

STATES OF JERSEY ORDER PAPER

Tuesday 23rd February 2010

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Importation of Eggs from Europe (Revocation) (Jersey) Order 2010. R&O.13/2010.
Minister for Planning and Environment.

Royal Court (Amendment No. 9) Rules 2010. R&O.14/2010.
Superior Number of the Royal Court

Matrimonial Causes (Amendment No. 2) Rules 2010. R&O.15/2010.
Superior Number of the Royal Court.

C. DOCUMENTS PRESENTED OR LAID

Natural Gas Pipeline: strategic study (P.157/2009) – comments. P.157/2009.
Presented: 12th February 2010. Com.(2)
Minister for Planning and Environment.

Committee of Inquiry: suspension of the Chief Officer of the States of Jersey P.9/2010.
Police (P.9/2010) – comments. Com.
Presented: 15th February 2010.
Privileges and Procedures Committee.

Committee of Inquiry: suspension of the Chief Officer of the States of Jersey P.9/2010.
Police (P.9/2010) – comments. Com.(2)
Presented: 19th February 2010.
Minister for Treasury and Resources.

Assemblée Parlementaire de la Francophonie, Jersey Branch – Branch Rules P.11/2010.
(P.11/2010) – comments. Com.
Presented: 11th February 2010.
Council of Ministers.

Minimum Wage: revised hourly rate from 1st April 2010 (P.14/2010) – P.14/2010.
comments. Com.
Presented: 18th February 2010.
Minister for Social Security.

Public Holidays and Bank Holidays: designation of 7th May 2010 P.15/2010.
(P.15/2010) – comments. Com.
Presented: 15th February 2010.
Council of Ministers.

States' Expenditure Forecasts: Further evidence submitted by the Comptroller R.13/2010.
and Auditor General to the Finance Sub-Panel of the Corporate Services
Scrutiny Panel.
Presented: 4th February 2010.
Comptroller and Auditor General.

Land Transactions under Standing Order 168(3) – exchange and counter-exchange of land at Le Squez Estate, St. Clement. Presented: 8th February 2010. <i>Minister for Treasury and Resources.</i>	R.14/2010.
Cross-border Mergers of Jersey Companies: Green Paper February 2010. Presented: 12th February 2010. <i>Minister for Economic Development.</i>	R.15/2010.
Review of the Heritage Protection Regime: White Paper January 2010. Presented: 12th February 2010. <i>Minister for Planning and Environment.</i>	R.16/2010.
States of Jersey Law 2005: delegation of functions – Planning and Environment – revised delegations. Presented: 15th February 2010. <i>Minister for Planning and Environment.</i>	R.17/2010.
Public Finances (Jersey) Law 2005: a review in the light of experience. Presented: 15th February 2010. <i>Comptroller and Auditor General.</i>	R.18/2010.
Economic Stimulus Plan 2 (P.55/2009). Presented: 5th February 2010. <i>Corporate Services Scrutiny Panel.</i>	S.R.2/2010.

D. NOTIFICATION OF LODGED PROPOSITIONS

Jersey Law Commission: appointment of Chairman. Lodged: 5th February 2010. <i>Chief Minister.</i>	P.13/2010.
Minimum Wage: revised hourly rate from 1st April 2010. Lodged: 8th February 2010. <i>Deputy G.P. Southern of St. Helier.</i>	P.14/2010.
Minimum Wage: revised hourly rate from 1st April 2010 (P.14/2010) – amendment. Lodged: 11th February 2010. <i>Deputy T.M. Pitman of St. Helier.</i>	P.14/2010. Amd.
Public Holidays and Bank Holidays: designation of 7th May 2010. Lodged: 9th February 2010. <i>Deputy M. Tadier of St. Brelade.</i>	P.15/2010.
Draft Police Procedures and Criminal Evidence (Jersey) Law 2003 (Appointed Day) (No. 5) Act 2010. Lodged: 12th February 2010. <i>Minister for Home Affairs.</i>	P.16/2010.
Importation of Waste: approval by the States Assembly. Lodged: 17th February 2010. <i>Environment Scrutiny Panel.</i>	P.17/2010.

E. WITHDRAWAL OF LODGED PROPOSITIONS

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

Single qualified property classification: rescindment of decision and debate.

P.12/2010.

Lodged: 3rd February 2010.

Senator B.E. Shenton.

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

Resignation of Mr. Patrick John Dennis Ryan from the Public Accounts Committee.

Resignation of the Connétable of St. John from the Education and Home Affairs Scrutiny Panel.

G. MATTERS OF PRIVILEGE

H. PETITIONS

I. QUESTIONS

(a) – Written Questions

(attached)

1. The Chief Minister will table an answer to a question asked by Senator B.E. Shenton regarding the lowest wage paid in the Jersey Public Sector.
2. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding separation of surface water from foul sewage network in St. Helier.
3. The Minister for Economic Development will table an answer to a question asked by the Deputy of St. John regarding airport staff.
4. The Minister for Economic Development will table an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding productivity lost in Jersey through illness and disease.
5. The Minister Social Security will table an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier regarding the number of prescriptions dispensed for medicines for respiratory illness.
6. The Minister for Health and Social Services will table an answer to a question asked by Deputy P.V.F. Le Claire regarding the cost to the Jersey Health Services from respiratory illness.
7. The Minister for Home Affairs will table an answer to a question asked by the Deputy of St. Martin regarding the number of properties searched by the States of Jersey police in connection with the alleged misuse of personal computers.
8. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding Household Medical Accounts for IS recipients.
9. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the review of all Income Support claims.

