

Tuesday 20th January 2015

A. COMMUNICATIONS BY THE PRESIDING OFFICER

Plant Health (Field Inspections – Fees) (Jersey) Order 2014.

Minister for Planning and Environment.

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

R&O.215/2014.



EU Legislation (Sanctions – Ukraine) (Amendment) (Jersey) Order 2014. *Minister for External Relations.* R&O.216/2014.

EU Legislation (Sanctions – Yemen) (Jersey) Order 2014. R&O.217/2014. *Minister for External Relations.*

Money Laundering and Weapons Development (Directions) (Iran) (Jersey) Order 2015. R&O.1/2015.

Minister for External Relations.

EU Legislation (Sanctions – Sudan) (Jersey) Order 2015.

Chief Minister, for and on behalf of the Minister for External Relations.

R&O.2/2015.

EU Legislation (Sanctions – South Sudan) (Jersey) Order 2015.

Chief Minister, for and on behalf of the Minister for External Relations.

R&O.3/2015.

Proceeds of Crime (Supervisory Bodies) (Amendment of Law) (Jersey) Order 2015.

Chief Minister.

R&O.4/2015.

C. DOCUMENTS PRESENTED OR LAID

Draft Act annulling the Employment (Qualifying Period) (Jersey) Order 2014 P.169/2014. (P.169/2014): comments. Com.

Presented: 16th January 2015.

Council of Ministers.

Land Transactions under Standing Order 168(3) – R.176/2014.

(a) Jersey Astronomy Club, The Astronomy Cabin, Les Creux Country Park, La Route Orange, St. Brelade – lease;

(b) St. Brelade Bowls Club, Les Quennevais Sports Complex, Les Quennevais, St. Brelade – lease.

Presented: 11th December 2014.

Minister for Treasury and Resources.

Land Transactions under Standing Order 168(3) – V24, Victoria Café, Victoria R.177/2014.

Pier, St. Helier – lease of Portacabin Site. Presented: 15th December 2014.

Minister for Treasury and Resources.

States of Jersey Law 2005: delegation of functions – Health and Social Services – R.178/2014.

further revised delegations December 2014.

Presented: 17th December 2014. *Minister for Health and Social Services*.

Finance Law Delegation Report for the 6 month period ended 30th June 2014. R.179/2014.

Presented: 17th December 2014.

Minister for Treasury and Resources.

States of Jersey Financial Reporting Manual (December 2014). R.180/2014.

Presented: 18th December 2014.

Minister for Treasury and Resources.

States of Jersey Law 2005: delegation of functions – Economic Development – R.181/2014.

revised delegations December 2014. Presented: 19th December 2014.

Minister for Economic Development.



States of Jersey Law 2005: delegation of functions – Housing Department – R.182/2014. revised delegations December 2014. Presented: 19th December 2014. Minister for Housing. States of Jersey Law 2005: delegation of functions – Home Affairs – revised R.183/2014. delegations December 2014. Presented: 19th December 2014. Minister for Home Affairs. Jersey Community Relations Trust: appointment of trustee. R.184/2014. Presented: 19th December 2014. Minister for Home Affairs. States of Jersey Law 2005: delegation of functions – Home Affairs – Assistant R.185/2014. Minister. Presented: 22nd December 2014. Minister for Home Affairs. Land Transactions under Standing Order 168(3) – Disposal of Former JCG Site to R.186/2014. States of Jersey Development Company. Presented: 23rd December 2014. Minister for Treasury and Resources. Land Transactions under Standing Order 168(3) – R.1/2015. (a) Thorp House Warehouse, Rouge Bouillon, St. Helier – new lease; (b) N13, Maritime Museum, New North Quay, St. Helier – lease; (c) SC05, Les Viviers de St. Catherine, Verclut Point, La Route de St. Catherine, St. Martin – lease; (d) Old Blacksmith's Forge, Field 427, St. Brelade – sale. Presented: 8th January 2015. Minister for Treasury and Resources. States of Jersey Law 2005: delegation of functions – Economic Development – R.2/2015. Financial Authorities for Jersey Harbours and Jersey Airport. Presented: 14th January 2015. Minister for Economic Development. States of Jersey Law 2005: delegation of functions – Economic Development – R.3/2015. Maritime administration – revised delegations January 2015. Presented: 14th January 2015. Minister for Economic Development. Review of the Interim Population Policy (S.R.2/2014): response of the Council of S.R.2/2014. Ministers. Res. Presented: 16th December 2014.

