



STATES OF JERSEY ORDER PAPER

Monday 2nd December 2013
at 2.30 p.m.

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS (*Explanatory note attached*)

Motor Vehicle Registration (General Provisions) (Amendment No. 19) (Jersey) Order 2013. <i>Minister for Transport and Technical Services.</i>	R&O.144/2013.
Shipping (Fees) (Jersey) Order 2013. <i>Minister for Economic Development.</i>	R&O.145/2013.
Shipping (Survey and Certification) (Jersey) Order 2013. <i>Minister for Economic Development.</i>	R&O.146/2013.
Community Provisions (Restrictive Measures – Belarus) (Amendment No. 10) (Jersey) Order 2013. <i>Minister for External Relations.</i>	R&O.147/2013.
Road Traffic (St. John) (Amendment No. 7) (Jersey) Order 2013. <i>Minister for Transport and Technical Services.</i>	R&O.148/2013.

C. DOCUMENTS PRESENTED OR LAID

Land Transactions under Standing Order 168(3) – (a) Haut de la Garenne Accommodation and Outdoor Activity Centre, including Fields 685, 686, 695 and 695B – lease to Paradox Ltd.; (b) Field 107, Maufant, St. Saviour – lease to the sitting tenant; (c) 1 Don Terrace, St. Helier – sale. Presented: 27th November 2013. <i>Minister for Treasury and Resources.</i>	R.146/2013.
States of Jersey Law 2005: delegation of functions – Treasury and Resources – revised delegations November 2013. Presented: 28th November 2013. <i>Minister for Treasury and Resources.</i>	R.147/2013.
Draft 2014 Budget. Presented: 26th November 2013. <i>Corporate Services Scrutiny Panel.</i>	S.R.13/2013.

D. NOTIFICATION OF LODGED PROPOSITIONS

Composition and election of the States Assembly: reform – proposal 1 (P.93/2013) – third amendment. Lodged: 26th November 2013. <i>Deputy J.A.N. Le Fondré of St. Lawrence.</i>	P.93/2013. Amd.(3)
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Draft Budget Statement 2014 (P.122/2013): second amendment (P.122/2013 Amd.(2)) – amendment. P.122/2013.
Lodged: 26th November 2013. Amd.(2)
Deputy S.S.P.A. Power of St. Brelade. Amd.

Draft Budget Statement 2014 (P.122/2013): second amendment (P.122/2013 Amd.(2)) – second amendment. P.122/2013.
Lodged: 26th November 2013. Amd.(2)
Minister for Treasury and Resources. Amd.(2)

Ratification of the Convention on Mutual Administrative Assistance in Tax Matters. P.154/2013.
Lodged: 26th November 2013. (re-issue)
Minister for External Relations.

Draft Taxation (Implementation) (Convention on Mutual Administrative Assistance in Tax Matters) (Jersey) Regulations 201-. P.155/2013.
Lodged: 26th November 2013.
Minister for External Relations.

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 –

Jersey Innovation Fund: Board remuneration. P.121/2013.
Lodged: 4th October 2013.
Minister for Economic Development.

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

G. MATTERS OF PRIVILEGE

H. PETITIONS

I. QUESTIONS

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

1. The Chairman of the Environment Scrutiny Panel will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding statements contained within the Panel’s recent Energy Report.
2. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding a review of the Jersey Dental Fitness Scheme.
3. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding safeguards to ensure that employees are not exploited when participating in Advance to Work and Jobs Fest schemes.
4. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the use of zero-hours contracts.



5. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding changes to the medical protocols engaged in the assessment of Long-Term Incapacity Allowance.
6. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding controls in place under the Control of Housing and Work Regulations.
7. The Minister for Health and Social Services will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the number of non-professional carers in the Island.
8. The Minister for Economic Development will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the progress of the 'Knights of Impossingworth' film.
9. The Chief Minister will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the dismissal of a Minister on a proposition lodged by the Chief Minister.
10. The Chief Minister will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding adult and children's safeguarding panels.
11. The Minister for Home Affairs will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding a detailed timeline of the events associated with the arrest of the woman known as HG.
12. The Minister for Economic Development will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding the recent loss of a fulfilment company from the Island.
13. The Minister for Economic Development will table an answer to a question asked by the Connétable of St. John regarding succession planning at the Harbours Department.
14. The Chief Minister will table an answer to a question asked by Deputy J.H. Young of St. Brelade regarding his policy priorities for the environment.
15. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the handling of combustible waste at the Energy from Waste Plant.
16. The Minister for Health and Social Services will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the efficacy of Tamiflu.
17. The Minister for Health and Social Services will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the provision of treatment for autism, Asperger's, ADHD and other similar conditions and disorders.

(b) – Oral Questions

(120 minutes)

1. Senator A. Breckon will ask the following question of the Minister for Treasury and Resources –

“Would the Minister advise whether Ann Court has been transferred from the Housing Department to Property Holdings and then on to a Housing Trust and, if so, who made this decision, when was this made and why?”