10. The Minister for Economic Development will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding changes in policy on the application of Regulations and Undertakings and Development Law
11. The Minister for Housing will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the delivery of affordable homes.
12. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the award of educational grants to 16-19 year olds.
13. The Chief Minister will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding severance bonus payments to the former Chief Officer of Health and Social Services.
14. The Chairman of Privileges and Procedures will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the members' attendance in the States.
15. The Chief Minister will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding allegations in the sworn affidavit by the Chief Officer of the States of Jersey Police.
16. The Chief Minister will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the suspension of the Chief Officer of the States of Jersey Police and the rôle of the Chief Minister.
17. The Minister for Treasury and Resources will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the number of 1(1)(k) residents paying tax.
18. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy D. J. de Sousa of St. Helier regarding the number and annual cost of hiring vehicles.
19. The Minister for Treasury and Resources will table an answer to a question asked by Deputy D. J. de Sousa of St. Helier regarding the number and annual cost of hiring vehicles.
20. The Minister for Economic Development will table an answer to a question asked by Deputy D. J. de Sousa of St. Helier regarding the number and annual cost of hiring vehicles.
21. The Chief Minister will table an answer to a question asked by Deputy D.J. de Sousa of St. Helier regarding the number and annual cost of hiring vehicles.
22. The Minister for Treasury and Resources will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the annual staff costs of the Corporate Procurement Unit.
23. The Minister for Housing will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding estimates of overall housing supply and demand.
24. The Minister for Health and Social Services will table an answer to a question asked by the Deputy of St. Mary regarding data on child cycle-related accidents recorded in Accident and Emergency Department.
25. The Minister for Health and Social Services will table an answer to a question asked by the Deputy of St. Mary regarding different categories of obesity by age in Jersey.

26. The Minister for Transport and Technical Services will table an answer to a question asked by the Deputy of St. Mary regarding annual reports and data on road accidents.
27. The Minister for Economic Development will table an answer to a question asked by the Deputy of St. Mary regarding the value of aquaculture and fishing industries.
28. The Minister for Economic Development will table an answer to a question asked by the Deputy of St. Mary regarding Tourism budget figures.
29. The Minister for Housing will table an answer to a question asked by Deputy D.J. de Sousa of St. Helier regarding

(b) – Oral Questions

(120 minutes)

1. The Connétable of St. John will ask the following question of the Minister for Housing –

“Would the Minister advise members what progress, if any, the Housing Department has made in investigating the possible reintroduction of the old States’ Loan system to make it fit for purpose for today’s needs?”
2. The Deputy of St. John will ask the following question of the Chief Minister –

“Could members be told the estimated cost of the recent Emergency exercise at Jersey Airport; what budget was set aside for it; the number of States of Jersey Police officers involved and the cost of their involvement; whether off-duty States’ Police officers were called in for the exercise and, if so, how many and what was the overtime cost?”
3. Deputy D.J. de Sousa of St. Helier will ask the following question of the Minister for Housing –

“Following his recent comments at a scrutiny hearing will the Minister inform members what steps, if any, he proposes to take to eliminate a bidding war with the Housing Trusts to secure sites for housing including sheltered housing?”
4. Deputy K.C. Lewis of St. Saviour will ask the following question of the Minister for Health and Social Services –

“Would the Minister inform members whether the peritoneal dialysis service is to be withdrawn and, if so, what steps, if any, will the Minister be taking to address concerns about staffing levels and the morale of the entire renal dialysis unit?”
5. The Connétable of St. Lawrence will ask the following question of the Minister for Transport and Technical Services –

“What plans, if any, does the Minister have for his Department to undertake a public awareness campaign to ensure that cyclists are aware of the limitation of speed when using the cycle track?”
6. Deputy M. Tadier of St. Brelade will ask the following question of the Chief Minister –

“Will the Chief Minister advise members which of the 6 recommendations in the Chapman report are still to be implemented and will he inform members when these are likely to be implemented.”

7. Deputy P.V.F. Le Claire of St. Helier will ask the following question of the Minister for Housing –

“Given that in 2005, the ‘Planning for Homes’ survey conducted by the Housing and Environment and Public Services Committees concluded that just under 2,000 additional homes would be needed in the Island over the next 5 years, how many new social housing units have been constructed during the past 5 years?”

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

“Following the publication of the Verita Report and the subsequent return to work of the Consultant Gynaecologist will the Minister inform members what action, if any, she has taken against those responsible for his 3 year exclusion and state whether she has personally welcomed the Gynaecologist back to work and apologised to him personally on behalf of her Department and, if not, why not?”

9. Deputy J.A. Hilton of St. Helier will ask the following question of the Minister for Planning and Environment–

“Would the Minister give an undertaking to the Assembly that he will not grant planning permission, or take any other steps that would then lead to permission being granted, in respect of Field 1248, La Pouquelaye, until the current Royal Court appeal by the developer in relation to this site has been concluded?”