D. NOTIFICATION OF LODGED PROPOSITIONS

Council of Ministers.

Comité des Connétables.

Draft Public Elections (Amendment No. 5) (Jersey) Regulations 201-. P.174/2014. Lodged: 11th December 2014.



Minimum Wage: revised hourly rate from 1st April 2015. Lodged: 15th December 2014. Deputy G.P. Southern of St. Helier.	P.175/2014.
Jersey Consumer Council: appointment of Chairman. Lodged: 15th December 2014. Minister for Economic Development.	P.176/2014.
H.M.S. Iron Duke: authority to march 'with Colours flying, drums beating and bayonets fixed' in Jersey. Lodged: 22nd December 2014. Minister for Home Affairs.	P.177/2014.
Ratification of the Agreement on the exchange of information relating to tax matters between the Government of Jersey and the Government of Romania. Lodged: 22nd December 2014. Minister for External Relations.	P.178/2014.
Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 12) (Jersey) Regulations 201 Lodged: 22nd December 2014. <i>Minister for External Relations</i> .	P.179/2014.
States of Jersey Complaints Panel: appointment of members. Lodged: 23rd December 2014. Privileges and Procedures Committee.	P.180/2014.
JT Group Limited: meeting concerning Gigabit project. Lodged: 24th December 2014. Deputy G.P. Southern of St. Helier.	P.181/2014.
Draft Amendment (No. 27) of the Standing Orders of the States of Jersey. Lodged: 13th January 2015. Minister for Planning and Environment.	P.1/2015.
Draft Planning and Building (Amendment of Law) (Jersey) Regulations 201 Lodged: 13th January 2015. Minister for Planning and Environment.	P.2/2015.
Planning Appeals: fees. Lodged: 13th January 2015. Minister for Planning and Environment.	P.3/2015.
Draft Loi (1914) sur la Voirie (Amendment) (Jersey) Regulations 201 Lodged: 14th January 2015. Comité des Connétables.	P.4/2015.
Draft Air and Sea Ports (Incorporation) (Jersey) Law 201 Lodged: 15th January 2015. Council of Ministers.	P.5/2015.
Draft Proceeds of Crime (Financial Intelligence) (Jersey) Regulations 201 Lodged: 16th January 2015. <i>Chief Minister</i> .	P.6/2015.



E. WITHDRAWAL OF LODGED PROPOSITIONS

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

Nomination of Deputy J.A. Martin of St. Helier as a member of the Public Accounts Committee.

G. MATTERS OF PRIVILEGE

H. PETITIONS

I. QUESTIONS

(a) - Written Questions

(attached)

- 1. The Minister for Treasury and Resources will table an answer to a question asked by Deputy A.D. Lewis of St. Helier regarding the delivery of Gigabit Jersey.
- 2. The Chairman of the Comité des Connétables will table an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding the Parish Assemblies.
- 3. The Minister for Economic Development will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding job opportunities arising from Locate Jersey.
- 4. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding tax revenues.
- 5. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding Gigabit Jersey.
- 6. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the alleviation of poverty.
- 7. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the award of Income Support impairment components.
- 8. The Minister for Treasury and Resources will table an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding the Andium Homes Standard for open and community space.
- 9. The Minister for Health and Social Services will table an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding the review of proposed sites for the new hospital.
- 10. The Minister for Health and Social Services will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the availability of Sativex.
- 11. The Minister for Housing will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the regulation of providers of social rental housing.