2. Senator S.C. Ferguson will ask the following question of the Minister for Treasury and Resources –

“Would the Minister advise whether £13 million has been transferred from the currency fund to the States of Jersey Development Company Limited and, if so, why was this considered necessary?”

3. Deputy S.S.P.A. Power of St. Brelade will ask the following question of the Minister for Economic Development –

“Would the Minister confirm that the café at the Elizabeth Terminal has recently closed and does he consider that rent increases above the rate of inflation, car-parking charges and the loss of a bus service combined with the loss of local business using the café contributed to its closure and, if so, what action, if any, will he be taking to address this situation?”

4. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Health and Social Services –

“Would the Minister advise whether consultants are monitored to ensure they work to contract and whether new contracts are likely to put greater emphasis on public sector work?”

5. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Social Security –

“As the Minister with responsibility for investigating the extent and appropriateness of the use of zero-hours contracts in the economy, has he examined the employment practices of the Royal Bank of Scotland and, if not, will he do so as a priority and report his findings to the Assembly?”

6. Deputy J.A.N. Le Fondre of St. Lawrence will ask the following question of the Chief Minister –

“Given that the Terms of Reference of the Steel Review clearly state that upon receipt the Bishop of Winchester will supply a copy of the report to, amongst others the Dean and the Bailiff, can the Chief Minister advise whether the report has now been circulated and what action, if any, he proposes to address the way in which the matter has been handled?”

7. Deputy M.R. Higgins of St. Helier will ask the following question of H.M. Attorney General –

“Will the Attorney General explain whether in criminal court cases where a defence lawyer has been appointed it is usual for defence lawyers to be present throughout all court hearings involving questions of bail and for sentencing and, if it is not will he explain why not and whether such proceedings would be compliant with Article 6 of the European Convention on Human Rights?”

8. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Treasury and Resources –

“Would the Minister advise whether there are issues arising from the removal of Income Tax allowances and, if so, whether he intends to review the matter?”

9. Deputy J.A.N. Le Fondre of St. Lawrence will ask the following question of the Chief Minister –

“Will the Chief Minister be involved in the impending ‘Pastoral’ visit from Lambeth Palace, and, if so, will he be expressing his concerns over the handling by the Bishop of Winchester of matters concerning the Dean and indeed the resulting damage to Jersey’s relationship with the Diocese of Winchester?”



10. Deputy M.R. Higgins of St. Helier will ask the following question of the Chief Minister –

“Will the Chief Minister inform Members what reasons, if any, the Jersey Independent Safeguarding Chair gave when deciding not to instigate a Serious Case Review, despite having consulted with the bodies involved with the arrest and welfare of the lady known as HG and having taken advice from those bodies and was the Chief Minister advised why HG was not interviewed before the Chair’s decision was reached?”

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

“Will the Chief Minister explain to members the role and importance of employment agencies in the Jersey economy and in particular how they operate under the Control of Housing and Work (Residential and Employment Status)(Jersey) Regulations 2013?”

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

1st question period – Minister for Social Security

2nd question period – Chief Minister

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

L. PUBLIC BUSINESS

2nd December 2013

Committee of Inquiry into Historical Abuse: appointment of Chairman and members. P.149/2013.
Lodged: 5th November 2013.
Chief Minister.

3rd December 2013

Draft Budget Statement 2014. P.122/2013.
Lodged: 8th October 2013.
Minister for Treasury and Resources.

Draft Budget Statement 2014 (P.122/2013): amendment. P.122/2013.
Lodged: 19th November 2013. Amd.
Deputy G.P. Southern of St. Helier.

Draft Budget Statement 2014 (P.122/2013): second amendment. P.122/2013.
Lodged: 19th November 2013. Amd.(2)
Connétable of St. Helier.

Draft Budget Statement 2014 (P.122/2013): second amendment P.122/2013.
(P.122/2013 Amd.(2)) – amendment. Amd.(2)
Lodged: 26th November 2013. Amd.
Deputy S.S.P.A. Power of St. Brelade.