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

“Does the Chief Minister have an estimate of the total annual cost of a typical redundancy in the private and the public sector to the revenues of the States (income tax lost, income support, supplementation, social security contributions, etc) and, if so, would he give details of the cost to members?”

11. The Connétable of Grouville will ask the following question of the Minister for Treasury and Resources–

“Will the Minister give members an assurance that if the Jersey College for Girls site is sold the proceeds will not be used to defray the Budget deficit but will be capitalised into another project?”

12. The Deputy of Grouville will ask the following question of the Minister for Health and Social Services –

“Are Verita’s services, or another such body, going to be used to help implement the recommendations contained within their report?”

13. The Deputy of St. Mary will ask the following question of the Chairman of the Corporate Services Scrutiny Panel –

“Could the Chairman inform members of the discussions and considerations which led to asking the Comptroller and Auditor General three questions about spending forecasts, possible future deficits and the rate of GST which would be required to eliminate such deficits, the answers to which questions formed his report “States’ Expenditure Forecasts” of February 2010?”

14. The Connétable of St. Mary will ask the following question of the Minister for Economic Development –

“Given certain assurances made during the debate on P.43/2008 that robust checks would be undertaken by the RJA&HS to eliminate “the possibility of a mistake involving animal identity or the inclusion of another breed” and following the recent revelations that semen from bulls with non-Jersey lineage has been used in error, what steps, if any, will the Minister be taking to ensure that the risks of repetition are minimised?”

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

“Following the suspensions of the Consultant Gynaecologist and the Chief Officer of Police which were both described as ‘neutral acts’, would the Chief Minister state whether the suspension policy is being applied consistently when concerns have been expressed about the Chief Executive relating to the destruction of handwritten notes, to Operation Blast and to an attempt to involve other civil servants in political activity but he is not suspended?”

16. Deputy A.E. Jeune of St. Brelade will ask the following question of the Minister for Health and Social Services –

“Given that the previously excluded Consultant Gynaecologist was welcomed back to the Hospital at the beginning of February, would the Minister please inform members how many clinics the consultant has held at the hospital this month and, if none, explain why, and would she further explain why the exclusion was only lifted after publication of the Verita report when its findings had been disclosed to some hospital executives earlier?”

17. Deputy R.G. Le Hérissier of St. Saviour will ask the following question of H.M. Attorney General –

“Was the Attorney General involved in the recent appointment of the new Solicitor General and, if so, in what way?”

18. The Deputy of St. Mary will ask the following question of the Minister for Treasury and Resources –

“Following his written reply on 21st September 2009, can the Minister explain why the former Jersey College for Girls was ruled out as a possible site for concentrating new States’ offices, in particular why he thought that the road infrastructure in the area was a key factor, and what progress has been made with identifying and evaluating other potential sites for concentrating new States’ offices within the town centre?”

19. Deputy D.J. de Sousa of St. Helier will ask the following question of the Minister for Economic Development –

“What action, if any, has the Minister taken to combat ‘gazumping’ within the property market and will he be bringing proposals forward to regulate estate agents?”

20. Deputy P.V.F. Le Claire of St. Helier will ask the following question of the Minister for Planning and Environment –

“Is the Minister aware whether the construction engineers intend to test the new Energy from Waste Plant in October of this year and, if so, what permissions, if any, will the Minister have to give ahead of an Air Quality Law being in place?”

21. Deputy G.P. Southern of St. Helier will ask the following question of the Chairman of the Comité des Connétables –

“In the light of a possible by-election later this year what measures, if any, have the Connétables put in place to ensure the accuracy of the electoral register and also to cater for those who need postal votes?”

22. Deputy T.M. Pitman of St. Helier will ask the following question of the Minister for Treasury and Resources -

“Would the Minister confirm the statement made previously in the Assembly by his Assistant Minister that 1(1)(k) residents may not be able to have their tax rates altered/increased following any review and, if so, would he confirm that there is, as a result, a ‘two tier’ system of tax in Jersey based on privilege as the tax rates of other island residents can be altered and increased by the States?”

23. The Deputy of St. Martin will ask the following question of the Chief Minister –

“Will the Chief Minister, as Chairman of the States’ Employment Board, inform members of the number of States’ employees who are currently suspended and give an update on the effectiveness of the newly established Panel to review the continuation of suspensions?”

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

1st question period – Minister for Transport and Technical Services

2nd question period – Minister for Economic Development

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Minister for Transport and Technical Services will make a statement regarding improved snow and ice procedures.

L. PUBLIC BUSINESS

Natural Gas Pipeline: strategic study.
Lodged: 30th September 2009.
Deputy P.V.F. Le Claire of St. Helier.

P.157/2009.

Natural Gas Pipeline: strategic study (P.157/2009) – comments.
Presented: 28th January 2010.
Council of Ministers.

P.157/2009.
Com.

