulations 201-. Lodged: 23rd September 2014. <i>Chief Minister.</i>	P.155/2014.



Gas Place: petition. Lodged: 24th September 2014. <i>Connétable of St. Helier.</i>	P.156/2014.
Greville Bathe Fund: appointment of Jurats. Lodged: 23rd October 2014. <i>Minister for Treasury and Resources.</i>	P.159/2014.
Draft International Criminal Court (Jersey) Law 2014 (Appointed Day) Act 201-. Lodged: 27th October 2014. <i>Chief Minister.</i>	P.161/2014.
<u>9th December 2014</u>	
Draft Employment (Minimum Wage) (Amendment No. 11) (Jersey) Regulations 201-. Lodged: 21st October 2014. <i>Minister for Social Security.</i>	P.157/2014.
Draft Proceeds of Crime (Amendment – Financial Intelligence) (Jersey) Law 201-. Lodged: 21st October 2014. <i>Chief Minister.</i>	P.158/2014.
Draft Criminal Justice (Insane Persons) (Amendment) (Jersey) Law 201-. Lodged: 27th October 2014. <i>Chief Minister.</i>	P.160/2014.
Draft Freedom of Information (Exemptions – Amendment of Law) (Jersey) Regulations 201-. Lodged: 29th October 2014. <i>Chief Minister.</i> <i>(Cannot be debated before 10th December 2014)</i>	P.162/2014.
Draft Freedom of Information (Jersey) Law 2011 (Appointed Day) Act 201-. Lodged: 23rd September 2014. <i>Chief Minister.</i>	P.153/2014.
Council of Ministers' meetings: public access. Lodged: 3rd November 2014. <i>Deputy M. Tadier of St. Brelade.</i>	P.163/2014.

M.N. DE LA HAYE, O.B.E.
Greffier of the States

6th November 2014



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.159/2014.

This Order amends the Income Support (General Provisions) (Jersey) Order 2008 (the “2008 Order”) to change the way in which capital is assessed for a household containing a child who meets the criteria in Regulation 2 or 3 of the Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 2014.

Article 1(a) amends paragraph 2(1) of Schedule 2 to the 2008 Order by making provision for a disregard of up to £22,718 of the value of capital in assessing household income in respect of a household containing a child who meets the criteria in Regulation 2 or 3 of the Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 2014 and 2 or more adults. *Article 1(a)* also amends paragraph 2(1) of Schedule 2 to the 2008 Order by making provision for a disregard of up to £13,706 of the value of capital in assessing household income in respect of a household containing a child who meets the criteria in Regulation 2 or 3 of the Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 2014 and only one adult, where that adult is under pensionable age.

Article 1(b) amends paragraph 2(2) of Schedule 2 to the 2008 Order to make provision for any capital that has been accumulated solely to provide for the future care of a member of a household who is a child who meets the criteria in Regulation 3 of the Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 2014 to be disregarded for as long as the member continues to meet that criteria. A redundant reference to paragraph 6(3)(d) of Schedule 1 to the Income Support Regulations (Jersey) 2007 is deleted.

Article 1(c) amends paragraph 5(f) and (g) of the 2008 Order to increase the percentage of pensions income to be disregarded from 1st October 2014.

Article 2 sets out the title of the Order and provides for the commencement of the provisions of the Order.

The Order was made on 22nd September 2014 and came into force in accordance with Article 2 (Article 1(a)(i), (a)(ii) and (b) and Article 2 came into force on 23rd September 2014; Article 1(c) came into force on 1st October 2014; and Article 1(a)(iii) comes into force on 1st January 2015).

R&O.164/2014.

This Order sets out conditions for exempting certain share transactions from requirements of the Companies (Jersey) Law 1991 (“Law”) relating to written instruments of transfer and delivery of share certificates.

Article 1 is an interpretation provision.