Draft Budget Statement 2014 (P.122/2013): second amendment (P.122/2013 Amd.(2)) – second amendment. Lodged: 26th November 2013. <i>Minister for Treasury and Resources.</i>	P.122/2013. Amd.(2) Amd.(2)
Draft Budget Statement 2014 (P.122/2013): third amendment. Lodged: 19th November 2013. <i>Deputy G.P. Southern of St. Helier.</i>	P.122/2013. Amd.(3)
Draft Budget Statement 2014 (P.122/2013): fourth amendment. Lodged: 19th November 2013. <i>Deputy J.H. Young of St. Brelade.</i>	P.122/2013. Amd.(4)
Draft Budget Statement 2014 (P.122/2013): fifth amendment. Lodged: 19th November 2013. <i>Deputy G.P. Southern of St. Helier.</i>	P.122/2013. Amd.(5)
Draft Finance (2014 Budget) (Jersey) Law 201-. Lodged: 8th October 2013. <i>Minister for Treasury and Resources.</i>	P.123/2013.
Draft Income Tax (Amendment No. 43) (Jersey) Law 201-. Lodged: 8th October 2013. <i>Minister for Treasury and Resources.</i>	P.124/2013.
Draft Income Tax (Prescribed Limit and Rate) (Jersey) Regulations 201-. Lodged: 8th October 2013. <i>Minister for Treasury and Resources.</i>	P.125/2013.
Composition and election of the States Assembly: reform – proposal 1. Lodged: 2nd August 2013. <i>Senator P.F.C. Ozouf.</i>	P.93/2013.
Composition and election of the States Assembly: reform – (P.93/2013, P.94/2013, P.98/2013, P.116/2013, P.117/2013 and associated amendments) – comments. Presented: 25th October 2013. <i>Privileges and Procedures Committee.</i>	P.93, P.94, P.98, P.116, P.117/2013. Com. (re-issue)
Composition and election of the States Assembly: reform – proposal 1 (P.93/2013) – amendment. Lodged: 3rd September 2013. <i>Senator L.J. Farnham.</i>	P.93/2013. Amd.
Composition and election of the States Assembly: reform – proposal 1 (P.93/2013) – amendment (P.93/2013 Amd.) – amendment. Lodged: 14th October 2013. <i>Deputy E.J. Noel of St. Lawrence.</i>	P.93/2013. Amd.Amd.
Composition and election of the States Assembly: reform – proposal 1 (P.93/2013) – second amendment. Lodged: 22nd October 2013. <i>Connétable of St. Mary.</i>	P.93/2013. Amd.(2)
Composition and election of the States Assembly: reform – proposal 1 (P.93/2013) – third amendment. Lodged: 26th November 2013. <i>Deputy J.A.N. Le Fondré of St. Lawrence.</i>	P.93/2013. Amd.(3)



Draft Employment (Minimum Wage) (Amendment No. 10) (Jersey) Regulations 201-. Lodged: 22nd October 2013. <i>Minister for Social Security.</i>	P.131/2013.
Minimum wage: amendment. Lodged: 29th October 2013. <i>Deputy G.P. Southern of St. Helier.</i>	P.135/2013.
Agent of the Impôts: appointment. Lodged: 1st November 2013. <i>Minister for Home Affairs.</i> <i>(in camera debate)</i>	P.144/2013.
Legal aid reform and access to justice: working group. Lodged: 1st November 2013. <i>Deputy M. Tadier of St. Brelade.</i>	P.145/2013.
Draft Wills and Successions (Amendment No. 2) (Jersey) Law 2013 (Appointed Day) Act 201-. Lodged: 1st November 2013. <i>Chief Minister.</i>	P.146/2013.

M. ARRANGEMENT OF PUBLIC BUSINESS

10th December 2013

Committee of Inquiry: costs for local businesses. Lodged: 27th June 2013. <i>Senator A. Breckon.</i>	P.82/2013.
Public Elections: Single Transferable Voting System (STV) and an Alternative Voting System (AV). Lodged: 17th July 2013. <i>Deputy M. Tadier of St. Brelade.</i>	P.86/2013.
Public Elections: Single Transferable Voting System (STV) and an Alternative Voting System (AV) (P.86/2013) – comments. Presented: 4th September 2013. <i>Comité des Connétables.</i>	P.86/2013. Com.
Long-Term Care Scheme. Lodged: 22nd August 2013. <i>Minister for Social Security.</i>	P.99/2013.
Long-Term Care Scheme (P.99/2013): amendment. Lodged: 5th November 2013. <i>Deputy J.H. Young of St. Brelade.</i>	P.99/2013. Amd.
Long-Term Care Scheme (P.99/2013): second amendment. Lodged: 19th November 2013. <i>Senator A. Breckon.</i>	P.99/2013. Amd.(2)
Long-Term Care Scheme (P.99/2013): third amendment. Lodged: 19th November 2013. <i>Deputy M. Tadier of St. Brelade.</i>	P.99/2013. Amd.(3)



Draft Public Finances (Amendment of Law No. 1) (Jersey) Regulations 201-. Lodged: 24th October 2013. <i>Minister for Treasury and Resources.</i>	P.133/2013.
Ratification of the Agreement between the Government of Jersey and the Swiss Federal Council for the Exchange of Information on Tax Matters. Lodged: 28th October 2013. <i>Minister for External Relations.</i>	P.134/2013.
Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 8) (Jersey) Regulations 201-. Lodged: 30th October 2013. <i>Minister for External Relations.</i> <i>(Cannot be debated until 11th December 2013)</i>	P.143/2013.
Draft Long-Term Care (Residency Conditions) (Jersey) Regulations 201-. Lodged: 29th October 2013. <i>Minister for Social Security.</i>	P.136/2013.
Draft Social Security (Hypothechs) (Jersey) Law 201-. Lodged: 29th October 2013. <i>Minister for Social Security.</i>	P.137/2013.
Draft Social Security (Amendment of Law No. 6) (Jersey) Regulations 201-. Lodged: 29th October 2013. <i>Minister for Social Security.</i>	P.138/2013.
Draft Social Security (Amendment of Law No. 6) (Jersey) Regulations 201- (P.138/2013): amendment. Lodged: 19th November 2013. <i>Deputy M. Tadier of St. Brelade.</i>	P.138/2013. Amd.
Draft Social Security (Amendment No. 21) (Jersey) Law 201-. Lodged: 29th October 2013. <i>Minister for Social Security.</i>	P.139/2013.
Draft Long-Term Care (States Contribution) (Jersey) Regulations 201-. Lodged: 29th October 2013. <i>Minister for Social Security.</i>	P.140/2013.
Draft Long-Term Care (States Contribution) (Jersey) Regulations 201- (P.140/2013): amendment. Lodged: 19th November 2013. <i>Senator A. Breckon.</i>	P.140/2013. Amd.
Draft Long-Term Care (Health and Social Services Charges) (Jersey) Law 201-. Lodged: 29th October 2013. <i>Minister for Health and Social Services.</i>	P.141/2013.
Draft Long-Term Care (Jersey) Law 2012 (Appointed Day) Act 201-. Lodged: 29th October 2013. <i>Minister for Social Security.</i>	P.142/2013.