Natural Gas Pipeline: strategic study (P.157-2009) – comments. Presented: 12th February 2010. <i>Minister for Planning and Environment.</i>	P.157/2009. Com.(2)
Draft Employment (Minimum Wage) (Amendment No. 6) (Jersey) Regulations 200-. Lodged: 24th December 2009. <i>Minister for Social Security.</i> <i>Note - The Minister will seek to debate this matter after P.14/2010 and amendment.</i>	P.211/2009.
Draft Jersey Mutual Insurance Society, Incorporated (Alteration of Rules) (No. 6) (Jersey) Law 200. Lodged: 24th December 2009. <i>Minister for Economic Development.</i>	P.212/2009.
Jersey Overseas Aid Commission: appointment of Commissioner. Lodged: 13th January 2010. <i>Deputy I.J. Gorst of St. Clement.</i>	P.2/2010.
Planning and Environment: division into 2 ministerial offices. Lodged: 22nd January 2010. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.3/2010.
Jersey Financial Services Commission: appointment of Commissioner. Lodged: 28th January 2010. <i>Minister for Economic Development.</i> <i>(Consideration ‘in camera’)</i>	P.5/2010.
Manual Workers’ Joint Council: Employers’ Side Membership. Lodged: 29th January 2010. <i>Chief Minister.</i>	P.6/2010.
Committee of Inquiry: suspension of the Chief Officer of the States of Jersey Police. Lodged: 2nd February 2010. <i>Deputy of St. Martin.</i>	P.9/2010.
Committee of Inquiry: suspension of the Chief Officer of the States of Jersey Police (P.9/2010) – comments. Presented: 15th February 2010. <i>Privileges and Procedures Committee.</i>	P.9/2010. Com.
Committee of Inquiry: suspension of the Chief Officer of the States of Jersey Police (P.9/2010) – comments. Presented: 19th February 2010. <i>Minister for Treasury and Resources.</i>	P.9/2010. Com.(2)
Island Plan 2002: H3 Site No. 8, Field 1248 and Channel Television Site. Lodged: 2nd February 2010. <i>Deputy J.A. Hilton of St. Helier.</i>	P.10/2010.
Assemblée Parlementaire de la Francophonie, Jersey Branch– Branch Rules. Lodged: 2nd February 2010. <i>Connétable of St. Ouen.</i>	P.11/2010.

Assemblée Parlementaire de la Francophonie, Jersey Branch – Branch Rules (P.11/2010) – comments. P.11/2010.
Presented: 11th February 2010. Com.
Council of Ministers.

NOTE: The Greffier has been advised by the proposers of the following propositions that, in accordance with Standing Order 32, which requires at least two clear working days' notice to be given before the meeting date for a proposition not previously agreed to be debated, they wish for their propositions to be considered by the States at this meeting. This matter will be considered at the start of this meeting –

Jersey Law Commission: appointment of Chairman. P.13/2010.
Lodged: 5th February 2010.
Chief Minister.

Minimum Wage: revised hourly rate from 1st April 2010. P.14/2010.
Lodged: 8th February 2010.
Deputy G.P. Southern of St. Helier.

Minimum Wage: revised hourly rate from 1st April 2010 (P.14/2010) – P.14/2010.
comments. Com.
Presented: 18th February 2010.
Minister for Social Security.

Minimum Wage: revised hourly rate from 1st April 2010 (P.14/2010) – P.14/2010.
amendment. Amd.
Lodged: 11th February 2010.
Deputy T.M. Pitman of St. Helier.

Public Holidays and Bank Holidays: designation of 7th May 2010. P.15/2010.
Lodged: 9th February 2010.
Deputy M. Tadier of St. Brelade.

Public Holidays and Bank Holidays: designation of 7th May 2010 (P.15/2010) – P.15/2010.
comments. Com.
Presented: 15th February 2010.
Council of Ministers.

M. ARRANGEMENT OF PUBLIC BUSINESS

9th March 2010

Compulsory wearing of cycle helmets. P.4/2010.
Lodged: 25th January 2010.
Deputy A.K.F. Green of St. Helier.

Carbon Intensity of Imported Electricity: review. P.156/2009.
Lodged: 30th September 2009.
Deputy P.V.F. Le Claire of St. Helier.

Committee of Inquiry: confidential files held by States of Jersey Police on States Members and others. P.197/2009.
Lodged: 17th November 2009.
Deputy M.R. Higgins of St. Helier.