Article 2 exempts certain transfers of company shares from the provision in Article 42(1) of the Law that requires an instrument of transfer of shares in writing to be delivered to the company in order for the transfer to be registered. The exemption applies only to companies which have issued “listed shares” and in respect of such shares. The term “listed shares” is defined for the purposes of this Order to mean shares listed on any of the following stock exchanges – the New York Stock Exchange, the Chicago Stock Exchange, NASDAQ, NYSE Euronext Paris or the Toronto Stock Exchange. For a transfer to benefit from the exemption, certain conditions must be met.

The first condition is that the transfer of shares must be to or from an approved central securities depository or by means of a computer system. The term “approved central securities depository” is defined to mean a central securities depository in which listed shares are deposited and held and which is approved by a competent authority under the relevant laws. The term “approval” in relation to the approval of a central securities depository or use of a computer system is defined to include registration and recognition by a competent authority under the relevant laws. The term “relevant laws” is defined to mean such laws as are relevant in any of the following countries – the United States of America, Canada or a member State of the European Union. The term “computer system” is defined to mean a computer based system by means of which title to shares can be evidenced and transferred without a written instrument and the use of which is approved by a competent authority under the relevant laws. The term



“competent authority” is defined to mean a person or body authorized under the relevant laws to approve (a) a central securities depository and (b) use of a computer system by an approved central securities depository or by a company which has issued listed shares.

The second condition is that the transfer must be in accordance with the relevant laws, rules and regulations applicable to the stock exchange on which the shares are listed.

Article 3 exempts a company from the requirement in Article 50(1) of the Law to produce a certificate in respect of allotments or transfers of its shares that are listed on a named stock exchange as specified in the explanation above relating to Article 2. However, the company must produce such a certificate to any member who holds such listed shares within 2 months of the member making a written request to the company unless the conditions of allotment of the shares otherwise provide.

Article 4 sets out the title of this Order and provides that it will come into force on the day after it is made.

The Order was made on 24th September 2014 and came into force on 25th September 2014.

R&O.165/2014.

These Rules amend the Adoption Rules 1962 (“the principal Rules”).

Rule 1 merely defines the principal Rules. The remaining *Rules* –

- replace the Form of Application in the principal Rules for an Adoption Order in relation to a child (*Rule 9 and the Schedule*);
- make provision in the principal Rules for the function of the Jersey Family Court Advisory Service in relation to adoptions (*Rules 2–5*);
- revise provisions in the principal Rules regarding the attendance of the child in court (*Rules 6 and 7*);
- prescribe a procedure for applications to the Royal Court to obtain a declaration that an overseas adoption appears to the Court to be an adoption effected under the law of any country outside the British Islands (*Rule 8 inserting new Rules 25A–25E in the principal Rules*).

Rule 10 contains the usual citation provision.

The Rules were made by the Superior Number of the Royal Court on 25th September 2014 and came into force on 2nd October 2014.

R&O.166/2014.

This Order amends the Community Provisions (Restrictive Measures – Syria) (Jersey) Order 2012 to give effect in Jersey to Council Implementing Regulation (EU) No. 1013/2014 of 26 September 2014 (OJ L283, 27.9.2014, p 9) implementing Regulation (EU) No. 36/2012 concerning restrictive measures in view of the situation in Syria. The Regulation given effect by this Order re-includes Samir Hassan on the list of persons, and updates the information relating to 2 entities, subject to restrictive measures in Annex II to Regulation (EU) No. 36/2012.

The Order was made on 8th October 2014 and came into force on 9th October 2014.

R&O.167/2014.

This Order amends Article 21 of the Tourism (General Provisions) (Jersey) Order 1990 (the “1990 Order”) so as to enable the application of a reduced registration fee in cases where any registered premises are only providing short-term accommodation for not more than 7 consecutive nights in a year.