21st January 2014

- Sunstone Holdings Ltd. and De Lec Ltd. – *ex gratia* payments to investors. P.90/2013.
Lodged: 26th July 2013.
Senator A. Breckon.
- Sunstone Holdings Ltd. and De Lec Ltd. – *ex gratia* payments to investors P.90/2013.
(P.90/2013) – comments. Com.
Presented: 23rd September 2013.
Council of Ministers.
- Committee of Inquiry: planning applications by the Channel Islands Co-operative P.102/2013.
Society Ltd.
Lodged: 28th August 2013.
Deputy R.G. Le Hérisssier of St. Saviour.
- Draft Aquatic Resources (Jersey) Law 201-. P.114/2013.
Lodged: 24th September 2013.
Minister for Economic Development.
- Ratification of the Agreement between the Government of Jersey and the Republic P.147/2013.
of Croatia with respect to the Taxation of Savings Income.
Lodged: 4th November 2013.
Minister for External Relations.
- EU Taxation of Savings Income Agreements: replacement of the retention tax by P.150/2013.
automatic exchange of information.
Lodged: 12th November 2013.
Minister for External Relations.
- Draft Taxation (Agreements with European Union Member States) (Amendment P.151/2013.
No. 2) (Jersey) Regulations 201-.
Lodged: 12th November 2013.
Minister for External Relations.
- Law Officers' Department and members of the Law Society of Jersey: revised P.152/2013.
disciplinary process.
Lodged: 13th November 2013.
Deputy R.G. Le Hérisssier of St. Saviour.
- Referenda: revised procedures. P.153/2013.
Lodged: 13th November 2013.
Deputy R.G. Le Hérisssier of St. Saviour.
- Ratification of the Convention on Mutual Administrative Assistance in Tax P.154/2013.
Matters. (re-issue)
Lodged: 26th November 2013.
Minister for External Relations.



Draft Taxation (Implementation) (Convention on Mutual Administrative Assistance
in Tax Matters) (Jersey) Regulations 201-

P.155/2013.

Lodged: 26th November 2013.

Minister for External Relations.

M.N. DE LA HAYE
Greffier of the States

27th November 2013

Note – In accordance with the meeting dates fixed for 2013 by the Privileges and Procedures Committee, this meeting will continue on Tuesday 3rd December and, if necessary, Wednesday 4th and Thursday 5th December 2013.



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.144/2013.

This Order amends the Motor Vehicle Registration (General Provisions) (Jersey) Order 1993 to introduce a scheme for selling, by auction, tender or private sale, the right to have a particular registration mark assigned. It also expands on the current provisions for replacing, exchanging and retaining registration marks. It takes the opportunity to make various other more minor amendments, particularly some relating to trade plates. The amendments mostly follow on from those made to the Motor Vehicle Registration (Jersey) Law 1993 (“the Law”) by the Motor Vehicle Registration (Amendment No. 4) (Jersey) Law 2013, and will come into force on the same date.

Article 1 defines the Motor Vehicle Registration (General Provisions) (Jersey) Order 1993 as the “principal Order”.

Article 2 amends Article 8 of the principal Order, which requires the owner of a registered vehicle to declare a change of address. The amendment extends the requirement to include where the owner changes his or her name (but remains the same person), in line with the recent amendment of Article 5(1)(b) of the Law.

Article 3 amends Article 12 of the principal Order, which gives the Inspector powers to require further information about a registered vehicle. The amendment extends the circumstances in which information can be requested, to include where an owner declares a change of name (rather than just a change of address or of the actual owner, as at present), as well as where an application is made for withdrawal or assignment of a registration mark, or for the grant of a mark-right in relation to a cancelled or withdrawn mark (see the new Schedule 4A).

Article 4 substitutes Article 14 of the principal Order, which gives the Inspector powers to inspect a vehicle. The amendment extends the circumstances in which inspection can be required, to include where an application is made for the withdrawal or assignment of a mark, where inspection is needed to confirm a notification made in response to a demand for information under Article 13, or where the Inspector has reason to believe the vehicle may have been permanently removed from Jersey or broken up or destroyed (or no longer exists for some other reason).