<p>Committee of Inquiry: confidential files held by States of Jersey Police on States Members and others (P.197/2009) – comments. Presented: 20th November 2009. <i>Minister for Treasury and Resources.</i></p>	<p>P.197/2009. Com.</p>
<p>Committee of Inquiry: confidential files held by States of Jersey Police on States Members and others (P.197/2009) – amendment. Lodged: 20th November 2009. <i>Deputy J.B. Fox of St. Helier.</i></p>	<p>P.197/2009. Amd.</p>
<p>Ann Court site: petition. Lodged: 27th November 2009. <i>Deputy J.A. Martin of St. Helier.</i></p>	<p>P.202/2009.</p>
<p>Ann Court site: petition (P.202/2009) – comments. Presented: 19th January 2010. <i>Minister for Planning and Environment.</i></p>	<p>P.202/2009. Com.</p>
<p>Draft Police Procedures and Criminal Evidence (Jersey) Law 2003 (Appointed Day) (No. 5) Act 201-. Lodged: 12th February 2010. <i>Minister for Home Affairs.</i></p>	<p>P.16/2010.</p>
<p><u>23rd March 2010</u></p>	
<p>Property and Infrastructure Regeneration: the States of Jersey Development Company Limited (as amended). Lodged: 2nd June 2009. <i>Council of Ministers.</i></p>	<p>P.79/2009. (re-issue)</p>
<p>Property and Infrastructure Regeneration: the States of Jersey Development Company Limited (P.79/2009) – fourth amendment. Lodged: 14th January 2010. <i>Senator J.L. Perchard.</i></p>	<p>P.79/2009. Amd.(4)</p>
<p>Draft Wills and Successions (Amendment) (Jersey) Law 201-. Lodged: 29th January 2010. <i>Chief Minister.</i></p>	<p>P.7/2010.</p>
<p>Draft States of Jersey (Transfer of Functions No. 3) (Home Affairs to Chief Minister) (Jersey) Regulations 201-. Lodged: 1st February 2010. <i>Chief Minister.</i></p>	<p>P.8/2010.</p>
<p><u>20th April 2010</u></p>	
<p>Strategy for dealing with young offenders: establishment of Working Group. Lodged: 27th November 2009. <i>Deputy T.M. Pitman of St. Helier.</i></p>	<p>P.201/2009.</p>
<p>Strategy for dealing with young offenders: establishment of Working Group (P.201/2009) – comments. Presented: 24th December 2009. <i>Education and Home Affairs Scrutiny Panel.</i></p>	<p>P.201/2009. Com.</p>

Strategy for dealing with young offenders: establishment of Working Group
(P.201/2009) – comments.
Presented: 18th January 2010.
Council of Ministers.

P.201/2009.
Com.(2)

Strategy for dealing with young offenders: establishment of Working Group
(P.201/2009) – comments.
Presented: 19th January 2010.
Minister for Home Affairs.

P.201/2009.
Com.(3)

Importation of Waste: approval by the States Assembly.
Lodged: 17th February 2010.
Environment Scrutiny Panel.

P.17/2010.

M.N. DE LA HAYE
Greffier of the States

18th February 2010.

Note – In accordance with the meeting dates fixed for 2010 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 24th and Thursday 25th February 2010.

Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.13/2010

This Order revokes the Importation of Eggs from Europe (Jersey) Order 1958.

The Order was made on 9th February 2010 and came into force on 16th February 2010.

R&O.14/2010

These Rules amend the Royal Court Rules 2004 in consequence of the Gender Recognition (Jersey) Law 2010 ("the 2010 Law").

The 2010 Law provides legal recognition for transsexual persons in their acquired gender on the issue of a full gender recognition certificate. Persons may apply to the Royal Court for certain categories of gender recognition certificate. If the applicant meets the statutory criteria and is unmarried, the Court will issue to the applicant a full gender recognition certificate. If the applicant is married, the Court will issue to the applicant an interim gender recognition certificate. Where a gender recognition certificate has been issued containing an error, application to the Court may be made for a corrected certificate.

These Rules enable applications for gender recognition certificates under the 2010 Law, including an application for a corrected certificate, to be heard and determined by the Judicial Greffier in chambers.

The Schedule to the Rules specifies the content and form of gender recognition certificates.

The Rules were made by the Superior Number of the Royal Court on 18th February 2010 and will come into force on the same day as the 2010 Law comes into force.

R&O.15/2010

These Rules amend the Matrimonial Causes Rules 2005 ("the principal Rules") in consequence of the Gender Recognition (Jersey) Law 2010 ("the 2010 Law").

The 2010 Law provides legal recognition for transsexual persons in their acquired gender on the issue of a full gender recognition certificate. A person may apply in this regard to the Royal Court, but the application is in fact made to the Judicial Greffier, and –

- (i) if the applicant meets the statutory criteria and is unmarried, the Court will issue a full gender recognition certificate to the applicant;
- (ii) if the applicant meets the statutory criteria and is married, the Court will issue an interim gender recognition certificate to the applicant.

The 2010 Law amended the Matrimonial Causes (Jersey) Law 1949 ("the 1949 Law") to provide three additional grounds of nullity:

- The first is where an interim gender recognition certificate has, after the time of the marriage, been issued to either party to the marriage (Article 18(1)(g) of the 1949 Law, as amended by Schedule 2 to the 2010 Law). Where a person obtains a decree absolute of nullity on this ground, the Court must issue to that person a full gender recognition certificate.
- The second is where either party to the marriage satisfies conditions and has taken steps in a prescribed country or territory for the recognition there of his or her change of gender, or satisfies the Court that the change of gender would be recognized by that country or territory (Article 18(1)(h) of

the 1949 Law, as amended by Schedule 2 to the 2010 Law).

- The third is where the respondent is a person whose gender at the time of the marriage had become the acquired gender under the 2010 Law (Article 18(1)(i) of the 2010 Law, as amended by Schedule 2 to the 2010 Law). A person's gender only becomes the acquired gender under the 2010 Law when a full gender recognition certificate is issued to that person.

Rule 1 of these Rules merely defines the principal Rules.

Rule 2 makes a consequential amendment to Rule 5(2) of the principal Rules (relating to statements contained in a petition for nullity).