(b) - Oral Questions

(120 minutes)

- 1. Deputy S.Y. Mézec of St. Helier will ask the following question of the Chief Minister
 - "What measures, if any, will the Chief Minister be proposing this year to reduce poverty in the Island?"
- 2. Deputy L.M.C. Doublet of St. Saviour will ask the following question of the Minister for Education, Sport and Culture
 - "Can the Minister confirm whether a non-refundable £500 deposit must be submitted with applications for a place at Victoria College and whether this fee, previously made payable to the Treasurer of the States and deducted from the first term's fees, is now not deducted from the fees and made payable to the Victoria College Foundation and, if so, can the Minister advise when this decision was taken and by whom?"
- 3. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Planning and Environment
 - "Will the Minister advise members what the Planning and Environment Department's policy is for the retention and disposal of records and what safeguards there are to ensure that the policy is followed and that no accidental or deliberate disposal of records can occur?"
- 4. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Treasury and Resources
 - "Will the Minister inform members of the latest developments in JT's commitment to deliver the Gigabit project on budget and on time?"
- 5. Deputy J.A. Hilton of St. Helier will ask the following question of the Minister for Treasury and Resources
 - "Will the Minister confirm the balance of monies available to the Sea Cadets from the £600,000 originally granted for the purpose of providing new premises and state what monies have been spent, by whom and to what purpose, and who retains control of the remaining funds?"
- 6. Deputy J.A. Martin of St. Helier will ask the following question of the Minister for Treasury and Resources
 - "Following the controversial planning application for the Jersey Gas site and the alternative proposal that the land should become an extension of the Millennium Town Park, can the Minister inform the Assembly whether there have been any discussions between the Department and Jersey Gas regarding the possible purchase of the site?"
- 7. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Social Security
 - "Will the Minister review the Income Support system to assess its ability to address relative poverty across different categories of claimant households?"
- 8. Deputy J.A. Hilton of St. Helier will ask the following question of the Minister for Health and Social Services
 - "Can the Minister advise whether the present Oncology service is understaffed and under-



resourced and, if so, confirm whether urgent steps are being taken to address this situation and where the funds to do so are being allocated from?"

9. Deputy S.Y. Mézec of St. Helier will ask the following question of the Minister for Economic Development -

"Could the Minister update the Assembly on what progress, if any, has been made towards the introduction of new anti-cyber bullying legislation?"

10. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Treasury and Resources -

"Would the Minister advise members what remained of the sum allocated by the States to the Jersey Sea Cadets for a new building before the Port Galots scheme was devised with a private consortium; how much was spent on the withdrawn Port Galots scheme; how much the private consortium paid towards the costs of the scheme and how much of the allocated money remains for the Sea Cadets?"

11. Deputy J.A. Martin will ask the following question of the Minister for Social Security –

"Can the Minister advise whether the income support legislation permits the Department to lower an Income Support claimant's rental component due to over-occupying, leaving the decision as to the use of the remaining living components to top-up the rent difference to a determining officer, which could result in people having little or no income for food and other weekly bills?"

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

1st question period – Minister for Economic Development

2nd question period – Chief Minister

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

L. PUBLIC BUSINESS

Gas Place: petition. P.156/2014.

Lodged: 24th September 2014. Connétable of St. Helier.

Council of Ministers' meetings: public access. P.163/2014.

Lodged: 3rd November 2014. Deputy M. Tadier of St. Brelade.

Council of Ministers' meetings: public access - comments. P.163/2014. Com.

Lodged: 8th December 2014.

Council of Ministers.

Jersey Arts Trust: re-appointment of Chairman. P.167/2014.

Lodged: 5th December 2014.

Minister for Education, Sport and Culture.