Article 5 substitutes Article 22 of the principal Order, which currently provides for replacement and exchange of registration marks. The substituted Article gives effect to the new Schedule 4A, which provides for an expanded scheme of assignment and exchange of particular registration marks (see below).

Article 6 substitutes Articles 24 to 26 of the principal Order, which currently deal with trade licences and plates. The substituted Articles follow the recent amendments to the Law, under which the trader obtains plates, rather than being provided with plates by the Inspector. The substituted provisions also relate back to the relevant provisions in the Law, instead of reproducing them in different words as currently. The trade plates are therefore not the property of the Minister, but they must nevertheless be surrendered (rather than returned) to the Inspector once the trade licence ceases to be in force (although that can now be done within 7 days afterwards, instead of forthwith).

Article 7 amends Article 27 of the principal Order, which provides for exhibition of trade licence plates and related items. The amendment just reflects the fact that the plates are obtained by the trader instead of being provided by the Inspector (as mentioned above).

Article 8 substitutes Article 31 of the principal Order, which currently provides for replacement of both trade licences and trade licence plates. As with *Article 7*, the substitution just reflects the fact that the plates are obtained by the trader instead of being provided by the Inspector.

Article 9 inserts the new Schedule 4A (contained in the *Schedule* to this Order), which contains the new scheme for registration marks.

Article 10 deletes paragraph 4(2) in Part 2 of Schedule 5 to the Order, which currently reads –

“(2) When one or more trailers are drawn by an agricultural tractor, the registration mark required to be exhibited on the back of that vehicle, or a duplicate of such registration mark,



need not be exhibited on the back of the rearmost trailer, if instead there is exhibited on the back of the rearmost trailer the registration mark required to be exhibited on the back of any other agricultural tractor owned by the owner of the trailer in the same manner as the registration mark is required to be exhibited upon the back of that other agricultural tractor.”

The effect of the deletion is that the mark exhibited on the back of a trailer drawn by a tractor must be the mark for that tractor.

Article 11 gives the short title of this Order and would bring it into force on the same day as the amendments to the Law.

The Schedule contains the new Schedule 4A to the principal Order, to provide for an expanded scheme of withdrawal and assignment of particular registration marks. The new Schedule replaces Article 22 of the principal Order, broadening the scope of the scheme. The current provisions in Article 22 cater for only 5 circumstances – the withdrawal of a registration mark at the owner’s request and its replacement with a mark allocated by the Inspector; the exchange of marks between vehicles; the assignment to a newly registered vehicle of a mark previously assigned to another vehicle owned by the same person (and the assignment to that other vehicle of a new mark allocated by the Inspector); the addition or removal of the letter “H” where the use of the vehicle is altered to or from use for hire (reproduced as paragraph 10 of the new Schedule 4A); and the reservation by an owner of the mark assigned to a vehicle, when that vehicle is removed from Jersey or broken up or destroyed, for that mark to be assigned to another vehicle of which the person becomes the owner within 6 months. The Schedule expands beyond those 5 circumstances on that as follows.

Paragraph 1 of Schedule 4A contains interpretation provisions.

Paragraph 2 of Schedule 4A provides for an owner to request withdrawal of a registration mark (on payment of a fee of £81.25), either so that a particular new mark can be assigned under a mark-right (granted in relation to reserving a mark from a previous vehicle, or in relation to a new mark for which the owner has bought the mark-right), or so that a mark allocated by the Inspector can be assigned (as under the current Article 22(1)).

Paragraph 3 of Schedule 4A provides for the assignment of a particular registration mark under a mark-right. If a person obtains a mark-right (whether by reservation or sale), the mark to which it relates must be assigned to a vehicle if the person applies for the assignment within 6 months and complies with this paragraph. The person must be the owner of the vehicle, which will either be unregistered or already registered. If the vehicle is unregistered the owner must be applying to register it (and so will have to pay the fee for registration). If the vehicle is already registered the owner must be applying to have its current mark withdrawn (and so will have to pay the fee for withdrawal). In either case the owner will be asking for the particular mark to be assigned, instead of one determined by the Inspector (and there is no additional fee for assignment of the particular mark). A mark-right can only be exercised once, and if it is not exercised within the 6 months it expires.

Paragraph 4 of Schedule 4A provides for the grant of a mark-right by way of reservation of a right to the mark currently assigned to a vehicle, when the mark is withdrawn because the owner has applied for a new mark to be assigned, or when the registration is cancelled because the owner has notified the Inspector of the export or destruction of the vehicle. The mark-right is granted to the owner of the vehicle from which the mark is withdrawn or of which the registration is cancelled (on payment of a fee of £81.25), or to a third party with the owner’s consent (on payment of a fee of £91.25). As in the current legislation (in relation to exchanges in the current Article 22(2)), no limitations are imposed on the basis on which that consent may be given, so for example the owner might require payment, or might give consent as part of an exchange of marks without any payment of money, or gratuitously as a gift, or for any other reason. If the owner does consent, the mark-right is granted directly to the third party (not to the owner), and once granted to a particular person the mark-right cannot be transferred to anyone else. An application can be made conditional on the outcome of other applications, for example to enable 2 or more owners to exchange marks in one transaction (as under the current Article 22(2)). In that case the fees are capped at £81.25 per vehicle involved in the exchange. If an owner applies for a vehicle to be registered with the mark currently assigned to another vehicle in that person’s ownership, and for a new mark to be assigned to that other vehicle, the fees are limited to £81.25 in total (as under the current Article 22(3)). The combined effect is that anything that can be done under the current Article 22 can still be done for the same fee, but anything new that can be done is subject to a fee of £81.25 or £91.25.