Rule 3 inserts new *Rules 5A, 5B* and *5C* in the principal Rules which require a petitioner (unless otherwise directed) to file with his or her petition –

- a copy of the interim gender recognition certificate, if the petition is brought on the first new ground of nullity,
- such documents as the Greffier may direct, if the petition is brought on the second new ground of nullity, or
- a copy of the full gender recognition certificate, if the petition is brought on the third new ground.

Rule 4 inserts a new *Rule 12A* in the principal Rules which requires respondents to petitions on the first and third of the new grounds of nullity to file with any acknowledgement of service a copy of the appropriate certificate.

Rule 5 inserts new *Rules 16A, 16B* and *16C* in the principal Rules which make provision (corresponding to the inserted *Rules 5A, 5B* and *5C*) where any of the new ground of nullity is raised for the first time in an answer to a petition.

Rule 6 inserts a new *Rule 19A* making corresponding provision for replies to answers raising any of the new grounds for the first time.

Rule 7 amends Rule 28(2) of the principal Rules, relating to the Greffier's Certificate and directions for trial, so as to require the filing by the petitioner in an undefended cause of an affidavit in the Form set out in the Schedule to the Rules.

Rule 8 inserts a new *Rule 45A* in the principal Rules. Decrees of nullity on the first and second of new grounds become absolute on pronouncement. *Rule 45A* makes a saving provision in Part 6 of the principal Rules in this regard.

Rule 9 amends Form 3 (*i.e.* the Form of Notice of Proceedings) in the Schedule to the principal Rules. The amendment of the Form is consequential on the procedural requirements regarding the 3 new grounds of nullity.

Rule 10 inserts a new *Form 8A* in the Schedule to the principal Rules. It sets out the form of affidavit to be filed in support of a petition for annulment on the ground that an interim gender recognition certificate has, after the time of the marriage, been issued to either party to the marriage.

Rule 11 is the customary citation and commencement provision.

The Rules were made by the Superior Number of the Royal Court on 18th February 2010 and will come into force on the same day as the 2010 Law is brought into force (by Act of the States).

WRITTEN QUESTIONS

(See Item I(a))

1. The Chief Minister will table an answer to a question asked by Senator B.E. Shenton -
“What is the lowest wage paid on a per hour basis in the Jersey Public Sector, what other benefits, if any, does this rôle include, and what is the estimated value of these benefits?”
2. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier -
“Given that the Transport and Technical Services Department has now been awarded a total of £370,792 from the Fiscal Stimulus Fund to continue its programme of work separating surface water from the foul sewer network in St Helier, can the Minister provide a schematic and text brief outlining what has been and what remains to be upgraded within the mains drains networks and sewerage systems in the parishes which feed through the St Helier system?”
3. The Minister for Economic Development will table an answer to a question asked by the Deputy of St. John -
“Would the Minister -
 - (a) provide air passenger numbers for the years 2000 to date and extrapolate those for the next 10 years as a trend based on the previous years;
 - (b) advise the number of Airport staff in the employ of the States by department for the period 2000 to date;
 - (c) advise how many new departments have been established at the Airport since 2000 and indicate what these are and in which year they were established;
 - (d) advise whether any consultants or staff have been engaged at the Airport on fixed term contracts since 2000 and, if so, for what length of time and for what purposes?”
4. The Minister for Economic Development will table an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier -
“Does the Economic Development Department collate information on the amount of economic productivity lost in Jersey through staff illness, and, if so, what was the estimated cost to businesses in 2009 and 2008?”
5. The Minister for Social Security will table an answer to a question asked by Deputy P.V.F. Le Claire of St. Helier -
“How many prescriptions are made for medicines, including inhalers, in Jersey by General Practitioners on an annual basis for the treatment of respiratory illness?
What are the costs to the States for providing these medicines and remedies?
How many sick days were lost due to respiratory illnesses in 2008 and 2009 in the private and public sectors?”

6. 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 –

“What is the cost to the Health Service in Jersey from respiratory illness per annum?
What are the main causes of respiratory illness and can these be given on a percentage basis?
What are the interventions that are given in Jersey to alleviate these illnesses?
What are costs and manpower implications in doing so?”

7. The Minister of Home Affairs will table an answer to a question asked by the Deputy of St. Martin -

“Given that the Minister’s written response of 2nd February 2010 requested that I refine my original question, would he –

- (a) inform Members of the number of properties, since January 2007, that have been searched by the States of Jersey Police specifically in connection with the alleged misuse of personal computers and other electronic devices?
- (b) advise how many of these searches were conducted with the authority of a search warrant and how many without?
- (c) advise how many people, if any, have been arrested specifically as a result of searches in connection with the alleged misuse of personal computers and other electronic devices, and how many, if any, have been charged?
- (d) inform members what the average time is that personal computers, and other items seized following such searches, are retained by the police?”

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

“Will the Minister state whether his department has ceased creating further Household Medical Accounts (HMA) for Income Support (IS) recipients, including those with high medical needs, other than those previously in receipt of a Health Insurance Exemption (HIE), and if so why?

Will the Minister also advise whether the provisions contained in the IS (Jersey) Regulations 2007 and consequent Orders, are being correctly applied so that an eligible individual in a household with an HMA will have a fixed sum put aside from their benefit to enable up to 4 visits a year to their doctor?