Armed Forces Covenant and Community Covenant. Lodged: 9th December 2014. Minister for Home Affairs.	P.168/2014.
Draft Act annulling the Employment (Qualifying Period) (Jersey) Order 2014. Lodged: 9th December 2014. Deputy G.P. Southern of St. Helier.	P.169/2014.
Jersey Financial Services Commission: appointment of Commissioner. Lodged: 9th December 2014. Chief Minister. (Consideration 'in camera')	P.170/2014.
Jersey Financial Services Commission: appointment of Commissioner. Lodged: 9th December 2014. Chief Minister. (Consideration 'in camera')	P.172/2014.
Draft Financial Services Ombudsman (Case-Fee and Levy) (Jersey) Regulations 201 Lodged: 9th December 2014. Minister for Economic Development.	P.171/2014.
Draft Loi (201-) (Amendement) au sujet des assemblées paroissiales. Lodged: 9th December 2014. Comité des Connétables.	P.173/2014.
Minimum Wage: revised hourly rate from 1st April 2015. Lodged: 15th December 2014. Deputy G.P. Southern of St. Helier.	P.175/2014.
Jersey Consumer Council: appointment of Chairman. Lodged: 15th December 2014. Minister for Economic Development.	P.176/2014.
States of Jersey Complaints Panel: appointment of members. Lodged: 23rd December 2014. Privileges and Procedures Committee.	P.180/2014.
JT Group Limited: meeting concerning Gigabit project. Lodged: 24th December 2014. Deputy G.P. Southern of St. Helier. (Cannot be debated before 21st January 2015)	P.181/2014.
ARRANGEMENT OF PUBLIC BUSINESS	
3rd February 2015	
Draft Criminal Justice (Insane Persons) (Amendment) (Jersey) Law 201 Lodged: 27th October 2014.	P.160/2014.

P.174/2014.

M.

Chief Minister.

Comité des Connétables.

Draft Public Elections (Amendment No. 5) (Jersey) Regulations 201-. Lodged: 11th December 2014.



H.M.S. Iron Duke: authority to march 'with Colours flying, drums beating and bayonets fixed' in Jersey.

P.177/2014.

Lodged: 22nd December 2014. *Minister for Home Affairs*.

Ratification of the Agreement on the exchange of information relating to tax matters between the Government of Jersey and the Government of Romania.

Lodged: 22nd December 2014. *Minister for External Relations*.

Draft Taxation (Exchange of Information with Third Countries) (Amendment P.179/2014.

No. 12) (Jersey) Regulations 201-. Lodged: 22nd December 2014. *Minister for External Relations*.

24th February 2015

Draft Amendment (No. 27) of the Standing Orders of the States of Jersey. P.1/2015.

Lodged: 13th January 2015.

Minister for Planning and Environment.

Draft Planning and Building (Amendment of Law) (Jersey) Regulations 201-. P.2/2015.

Lodged: 13th January 2015.

Minister for Planning and Environment.

Planning Appeals: fees. P.3/2015.

Lodged: 13th January 2015.

Minister for Planning and Environment.

10th March 2015

Draft Loi (1914) sur la Voirie (Amendment) (Jersey) Regulations 201-. P.4/2015.

Lodged: 14th January 2015. *Comité des Connétables.*

Draft Proceeds of Crime (Financial Intelligence) (Jersey) Regulations 201-. P.6/2015.

P.5/2015.

Lodged: 16th January 2015.

Chief Minister.

24th March 2015

Draft Air and Sea Ports (Incorporation) (Jersey) Law 201-.

Lodged: 15th January 2015.

Council of Ministers.

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

15th January 2015

Note -

In accordance with the meeting dates fixed for 2015 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 21st and Thursday 22nd January 2014.



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.198/2014.

This Order specifies the dates and times in 2015 when the Sorel Point loop road (as defined in Article 1(2)) may be closed by the Jersey Kart and Motor Club to public traffic and used by the club for kart races and practices for races.

The Order was made on 8th December 2014 and came into force forthwith.

R&O.199/2014.

This Order permits the Jersey Motor Cycle and Light Car Club to hold sand races and practices on various parts of the beaches at Millbrook, St. Ouen's Bay and West Park on various dates in 2015.