Paragraph 5 of Schedule 4A provides for the other means by which mark-rights may be granted, namely by way of sale of a right to a mark that is not currently assigned to any vehicle (whether it is a completely new mark or has been assigned previously but then withdrawn or cancelled). This scheme does not apply to registration marks containing the “H” that distinguishes vehicles for hire. Marks chosen by the Inspector can be put up for sale in the most efficient way, whether by private sale, tender, auction or otherwise (subject to direction or guidance from the Minister). A person only obtains the right to the mark if they pay the agreed price and acknowledge receipt of information from the Inspector (such as about the expiry of the right, without any refund, if not used within 6 months).

Paragraph 6 of Schedule 4A provides for documents to certify the grant of a mark-right. The mark-right document will set out the 6 month time limit for exercising the right, and will give details of the right, including whether it was obtained by reservation by the owner or third party, or by sale by the Inspector.

Paragraph 7 of Schedule 4A provides for the Inspector to delegate functions under the scheme. The delegation can be to a person not employed by the States, such as an auctioneer. Where such a person runs tenders or auctions, the delegation can also provide (if the Minister consents) for the person to be paid for that work by various means including by commission or by retention of some or all of the proceeds (in return for payment to the Inspector).

Paragraph 8 of Schedule 4A makes general provision for delay, refusal and withdrawal in respect of functions under the Schedule, and for appeals against such decisions. The grant of a mark-right or assignment of a registration mark can be delayed pending investigation or correction of the relevant registration, and may be refused if the Inspector is not satisfied as to the outcome. Refusal can also be based (if it is proportionate, and after giving the owner the opportunity to object) if the Inspector is satisfied that the owner previously failed to notify the Inspector of the export or destruction of the vehicle, or that there are other exceptional reasons related to the prevention of crime or to the reputation and integrity of Jersey’s registration scheme. The Inspector can (where proportionate and after considering objections) substitute a mark that was obtained by contravening the registration legislation. Substitution is also available (again where proportionate and after considering objections), if the mark was obtained by using the proceeds of criminal conduct or money or property liable to forfeiture, but only if the Attorney-General consents. That gives the Attorney-General the option to investigate whether instead the vehicle should be forfeited, along with its registration mark, or whether some other action or no action should be taken. The Inspector must give reasons for a refusal or substitution, and the person affected can appeal to the Royal Court.

Paragraph 9 of Schedule 4A ensures that mark-rights are not transferable (other than by operation of law). As explained above, where a mark-right is granted to a person other than the owner, it is granted directly to that person and is not transferred to them from or by the owner.

Paragraph 10 of Schedule 4A reproduces the effect of the current Article 22(4), so that when the use of a vehicle is to be altered to or from use exclusively for hire, the letter “H” can be added to or removed from its registration mark.

The Order was made on 20th November 2013 and came into force on 22nd November 2013.

R&O.145/2013.

This Order revokes (by *Article 2*) and replaces the Shipping (Fees) (No. 2) (Jersey) Order 2008 (“the 2008 Order”), and by the Schedule and *Article 1* prescribes fees in respect of issue of certificates and other documents; consideration of applications for such certificates etc.; and inspection and examination of ships, which are chargeable under the enactments listed in the Schedule and made under the Shipping (Jersey) Law 2002. This Order includes both fees which were prescribed by the 2008 Order, and fees newly prescribed in respect of provisions in the Shipping (Safety Code – Yachts and Small Ships) (Jersey) Regulations 2013, and in the Shipping (Survey and Certification) (Jersey) Order 2013.

Article 3 provides for the citation and commencement of this Order.

The Order was made on 21st November 2013 and came into force on the same day as the Shipping (Safety Code – Yachts and Small Ships) (Jersey) Regulations 2013 – 19th November 2013.



R&O.146/2013.

This draft Order revokes (by *Article 5*) and replaces the Shipping (Survey and Certification) (No. 2) (Jersey) Order 2005 (“the 2005 Order”).

It applies for Jersey, with suitable and up-to-date modifications, 2 sets of UK Regulations (made under the Merchant Shipping Acts of the UK, as consolidated in the Merchant Shipping Act 1995, and for the purpose of applying provisions of the International Convention for the Safety of Life at Sea, 1974, as amended) relating to requirements for surveying and certifying the safety of certain classes of ships and of equipment on such ships.

Article 1 applies the Merchant Shipping (Survey and Certification) Regulations 1995 (“the 1995 Regulations”) and *Article 3* applies the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (“the 2000 Regulations”). In the case of both the 1995 Regulations and the 2000 Regulations, this Order provides that references to the United Kingdom are to be read as references to Jersey; references to United Kingdom ships are to be read as references to Jersey ships of the same kind; and similar substitutions are to be made with regard to references to the Secretary of State and the Maritime and Coastguard Agency of the UK.