Would he also confirm that, thereafter, should they need to visit their GP more often, individuals may apply for and receive additional clinical cost components up to 12 visits: and that those who require over 12 visits annually may have the cost of these visits met through special payments and would not be presented with large bills for GP visits?

Would the Minister confirm whether the IS elements designed to cater for other living expenses are being diverted to fund medical needs?

Will he further state whether decisions on medical need, including the number of consultations required, are being made by his officers?”

9. 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 whether his department has started to systematically review all Income Support (IS) claims and if so:

- (a) when this review started;
- (b) how many reviews are undertaken per week;
- (c) how many have been completed this year to date, and
- (d) how many are targeted for review by 1st October 2010?

Would the Minister advise whether those on Transition Protection (TP) are included, and if so how many TP households fall into (b) to (d) above and how many of those on TP have already had their claims reviewed as a result of a change of circumstances?

As a result, how many households have had their benefit rate:

- (i) increased;
- (ii) maintained;
- (iii) reduced?

How many in (iii) have lost weekly amounts of less than £29; between £30 to £59; £60 to £89 and over £90 respectively?

Will the Minister state whether the phasing in the Income Support (Transitional Provisions) (Jersey) Order 2008 has been applied to these reductions and, in the light of the answers to (d) and (iii) above, will he state how many of the 3,700 households on TP will remain in the IS scheme to have this phased protection applied?”

10. The Minister for Economic Development will table an answer to a question asked by Deputy G.P. Southern of St. Helier -

“Will the Minister inform members of the data relating to the statement made by the Director of Population on the application of the Regulation of Undertakings and Development Law (Jersey) 1973 to the Health, Social Security and Housing Scrutiny Panel on 9th February 2010 that there was a clear change in the number of non local permissions issued in 2009, giving the changes overall and by sector in percentage and real terms to demonstrate the trend over the 5 year period from 2005 to 2009?

Can the Minister confirm whether any changes revealed by such figures result from a change of policy and are not simply a response to changing demand from business?”

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

“Will the Minister inform members what options, if any, he has in the short and medium term to achieve the aims of his departmental business plan to deliver affordable homes and to increase owner occupancy in the Island, given that he advised the Health, Social Security and Housing Panel on 9th February 2010 that he had no funds to subsidise the purchase by ordinary people of affordable homes?”

12. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy G.P. Southern of St. Helier -

“Has the educational grant previously awarded to 16 -19 year olds to encourage those from

poorer households to stay in post-16 education been absorbed in the adult component of Income Support and is therefore no longer targeted at young people?

Would the Minister indicate what steps, if any, he will take to reintroduce a targeted incentive for this group to remain in education?"

13. The Chief Minister will table an answer to a question asked by Deputy T.M. Pitman of St. Helier -

"Will the Chief Minister clarify whether the recently departed Chief Officer of Health and Social Services received any additional monies/severance bonus payments outside of his contractual entitlement, and, if any such payments were made, did this come from the public purse and what was the total amount?

Would the Chief Minister also clarify whether the former Chief Officer of Health and Social Services resigned, was invited to resign, was dismissed or left by 'mutual agreement' in the light of the Verita Report findings?"

14. The Chairman of Privileges and Procedures Committee will table an answer to a question asked by Deputy T.M. Pitman of St. Helier -

"Given the fact that the requirement for a Member to attend meetings of the States is set out within the Oath found in Schedule 2 to the States of Jersey Law 2005 and paragraph 2 of the Code of Conduct in Schedule 3 of Standing Orders, will the Chairman advise what disciplinary measures, if any, exist to ensure Members carry out their duties as required?

Would the Chairman advise whether Members leaving the Chamber and indeed the States Building entirely after roll call to pursue non-States matters and to conduct private business is in breach of the above legislation; further still, if none exist will the Committee consider developing disciplinary sanctions to put a stop to this practice?"

15. The Chief Minister will table an answer to a question asked by Deputy T.M. Pitman of St. Helier -

"In the light of the serious and detailed allegations against the Chief Executive to the Council of Ministers outlined in the sworn affidavit, signed by the suspended Chief Officer of the States of Jersey Police, recently released into the public domain by the Deputy of St. Martin, will the Chief Minister clarify why he has not, as a 'neutral act', suspended the Chief Executive until the allegations of engaging in political activity wholly outside of his remit can be fully investigated?"

16. The Chief Minister will table an answer to a question asked by Deputy T.M. Pitman of St. Helier -

"Given that he is a central figure within the suspension of the Chief Officer of the States of Jersey Police, does the Chief Minister consider that he is conflicted in the matter and should therefore declare an interest and withdraw from the debate of the Deputy of St. Martin's proposition to set up an independent Committee of Inquiry into the suspension and the way that it has been handled (P.9/2010)?"

17. The Minister for Treasury and Resources will table an answer to a question asked by Deputy T.M. Pitman of St. Helier -

"Given that 1(1)(k) classified residents fall into two categories; namely those who were granted residence before current regulations were put in place, and those who have been granted residency since, will the Minister list the number of individuals by year for the period 2005 to

2008 inclusive, who paid tax within the following brackets –

- (a) less than £20,000;
- (b) between £20,000 and £50,000;
- (c) between £50,000 and £70,000; and,
- (d) between £70,000 and £99,000?