For example, a camp site established for the purposes of accommodating up to 2000 people at an annual music event lasting 3 nights, would have to be registered in the camp site register under Part 7 of the 1990 Order. The registration fee payable in such a case would be £3.88 (the current camp site registration fee in Schedule 1 to the 1990 Order) multiplied by the number of campers that can be accommodated on the site, resulting in a fee of £7,760. Given the very short term nature of the accommodation, the amendment to Article 21 provides for the calculation of the fee to be applied pro-rata, based on the actual



number of consecutive nights of accommodation (up to 7) to be provided in the year to which the registration certificate relates. As a result of this amendment the registration fee in the above example would be calculated as follows:

$$\frac{£3.88 \times 2000 \times 3}{365} = £63.78.$$

This Order will come into force 7 days after it is made.

The Order was made on 8th October 2014 and came into force on 15th October 2014.

R&O.168/2014.

This Order amends Schedule 1 to the Terrorism (Jersey) Law 2002 to add newly proscribed organizations. These are Abdallah Azzam Brigades, including the Ziyad al-Jarrah Battalions; Al Murabitun; Al Nusrah Front for the People of the Levant; Ansar al Sharia-Tunisia; Ansar Bayt al-Maqdis; Imarat Kavkaz (also known as Caucasus Emirate); Jama'atu Ahli Sunna Lidda Awati Wal Jihad (also known as Boko Haram); Islamic State of Iraq and the Levant (also known as Islamic State of Iraq, Islamic State of Iraq and al-Sham, Islamic State of Iraq and Syria; Dawlat al-'Iraq al-Islamiyya and Dawlat al Islamiya fi Iraq wa al Sham); Kateeba al-Kawthar (also known as Ajnad al-sham and Junud ar-Rahman al Muhajireen); Minbar Ansar Deen (also known as Ansar Al-Sharia UK); Popular Front for the Liberation of Palestine – General Command; and Turkiye Halk Kurtulus Partisi-Cephesi (also known as the Turkish People's Liberation Party, the Front of Turkey, THKP-C Acilciler, the Hasty Ones and Mukavamet Suriye).

The Order was made on 14th October 2014 and came into force on 21st October 2014.

R&O.169/2014.

This Order amends the Community Provisions (Restrictive Measures – North Korea) (Jersey) Order 2013, to give effect to Commission Implementing Regulation (EU) No. 1059/2014 of 8 October 2014 (OJ L 293/15, 9.10.2014) amending Council Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea.

The effect is to make changes to the lists, in Annexes IV and V to Council Regulation (EC) No. 329/2007, of persons and entities subject to freezing measures. One entity is added, one individual (who had been listed by the EU, without being designated by the UN) is removed, and identifying information is updated for 4 individuals and 12 entities.

The Order was made on 16th October 2014 and came into force on 17th October 2014.

R&O.170/2014.

This Order amends Article 2 of the Employment (Minimum Wage) (Jersey) Order 2007, to increase the minimum hourly wage to £6.78 for employees other than trainees, to £5.09 for trainees in their first year, and to £5.93 for trainees in their second year. The increases take effect on 1st April 2015.

The Order was made on 17th October 2014 and comes into force on 1st April 2015.

R&O.171/2014.

This Order increases the fee payable on an application to register or renew the registration of a lodging house. From 1st December 2014, when this Order comes into force, the fee will be £13.32 multiplied by the maximum number of persons proposed to be lodged, except in the case of children under the age of 5, where the fee does not apply.

The fee was last increased on 1st December 2013, when the fee was set at £13.00. The fee of £13.32 represents a 2.5% increase on last year's fee.

The Order was made on 17th October 2014 and comes into force on 1st December 2014.



R&O.172/2014.

This Order amends the Money Laundering (Jersey) Order 2008.

Article 1 defines “principal Order”, a term used in this Order, as the Money Laundering (Jersey) Order 2008.

Article 2 amends Article 1 of the principal Order so as to define expressions being introduced into the principal Order by this Order. It also amends the definition of “insurance business” so that the types of insurance business that are subject to the requirements of the principal Order correspond with the types regulated by the Jersey Financial Services Commission, as referred to in Schedule 2 to the Proceeds of Crime (Jersey) Law 1999.