Article 2 provides for further modifications to be made to the 1995 Regulations; *Article 4* does the same with regard to the 2000 Regulations. Both sets of Regulations are set out for information only, showing the modifications, in an appendix to this Order.

The Order was made on 21st November 2013 and came into force on the same day as the Shipping (Safety Code – Yachts and Small Ships) (Jersey) Regulations 2013 – 19th November 2013.

R&O.147/2013.

The Order amends the Community Provisions (Restrictive Measures – Belarus) (Jersey) Order 2011. It gives effect to Council Implementing Regulation (EU) No. 1054/2013 of 29th October 2013 (OJ L.288, 30.10.2013, p.1) implementing Article 8a(1) of Regulation (EC) No. 765/2006 (the “2006 (EC) Regulation”) concerning restrictive measures in respect of Belarus. The effect of the amendments is to add 3 persons to, remove certain persons and entities from, and update the information relating to certain persons and entities set out in, the list of persons and entities whose funds and economic resources are frozen contained in Annex I to the 2006 (EC) Regulation.

The Order was made on 21st November 2013 and came into force on 22nd November 2013.

R&O.148/2013.

This Order amends the Road Traffic (St. John) (Jersey) Order 1982.

This Order amends Schedule 2 by prohibiting vehicles from waiting in various specified parts of roads in St. John. The roads affected are La Route du Mont Mado, La Route du Nord, La Rouette de la Carrière and La Ville des Chênes. Also, a new Part is added to Schedule 2 so as to prohibit a vehicle waiting for more than 20 minutes in any one hour in a specified part of La Route du Nord.

This Order updates a reference in Schedule 4 to St. John’s Precinct, currently described as unnamed.

The Order provides that it comes into force 7 days after it is made.

The Order was made on 22nd November 2013 and came into force on 29th November 2013.



WRITTEN QUESTIONS

(See Item I(a))

1. The Chairman of the Environment Scrutiny Panel will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“In relation to the statement in its Energy Report under ‘key issues’ that carbon emissions are having a major impact on the global climate, would the Chairman confirm that this was taken directly from IPCC literature and, if so, would he advise whether his Panel undertook any work to verify those comments?”

Would the Chairman give details of the ‘international agreement’, scientific consensus’ and ‘evidence on climate change’ that his Panel have researched, or whether those statements were also taken from IPCC literature without question?

Is the Chairman aware that the film ‘Inconvenient Truth’ was found by a British Court to be a political, as opposed to scientific, work?

Would the Chairman advise what work, if any, his Panel undertook to verify the statement by the IPCC co-Chair that ‘continued emissions of greenhouse gases will cause further warming and changes in all components of the climate system’?”

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

“Will the Minister release the written review of the Jersey Dental Fitness Scheme which he referred to on 20th November 2013 during the debate of P.127/2013 (‘Dental Health Services – improvements’) and which he stated had been produced by his Department in July this year and, if not, why not?”

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

“What safeguards, if any, are in place to ensure that employers participating in Advance to Work and Jobs Fest schemes are genuinely seeking to employ candidates in permanent or long-term contract work and not just exploiting the incentives on offer to obtain up to £243.41 a week to offset employee wages?”

What efforts, if any, are made to ensure that placements are made on ‘usual’ terms and conditions and that unpaid overtime or unusual hours are not imposed?

What steps, if any, are made to ensure that interviews mid-way through the placement are conducted in such a way as to assure employees of anonymity and security in assessing the placement?

What measures, if any, are in place to ensure that employers do not use the scheme to obtain cheap labour by extending the length of the placement or engaging a series of qualified workers over time?

What evidence, if any, does the Minister have to suggest that such placements do not get in the way of candidates engaging in applying for real jobs?”



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

Will the Minister inform members of the progress, if any, which he has made in examining the extent to which zero-hours contracts are used in the Jersey economy?

Does the Minister condemn the use of zero-hours contracts by some employers in the finance sector as a mechanism to pay staff lower rates and circumvent their entitlement to sick pay and holidays?

Will the Minister also advise whether staff employed on zero-hours contracts by the Social Security Department through an agency have now been given permanent contracts and that this practice has now ceased in this Department?”

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

“Further to the response given by the Minister to the question of the Deputy of St. Ouen on 19th November 2013, when he referred to changes to the medical protocols engaged in the assessment of the degree of impairment related to percentage awards of Long-Term Incapacity Allowance, will the Minister advise whether the tests for impairment have been reinforced and, if so, has this resulted in an overall reduction of percentage awards?

If this is so, will he point to any evidence that previous assessments, either locally or elsewhere, were too generous, and state whether any change is linked with ATOS assessments related to ‘capacity for work’ of those with disability in the UK, and, if so, whether there is any intention to introduce such tests here?”

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

“Will the Minister explain to members what controls, if any, are in place under the Control of Housing and Work (CHW) Regulations to prevent any employer who is refused permission to employ a registered person under his/her Regulation of Undertakings licence from sourcing a person with the required skills through an agency, whilst leaving the employee on the books of that agency?