The Order was made on 8th December 2014 and came into force forthwith.

R&O.200/2014.

This Order specifies a date and times in December 2014, and further dates and times in 2015, when the Jersey Motor Cycle and Light Car Club may close the Bouley Bay Hill and Five Mile Road courses to normal traffic and use them for the purposes of motor races and practices. These events are in addition to, and not in replacement of, the events in 2014 and 2015 for which the dates were specified in the Road Racing (Hill Climbs and Sprints) (Jersey) Order 2014.

The Order was made on 8th December 2014 and came into force forthwith.

R&O.205/2014.

This Order revokes and replaces the Community Provisions (Restrictive Measures – Democratic Republic of the Congo) (Jersey) Order 2011. This Order gives effect in Jersey to –

- (a) Council Regulation (EC) No 889/2005 of 13 June 2005 imposing certain specific restrictive measures in respect of the Democratic Republic of Congo and repealing Regulation (EC) No 1727/2003 (OJ L 152, 15.6.2005, p. 1), to which the revoked Order gave effect; and
- (b) Council Regulation (EC) No 1183/2005 of 18 July 2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo (OJ L 193, 23.7.2005, p. 1), to which the revoked Order gave effect.

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

The Order also requires, by Articles 3 and 4(1)(b), all of the standard general provisions, contained in the EU Legislation (Sanctions) (General Provisions) (Jersey) Order 2014, to be read as part of this Order, without modifying any of them.

The Order comes into force on the day after it is made.



The Order was made on 11th December 2014 and came into force on 12th December 2014.

R&O.206/2014.

This Order revokes and replaces the Community Provisions (Restrictive Measures – Central African Republic) (Jersey) Order 2014. This Order continues to give effect in Jersey to Council Regulation (EU) No 224/2014 of 10 March 2014 concerning restrictive measures in view of the situation in the Central African Republic (OJ L 70, 11.3.2014, p. 1).

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

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

The Order comes into force on the day after it is made.

The Order was made on 11th December 2014 and came into force on 12th December 2014.

R&O.207/2014.

This Order revokes and replaces the Community Provisions (Restrictive Measures – Russia) (Jersey) Order 2014. This Order continues to give effect in Jersey to Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L 229, 31.7.2014, p. 1), which was originally given effect by the revoked Order.

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

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

The Order was made on 11th December 2014 and came into force on 12th December 2014.

R&O.208/2014.

This Order replaces the Income Tax (Superannuation Funds) (Jersey) Order 1972, consequentially upon the replacement of almost all of Part 19 of the Income Tax (Jersey) Law 1961 by the Income Tax (Amendment No. 44) (Jersey) Law 201-. That amending Law comes into force (by Act of declaration, R&O.161/2014) on 1st January 2015.

This Order -

- specifies the information to be provided when an application is made for a scheme to be approved as a Jersey occupational pension scheme;
- requires the scheme manager to notify the Comptroller of Taxes of changes to the rules, constitution, objects or conditions of the scheme; and



• requires the scheme manager to comply with a general or special notice served by the Comptroller which calls for information about the scheme, which may include details of income received by it and any payments made by it.

The Order was made on 15th December 2014 and came into force on 1st January 2015.

R&O.209/2014.

This Order amends the EU Legislation (Sanctions – Syria) (Jersey) Order 2014 to give effect to Council Regulation (EU) No 1323/2014 of 12 December 2014 amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ L 358, 13.12.2014, p. 1). The effects are: to prohibit sale, financing, brokering and other activities in relation to jet fuel and fuel additives listed in a new Annex Va (subject to derogations in relation to items listed in a new Annex Vb); to elaborate on the provision on claims that should not be satisfied; and to prohibit participating, knowingly and intentionally, in activities the object or effect of which is to circumvent the other prohibitions in the Regulation.

The Order was made on 17th December 2014 and came into force on 18th December 2014.

R&O.210/2014.