Article 3 amends Article 11 of the principal Order so as to require a relevant person (defined on the principal Order) to maintain appropriate and consistent policies and procedures for determining whether a business relationship or transaction, or a proposed business relationship or transaction, is with a person connected with a country or territory in relation to which the Financial Action Task Force (“FATF”) has called for the application of enhanced customer due diligence measures. Such countries or territories are publicly listed by FATF under 2 categories: those that have strategic anti-money laundering or counter terrorist financing deficiencies and to which counter-measures apply or that have not committed to an action plan developed with the FATF to address the deficiencies; and those that the FATF have identified as having strategic weaknesses in their anti-money laundering or counter terrorist financing frameworks but have provided a high-level political commitment to address the deficiencies through implementation of an action plan developed with the FATF.

Article 4 amends Article 13(3A) to make clear that when a relevant person is finding out the identity of a person, including the person’s name and legal status, by 31st December 2014, the relevant person does not need to obtain evidence of that identity within the same timescale. Article 13 already sets out when evidence of the identity of a person needs to be obtained.

Article 4 also amends Article 13(11)(b) of the principal Order so as to remove the requirement for a relevant person described in Article 13(10) to apply the ongoing customer due diligence measures described in Article 3(3).

Article 5 amends Article 15 of the principal Order so as to add 4 new circumstances when a relevant person must apply enhanced customer due diligence measures. These circumstances are when a customer has or proposes to have a business relationship, or proposes to carry out a one-off transaction, with a relevant person where that person is not in the customer’s country of residence and is not in the same country from which or within which the customer is carrying on business; where the relevant person provides, or proposes to provide a customer with private banking services; where the customer of the relevant person is a legal person established by an individual for the purpose of holding assets for investment purposes, or is an individual acting on behalf of a legal arrangement established for the purpose; and where the customer of the relevant person is a company with nominee shareholders or that issues shares in bearer form.

Article 6 amends the test in Article 16A of the principal Order for determining whether a person is a member of the same financial group as another.

Article 7 amends Article 17 of the principal Order so as to provide that where a person is applying simplified identification measures in respect of a customer in any of the circumstances set out in that Article, the relevant person must nevertheless consider the value and extent of any third party’s financial interest in the product, arrangement, account or other investment vehicle offered to the third party by the customer. Where the relevant person considers that the value or financial interest of any such third party is significant, the relevant person must apply the identity measures described in Article 3(4)(a) to that third party (finding out the identity of the third party, including the third party’s legal status).

Article 7 also amends the list of circumstances in Article 17(14) when a relevant person may not rely upon the identification measures of a customer, so as to include the situation where the customer is resident in a country that is not compliant with the recommendations of the FATF.

Article 8 amends the list of circumstances in Article 18(9) when a relevant person may not apply simplified due diligence measures, so as to include the situation where the customer is resident in a country that is not compliant with the recommendations of FATF.

Article 9 gives the title of this Order and provides for it to come into force 7 days after it is made.



The Order was made on 20th October 2014 and came into force on 27th October 2014.

R&O.173/2014.

This Order amends the Road Traffic (Trinity) (Jersey) Order 1988. It introduces waiting restrictions along a part of La Rue ès Picots and extends the existing restrictions on waiting along a part of Les Charrières du Boulay. It also introduces permitted parking of 20 minutes, and a requirement to display a disc when parking, in a part of La Rue ès Picots.

The Order was made on 24th October 2014 and came into force on 31st October 2014.

R&O.174/2014.

This Order amends Schedule 4 to the Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Jersey) Order 2002 so as to include oral and transdermal medicine used for contraception in the list of medicines which may be prescribed for up to 90 days on any one prescription.

It also removes Didronel from the list in Schedule 4.

The Order was made on 28th October 2014 and comes into force on 1st December 2014.

R&O.175/2014.