Will he further explain how CHW Regulations controlling entitled/licensed/registered persons operate in terms of agency workers?

Will he also publish the overall numbers of licences for registered workers allocated to employment agencies along with a breakdown of the numbers attached to each agency?”

7. The Minister for Health and Social Services will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Can the Minister advise members what information and data, if any, is available regarding the number of non-professional carers in the Island (including children looking after their parents, spouses looking after spouses, siblings looking after siblings) and what assistance, if any, is provided by States Departments to these carers?”



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

“Would the Minister advise whether the filming of ‘Knights of Impossingworth’ has now started and, if so, where is this taking place and when is the film due to be completed?

Would he also advise whether it is now suggested that the film will be shot entirely in Jersey and, if so, whether his Department will be increasing its grant as a consequence?

Would the Minister also clarify whether the title of the film has now changed and, if so, whether that has any implications with regard to the contract between the Department and the film makers?

Finally, if filming has not yet started, would the Minister advise precisely how long he intends to allow slippage to continue before activating the ‘claw-back’ clause in the contract?”

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

“Would the Chief Minister advise whether he would consider resigning himself if the States refuses to dismiss a Minister on a proposition lodged by the Chief Minister?

Would the Chief Minister agree to publish his motives for seeking to remove the Minister for Planning and Environment should he decide ultimately not to pursue the matter and, if not, why not?”

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

“Will the Chief Minister provide members with full details of the adult and children’s Safeguarding Panels, including full details of –

- (a) the powers they possess;
- (b) their membership;
- (c) the procedures they have adopted;
- (d) the Terms of Reference for the Panels;
- (e) the number of meetings held since their formation;
- (f) the number of cases considered by each Panel since formation;
- (g) the procedure followed for deciding whether serious case reviews should be carried out;
- (h) the procedures followed in carrying out serious case reviews;
- (i) the policies in respect of conflicts of interest; and
- (j) the number of independent external reviews of the Departments which have been conducted?”

11. The Minister for Home Affairs will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Will the Minister set out a detailed timeline showing from the time of the arrest of the woman known as HG to the moment she appeared in court to face charges of harassment, the times anyone interacted with her, who those interactions were with, and the times at which witness statements were taken, the charges were drawn up and read to her?”



12. The Minister for Economic Development will table an answer to the following question asked by Deputy R.G. Le Hérisssier of St. Saviour –

“Would the Minister advise whether one of the last remaining sizeable fulfilment companies has left the Island and, if so, would he state the reasons why, and whether States policies or that of its agencies played a role?”

13. The Minister for Economic Development will table an answer to the following question asked by the Connétable of St. John –

Given that the recently appointed Harbourmaster is 66 years old, what succession planning, if any, has been implemented for senior staff at Harbours during the 7 years that this area has been within the remit of Economic Development?

14. The Chief Minister will table an answer to the following question asked by Deputy J.H. Young of St. Brelade –

“Will the Chief Minister inform the Assembly of his policy priorities for the environment, and whether these policies enjoy the wholehearted support of the Council of Ministers?”

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

“Further to the Minister’s comprehensive reply to my question of 19th November 2013, regarding issues with the new incinerator, would he advise whether the Energy from Waste Plant is able to handle combustible waste regardless of moisture content and, if not, whether any pre-drying process was considered at the design stage and, if so, why it was not installed?”

16. The Minister for Health and Social Services will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“Would the Minister outline her understanding of what Tamiflu achieves, what adverse reactions, if any, have been reported, and why it is considered necessary to stock this drug?”

Does the Minister believe that the benefits are extremely limited and, if so, does she consider this an appropriate use of taxpayers’ money?”

17. The Minister for Health and Social Services will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Will the Minister provide members with full details of –

- (a) the numbers of children receiving treatment for autism, Asperger’s, ADHD and other similar conditions and disorders;
- (b) the number and type of specialists in the Island dealing with these conditions;
- (c) the cost of this treatment in the Island;
- (d) the number of placements and cost of external residential places over the last 5 years; and
- (e) the cost and number of external consultations over the last 5 years?”



ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

2013

2nd Session 2013

December 10th External Relations Transport and Technical Services

2014

1st Session 2014

January 21st	Home Affairs	Chief Minister
February 4th	Treasury and Resources	Education, Sport and Culture
February 18th	Health and Social Services	Chief Minister
March 4th	Economic Development	Housing
March 18th	Planning and Environment	Chief Minister
April 1st	Social Security	Transport and Technical Services
April 29th	External Relations	Chief Minister
May 13th	Home Affairs	Treasury and Resources
June 3rd	Education, Sport and Culture	Chief Minister
June 17th	Health and Social Services	Economic Development
July 1st	Housing	Chief Minister
July 14th p.m. (Monday)	Planning and Environment	Social Security

2nd Session 2014

September 9th	Transport and Technical Services	Chief Minister
September 22nd (Monday)	External Relations	Home Affairs
November 25th	Treasury and Resources	Chief Minister
December 9th	Education, Sport and Culture	Health and Social Services