If any 1(1)(k) classified residents do fall into these categories, would the Minister advise how this fits into the framework outlined within the relevant income tax legislation?”

18. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy D.J. de Sousa of St. Helier -

“Can the Minister inform members how many vehicles, if any, are hired annually from Motor Mall by the Education, Sport and Culture Department and the cost per annum?”

19. The Minister for Treasury and Resources will table an answer to a question asked by Deputy D.J. de Sousa of St. Helier -

“Can the Minister inform members how many vehicles, if any, are hired annually from Motor Mall by the Treasury and Resources Department and the cost per annum?”

20. The Minister for Economic Development will table an answer to a question asked by Deputy D.J. de Sousa of St. Helier

“Can the Minister inform members how many vehicles, if any, are hired annually from Motor Mall by the Economic Development Department and the cost per annum?”

21. The Chief Minister will table an answer to a question asked by Deputy D.J. de Sousa of St. Helier -

“Can the Chief Minister inform members how many vehicles, if any, are hired annually from Motor Mall by his department and the cost per annum?”

22. The Minister for Treasury and Resource will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour -

What are the annual staff costs of the Corporate Procurement Unit?

What net savings are anticipated for each of the years 2010-2013?

23. The Minister for Housing will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour -

“What statistical sources do the Minister and his Assistant draw upon in making their estimates of overall housing and social housing supply and demand?”

24. The Minister for Health and Social Services will table an answer to a question asked by the Deputy of St. Mary -

“Given that in 2008 there were 105 children involved in cycle-related accidents recorded in Jersey’s Accident and Emergency (A&E) Department, could the Minister provide the Assembly with any data and analysis carried out on these 105 accidents by her Department, the analysis to include the location of the injury, the severity of the injury, where the accident took place, whether or not a helmet was worn at the time and how this fact was established, and the cause of the accident?”

Can the Minister also provide members with data and analysis relating to all head and neck injuries suffered in Jersey in 2008, to include, at least, information on the severity of the injuries, and the causes?

In the case of injuries/accidents so serious that the patients require immediate theatre admission how are these identified in the system, and are they included in the figures cited above concerning A&E?"

25. The Minister for Health and Social Services will table an answer to a question asked by the Deputy of St. Mary -

"Would the Minister advise the rates of the different categories of obesity by age in Jersey and state whether her Department holds comparative data on other European countries such as the United Kingdom, Germany, Denmark and France and, if so, state how Jersey compares?"

Would the Minister inform members of the additional costs which obesity is likely to place on the health service in the future especially in the care of the elderly, and what action, if any, is she planning to take to tackle this matter?"

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

"Further to the response to my written question of 1st December 2009 –

1. would the Minister explain the increase in accident figures in the 2008 column of the table at the foot of the first page of the answer?
2. what analysis, if any, has been carried out on types and causes of road accidents over the last 5 years and how is this analysis carried out?
3. do annual reports exist for types and causes of road accidents, (or similar non-annual reports) and if so, where can these reports be accessed?
4. can similar reports be found going back 10, 20 and 30 years ago for comparison purposes and, if so, where?
5. has any research been undertaken in Jersey on the effect of such factors as drink-driving laws and street lighting on road accident statistics and, if so, where can these reports be accessed?"

27. The Minister for Economic Development will table an answer to a question asked by the Deputy of St. Mary -

"Would the Minister inform the Assembly of the value of the aquaculture and fishing industries, in terms of turnover, exports and employment?"

Does the Minister collate information relating to the costs to the industry in having shell-fish beds downgraded from one status to a lower one, and, if so, would he provide the information to the Assembly. Would he also outline the reasons such a downgrading can occur?

Would the Minister advise how many times, if any, such downgrading has happened in the last 10 years?"

28. The Minister for Economic Development will table an answer to a question asked by the Deputy of St. Mary -

“Will the Minister provide the Assembly with the following figures relating to the Tourism budget for the last 10 years, adjusted for inflation?

- (a) marketing spend by year;
- (b) events spend by year;
- (c) PR spend by year and by country/region;
- (d) additional marketing support by year?”

29. The Minister for Housing will table an answer to a question asked by Deputy D.J. de Sousa of St. Helier -

“Can the Minister state why, after over 10 years as President or Minister of Housing, and 4 years after Housing Trust Regulation appeared as an aim in the States Strategic Plan, the States are still waiting for action to be taken on this matter?”

ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

2010	First 15 minute period Minister	Second 15 minute period Minister
9th March	Treasury and Resources	Chief Minister
23rd March	Education, Sport and Culture	Health and Social Services
20th April	Home Affairs	Chief Minister
11th May	Social Security	Planning and Environment
25th May	Housing	Chief Minister
8th June	Transport and Technical Services	Treasury and Resources
22nd June	Economic Development	Chief Minister
6th July	Education, Sport and Culture	Health and Social Services
19th July	Home Affairs	Chief Minister
<u>2nd session</u>		
14th September	Social Security	Planning and Environment
28th September	Housing	Chief Minister
12th October	Transport and Technical Services	Treasury and Resources
19th October	Economic Development	Chief Minister
2nd November	Education, Sport and Culture	Health and Social Services
16th November	Home Affairs	Chief Minister
30th November	Social Security	Planning and Environment
7th December	Housing	Chief Minister