This Order contains standardised versions of provisions that have previously been generally used in Orders under Article 2(4) of the European Communities Legislation (Implementation) (Jersey) Law 1996 (the “1996 Law”) to implement in Jersey the EU Regulations that impose sanctions on particular countries or persons. This Order will come into force at the same time as the European Union Legislation (Implementation) (Jersey) Law 2014 (the “Law”), which comes into force on 31st October 2014 and replaces the 1996 Law. If an Order, implementing EU sanctions, is made after that date under Article 2(1)(b) of the Law, that Order may apply the standard provisions, or modified versions of them (or may make no provision, in which case this Order does not apply).

Article 1 is the interpretation provision. It defines a “relevant special Order” (referred to in this note as a “sanctions Order”) as an Order that implements EU sanctions, but only if that sanctions Order expressly provides that this Order applies to it.

Article 2 provides that, if this Order applies to a particular sanctions Order, the subsequent Articles are to be read as forming part of that sanctions Order. However, the sanctions Order may expressly disapply any of the Articles (or limit or modify their effect). So in making each sanctions Order the Minister will be able to choose which of the following provisions should apply, or whether all or none of them should.

Article 3 would provide that Jersey is to be treated for the purpose of the sanctions Order as a member State and part of the EU. It would also provide that the Minister for External Relations is to be treated as the competent authority for that purpose (see also *Article 8* on the functions of the Minister as the competent authority).

Article 4 would make similar provision in respect of Guernsey, and *Article 5* in respect of the Isle of Man.

Article 6 would alter the scope of the EU Regulation to which effect is given, to apply it to Jersey and Jersey’s airspace, to aircraft and vessels under Jersey’s jurisdiction, to legal persons incorporated or constituted under Jersey law, and to persons in respect of business done (wholly or partly) in Jersey. This provision is adapted from the scope provision, which it would replace, that is commonly included in EU Regulations that impose sanctions.

Article 7 would extend certain provisions to registered trust company business as defined in the Financial Services (Jersey) Law 1998. If the implemented EU Regulation imposes any obligations or prohibitions on financial service providers, in a way that would not otherwise impose them on those carrying on registered trust company business, then paragraphs (1) to (3) would extend the obligations and prohibitions to include that trust company business. That extension can only be applied to a sanctions Order if the conditions in Article 3 of the Law are met (that the Minister considers it necessary or expedient in the interests of Jersey or for the better implementation of the EU provision in Jersey). Similarly, if asset-freezing provisions in the implemented EU Regulation bind all persons, subject to an



exception which is not available to those carrying on registered trust company business, then paragraphs (4) to (6) would make that exception available to those persons as well.

Article 8 would provide for the Minister to perform the functions of a competent authority under the EU Regulation to which effect is given.

Article 9 would enable the Minister to delegate his or her functions under the sanctions Order.

Article 10 would empower the Minister to demand information and documents from others if that is required to assist in implementing the relevant EU provision or in ensuring compliance with the sanctions Order.

Article 11 would provide for limits on the sharing of information, in connection with the EU Regulation to which effect is given. The Minister is empowered, but not obliged, to supply relevant information to member States and the European Commission, including information about measures taken by the Minister under the sanctions Order (such as granting licences). But there are restrictions on disclosing information obtained by a request under the powers in *Article 10*. That may only be disclosed only with the consent of the person who provided it, to an officer of the States, to the EU Commission or a member State (on the Minister's authority), to Jersey Financial Services Commission (on the Minister's authority) where it can help with compliance, or for criminal proceedings under the sanctions Order.

Article 12 would make provision (adapted from versions in other legislation) in respect of offences under the sanctions Order (this Order does not itself create any offences, so each sanctions Order will need to do so). The provision is for partners, directors and similar persons to be liable for offences committed by certain forms of partnership and bodies corporate, where an offence is attributable to that person's consent or connivance (or, in the case of an offence that can be committed by neglect, to that person's neglect).

Article 13 would prevent the bringing of a prosecution for an offence under the sanctions Order unless consent is given by or on behalf of the Attorney General.