This Order makes further amendments to three enactments under the Taxation (Implementation) (Jersey) Law 2004.

Article 2 amends the Schedule to the Taxation (Exchange of Information with Third Countries) (Jersey) Regulations 2008 to add the dates on which bilateral tax information exchange agreements, between Jersey and Slovenia and between Jersey and Switzerland, came into force.

Article 3 amends the Schedule to the Taxation (Double Taxation) (Jersey) Regulations 2010 to insert the date on which an agreement for the avoidance of double taxation between Jersey and Luxembourg came into force.

Article 4 substitutes the table in the Schedule to the Taxation (Implementation) (Convention on Mutual Administrative Assistance in Tax Matters) (Jersey) Regulations 2014, to add further Parties in respect of whom the Convention enters into force, and the dates of such entering into force, namely Austria, Estonia, Latvia, Luxembourg and Romania.

Article 5 gives the title by which this Order may be cited and provides for it to come into force on the day after it is made.

The Order was made on 17th December 2014 and came into force on 18th December 2014.

R&O.211/2014.

This Order increases, with effect from 1st January 2015, the fees payable in connection with -

- (a) examination or re-examination of a public service vehicle for a certificate of fitness and an application for a badge to drive such a vehicle, under the Motor Traffic (Public Service Vehicles) (Fees) (Jersey) Order 2008 (*Article 1*);
- (b) registration of a motor vehicle, changes of registration mark, issue of trade licences and of certificates in respect of vehicle standards, under the Motor Vehicle Registration (General Provisions) (Jersey) Order 1993 (*Article 2*);
- (c) registration of driving instructors under the Motor Cars (Driving Instruction) (Jersey) Order 1982 (*Article 3*);



- (d) applications for licensing of a vehicle which does not comply with construction and use requirements, under the Motor Vehicles (Construction and Use) (Jersey) Order 1998 (Article 4);
- (e) driving tests, under the Motor Vehicles (Driving Licences) (Jersey) Order 2003 (Article 5).

The fees are uprated by approximately 2.5% except for fees chargeable in relation to applications for the grant of a mark-right where the increase is approximately 5%. The latter fees have not been increased since first being introduced on 22nd November 2013. The remaining fees were last increased with effect from 1st January 2014.

Article 6 provides for the title to this Order and for its commencement.

The Order was made on 18th December 2014 and came into force on 1st January 2015.

R&O.212/2014.

The principal purpose of this Order is to except certain insured persons from the liability to pay long-term care contributions ("LTC contributions") and specifies that provisions of other Orders made under the Social Security (Jersey) Law 1974 shall not apply to the collection of LTC contributions. "Insured person" means a person insured under that Law. It also amends another Order made under the Social Security (Jersey) Law 1974 so as to prescribe circumstances in which a person is to be deemed to be an insured person, in order to create a liability to pay LTC contributions.

Article 1 provides that an insured person is not liable to pay an LTC contribution for a year if the person is not liable to make any payment of tax in respect of the relevant year of assessment. For a person taxed on a preceding year basis, the relevant year of assessment is the preceding year. For a person taxed on a current year basis, the relevant year of assessment is the current year.

Article 2 provides that an insured person is not liable to pay an LTC contribution for a year if he or she is not resident in Jersey throughout the year and his or her only liability to tax in Jersey for that year is to pay tax on rental income from land in Jersey.

Article 3 provides that an insured person is not liable to pay an LTC contribution at any time when, in accordance with a reciprocal agreement with another country, the person continues to make the equivalent of social security contributions in that country, despite working in Jersey.

Article 4 amends the Social Security (Contributions) (Jersey) Order 1975. Only 2 Articles of that Order are to apply to long-term care contributions – Article 17, which allows the Minister for Social Security to treat contributions paid in error as a payment on account of contributions properly payable, and Article 18, which requires that Minister to repay monies paid in the mistaken belief that a contribution was due. In the latter case, the repayment is net of any amount treated, under Article 17, as a payment on account of other contributions and net of any benefit (other than long-term care benefit) paid in the belief that the monies paid were a contribution.

Article 5 amends the Social Security (Collection of Contributions) (Jersey) Order 2013. The amendment has the effect that nothing in the Order applies to the collection of LTC contributions.

Article 6 amends the Social Security (Residence and Persons Abroad) (Jersey) Order 1974. The amendment deems a non-resident spouse or civil partner to be resident, and therefore an insured person, where his or her spouse or civil partner is an insured person, and the non-resident spouse or civil partner is taxed on their aggregated income. The deeming provision has effect only for the purposes of recovery of LTC contributions due in respect of the spouse or civil partner who is in fact resident in Jersey.

Article 7 provides for the citation of this Order and its commencement on the 1st January 2015.

The Order was made on 19th December 2014 and came into force on 1st January 2015.



R&O.213/2014.

This Order is made in consequence of, and supplemental to, the amendments made to Article 22 of the Social Security (Jersey) Law 1974 ("Law"), which provides for a woman to be entitled to a maternity allowance for 18 weeks, which may be payable no earlier than the 11th week before the woman's expected date of confinement. Article 22 provides a power for the Minister to prescribe when a woman will be entitled to a maternity allowance, when the maternity allowance period may be extended and when a woman may be disqualified from receiving a maternity allowance.

By Article 1, the Social Security (Claims and Payments) (Jersey) Order 1974 is amended so that a woman no longer needs to prove good cause for failure to make, or delay in making, a claim for a maternity grant or a maternity allowance within the time limits set out in the Schedule to the Order. However, no maternity grant or maternity allowance will be payable in respect of a confinement occurring more than 6 months before the date on which the claim for the grant or allowance is made. Part 1 of Schedule 2 to that Order is also amended so that the time for claiming a maternity grant or a maternity allowance begins with the 13th week before the date on which it is expected that the claimant will be confined.

Article 2 amends the Social Security (Medical Certification) (Jersey) Order 1974 by substituting the maternity benefits and allowances claim form in Part B of Schedule 2 to that Order for the form contained in the Schedule to this Order.

Article 3 amends the Social Security (Maternity Benefit) (Jersey) Order 1975 ("1975 Order") so that a woman may apply for a maternity grant or a maternity allowance from 13 weeks before her expected date of confinement. Article 3 also amends the 1975 Order so as to provide that where a woman's pregnancy continues for 8 or more days after the expected date of the confinement, the period of 18 weeks under Article 22 of the Law, during which she would normally be entitled to receive a maternity allowance, will be extended by one day for every day during which the pregnancy continues after the end of the expected date of confinement. Also, where a woman intends the maternity allowance period to commence on the expected date of confinement but confinement has not occurred by that date, if she continues to work until the actual date of confinement, the allowance period will commence from the day after the date of confinement, without reduction in the period during which the allowance is payable (other than for any day during which she works). The claimant for the allowance must give the Minister written notice, within the period described in the Order, that she has been confined.

Article 3 also replaces Article 6 of the 1975 Order, to take account of the amendment to Article 22 of the Social Security (Jersey) Law 1974 which now permits a maternity allowance to be payable for a period commencing from 11 weeks before the expected date of confinement.

Finally, *Article 3* amends Article 8 of the 1975 Order to provide that a woman may work for up to 10 days during the maternity allowance period without losing her entitlement to the benefit. For these purposes, work means any work exceeding 10 days, whether consecutive or not, and includes training or any activity undertaken for the purposes of keeping in touch with the workplace but excludes reasonable contact from time to time between the woman and her employer during the maternity allowance period, or any period during the 2 weeks immediately after childbirth (since she must not work during that period).

Article 4 gives the title to this Order and provides for it to come into force on 1st January 2015.

The Order was made on 19th December 2014 and came into force on 1st January 2015.

R&O.214/2014.

From 1st January 2015 this Order will increase fees administered by the Department for Health and Social Services as set out below.