Article 14 would provide for Articles 48 and 64 to 67 of the Customs and Excise (Jersey) Law 1999 to apply to offences under the sanctions Order, where those offences relate to importation or exportation of goods. Those Articles relate to powers of arrest, liability for fines, security for payments, levying of penalties, and means of proof.

Article 15 names the Order and brings it into force on the coming into force of the Law, which will be on 31st October 2014.

The Order was made on 30th October 2014 and came into force in accordance with Article 15.

R&O.176/2014.

This Order gives effect in Jersey to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network (OJ L 139, 29.5.2002, p. 9).

The Order applies that Regulation as it has been amended up to the date on which the Order is made. However, the Order also contains an ambulatory reference, in *Article 2*, to the Annexes to the Regulation. The effect is that, if the EU amends the lists of persons subject to the restrictive measures, or the details of the competent authorities in the Member States, that change takes effect automatically in Jersey without the need for any amendment to this Order.

The Order also requires, by *Articles 3* and *4(2)(c)*, all of the standard general provisions, contained in the EU Legislation (Sanctions) (General Provisions) (Jersey) Order 2014, to be read as part of this Order, without modifying any of them.

The Order contains a saving for any provisions of the Al-Qa'ida and Taliban (United Nations Measures) (Channel Islands) Order 2002 that continue to have force in Jersey (in *Article 4(2)(a)*). It also creates offences (in *Article 5*) of contravening prohibitions in the Regulation, and in relation to provisions on information and documents.

The Order comes into force on 31st October 2014, immediately after the commencement of the European Union Legislation (Implementation) (Jersey) Law 2014 and the EU Legislation (Sanctions) (General Provisions) (Jersey) Order 2014.

The Order was made on 30th October 2014 and came into force in accordance with Article 6.



R&O.177/2014.

This Order gives effect in Jersey to Council Regulation (EU) No 753/2011 of 1 August 2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan (OJ L 199, 2.8.2011, p. 1).

The Order applies that Regulation as it has been amended up to the date on which the Order is made. However, the Order also contains an ambulatory reference, in *Article 2*, to the Annexes to the Regulation. The effect is that, if the EU amends the lists of persons subject to the restrictive measures, or the details of the competent authorities in the Member States, that change takes effect automatically in Jersey without the need for any amendment to this Order.

The Order also requires, by *Articles 3* and *4(2)(c)*, all of the standard general provisions, contained in the EU Legislation (Sanctions) (General Provisions) (Jersey) Order 2014, to be read as part of this Order, without modifying any of them.

The Order contains a saving for any provisions of the Al-Qa'ida and Taliban (United Nations Measures) (Channel Islands) Order 2002 that continue to have force in Jersey (in *Article 4(2)(a)*). It also creates offences (in *Article 5*) of contravening prohibitions in the Regulation, and in relation to provisions on information and documents.

The Order comes into force on 31st October 2014, immediately after the commencement of the European Union Legislation (Implementation) (Jersey) Law 2014 and the EU Legislation (Sanctions) (General Provisions) (Jersey) Order 2014.

The Order was made on 30th October 2014 and came into force in accordance with Article 6.

R&O.178/2014.

This Order provides, for each Minister, the proper address for service of documents on that Minister.

The Order was made on 31st October 2014 and came into force on 7th November 2014.



Note regarding the appointment process

(See Item F)

President of the Chairmen's Committee

Standing Order 121(1) provides that the President of the Chairmen's Committee shall be appointed from amongst the persons who are members of the Committee.

The Presiding Officer will invite nominations for the position. Only the 6 Chairmen (the Chairman of PAC and 5 scrutiny panel chairmen) are eligible for nomination. If there is more than one nomination each candidate will speak for up to 10 minutes with a 20 minute question period. The candidates will speak and be questioned in the order in which they have been nominated. Other candidates must withdraw from the Chamber during the speeches and question period.

Following the speeches and question periods an open ballot or ballots will be held until one candidate receives an overall majority of votes cast.

Members of the Privileges and Procedures Committee

Standing Order 122 provides that the Chairman of the Privileges and Procedures Committee shall nominate 3 elected members, who are neither Ministers nor Assistant Ministers, as members of the Committee. The Chairman, after consultation with the Chief Minister, will also nominate 2 elected members who are each a Minister or an Assistant Minister as members and he or she will also nominate one member of the Chairmen's Committee.

After the Chairman has made his or her nominations the Presiding Officer will invite alternative nominations within each of the 3 categories. Only members who meet the relevant criteria are eligible for membership in each category. If alternative nominations are made there will be a secret ballot for membership of the category concerned. In the ballot(s) members have the same number of votes as the number of places to be filled but do not have to use all their votes. The candidate(s) with the largest numbers of votes will be elected.

Elected members of the Public Accounts Committee

Standing Order 123(1) provides that the Chairman of the Public Accounts Committee shall indicate the number of elected members (being not less than 2) that he or she wishes to have as members of the Committee and should then nominate that number of elected members (who are neither Ministers nor Assistant Ministers) as candidates for appointment. Standing Order 131(1)(b) provides that there must be an even number of members (but not less than 4) and half must be persons who are not members of the States. Only the elected members will be nominated at this meeting.

After the Chairman has made his or her nominations the Presiding Officer will invite alternative nominations. If alternative nominations are made a secret ballot will be held.

Members of the 5 scrutiny panels

Standing Order 135(2)(b) provides that each Scrutiny Panel shall consist of a number of members determined by the Chairman of the Panel, but not more than 4, who must be elected members who are not Ministers or Assistant Ministers. Standing Order 135(3) provides that an elected member of a Scrutiny Panel cannot be a member of more than 2 Scrutiny Panels and can only be Chairman of one.

After announcing the number of members that he or she wants, the Chairman of each panel (in the order shown in the Order Paper) will make his or her nominations. The Presiding Officer will invite alternative nominations and, if alternative nominations are made, a secret ballot will be held.

2 States Commissioners of the Jersey Overseas Aid Commission

The constitution of the Jersey Overseas Aid Commission (set out in Schedule 1 to the Jersey Overseas Aid Commission (Jersey) Law 2005) requires that the chairman recommends elected members for appointment as States commissioners. Standing Order 126 provides that the chairman will make his or her 2 nominations, and the States shall vote on each proposal separately. If the States reject a proposal by



the chairman, the chairman must propose another elected member for appointment. Election as a States Commissioner is open to all members.

2 members of the States Employment Board

The States Employment Board is chaired by the Chief Minister, or by another Minister who is nominated by the Chief Minister to be Chairman in his place, and consists of 2 Ministers or Assistant Ministers appointed by the Chief Minister and 2 States members who are not Ministers or Assistant Ministers appointed by the States. The Chairman will nominate 2 members who are not Ministers or Assistant Ministers for these 2 positions. The Presiding Officer will invite alternative nominations and, if alternative nominations are made, a secret ballot or ballots will be held.

2 members of the Jersey Police Authority

The Jersey Police Authority consists of not less than 5 and not more than 7 members, up to 2 of whom are elected members of the States. The Presiding Officer will invite nominations for the position of member of the Police Authority. If there is more than 2 nominations, a secret ballot or ballots will be held. Article 5(6) of the States of Jersey Police Force Law 2012 stipulates that none of the following may be appointed as a member of the Police Authority –

- (a) a police officer;
- (b) a person who is a member of the Honorary Police;
- (c) an office holder of a Crown appointment;
- (d) the Minister or his or her Assistant Minister;
- (e) a Connétable;
- (f) a States' employee;
- (g) a person who is bankrupt, whether under the law of Jersey or under the law of a country or territory outside Jersey;
- (h) a person who has been a police officer at any time during the previous 5 years; or
- (i) a person who has been a member of the Honorary Police at any time during the previous 5 years.



ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

2014

November 25th
December 9th

Treasury and Resources
Education, Sport and Culture

Chief Minister
Health and Social Services