It increases -

- (a) the fee for a licence to sell ice-cream from a van or stall, by approximately 2.5%;
- (b) the fees connected with the grant, renewal or transfer of a licence to carry on a nursing agency, by approximately 2.5%;



- (c) the fees connected with a registration authorizing the carrying on of a nursing home, mental nursing home or residential home, by approximately 2.5%;
- (d) the fees in relation to the enrolment, restoration or retention of a person's name on the roll of ancillary dental workers, by approximately 2.5%;
- (e) the fee for a cremation of a person aged 18 years or more, by 7%; and
- (f) the maximum fee that a registered medical practitioner may charge for completing a medical certificate to accompany an application for cremation, by approximately 2.5%.

All of the fees were last increased with effect from 1st January 2014.

The Order was made on 22nd December 2014 and came into force on 1st January 2015.

R&O.215/2014.

This Order prescribes the fee (of £11 per vergée) which is to be payable, from 1st January 2015, for an inspection of *Narcissus* bulbs for infestation by stem and bulb eelworm.

The Order was made on 29th December 2014 and came into force on 1st January 2015.

R&O.216/2014.

This Order amends the EU Legislation (Sanctions – Ukraine) (Jersey) Order 2014 (the "principal Order") to give effect in Jersey to Council Regulation (EU) No 1351/2014 of 18 December 2014 amending Regulation (EU) No 692/2014 concerning restrictive measures in response to the illegal annexation of Crimea and Sevastopol (OJ L 365, 19.12.14, p. 46), which imposes new sanctions further restricting trade with Crimea and Sevastopol.

The new sanctions impose a ban on all European investments in Crimea or Sevastopol and services directly related to the investment ban, as well as services related to tourism activities (including a prohibition against EU-flagged ships entering and calling at certain ports in the Crimean peninsula) and in the sectors of transport, telecommunications, energy and exploitation of oil, gas and minerals in Crimea or Sevastopol. The former export prohibition on goods and technology in the latter sectors is also broadened.

The Order was made on 31st December 2014 and came into force on 1st January 2015.

R&O.217/2014.

This Order gives effect in Jersey to Council Regulation (EU) No 1352/2014 of 18 December 2014 concerning restrictive measures in view of the situation in Yemen (OJ L 365, 19.12.2014, p. 60) (the "EU Regulation"), which freezes funds and economic resources of persons, entities and bodies listed in Annex 1 to that Regulation and prohibits the provision of funds and economic resources to those persons, entities and bodies, subject to certain derogations.

This Order creates an ambulatory reference, in *Article 2*, to the Annexes to the EU Regulation, so that if the details in the Annexes are amended by the EU, that change will take effect in Jersey without the need for any routine amendment to this Order.

By *Article 3* this Order requires all the general provisions contained in the EU Legislation (Sanctions) (General Provisions) (Jersey) Order 2014 to be read into this Order without modification. By *Article 4*, the EU Regulation is implemented in Jersey subject to the modifications made by those general provisions.



Article 5 creates a primary offence of contravening the prohibition in the EU Regulation and related secondary offences, and imposes penalties.

Article 6 gives the title to this Order and provides for its commencement.

The Order was made on 31st December 2014 and came into force on 1st January 2015.

R&O.1/2015.

This Order re-enacts the provisions contained in the Money Laundering and Weapons Development (Directions) (Iran) (Jersey) Order 2014, which ceases to have effect at the end of 13th January 2015.

This Order makes a further direction by the Minister for External Relations under the Money Laundering and Weapons Development (Directions) (Jersey) Law 2012 ("Law") in relation to Iran. Under Article 5 of the Law a direction may be made if certain conditions are satisfied. Both of the following conditions are satisfied: (a) the international body known as the Financial Action Task Force has advised that measures should be taken in relation to Iran because of the risk of money laundering; and (b) the Minister for External Relations reasonably believes that activity in Iran facilitating the development or production of nuclear weapons poses a significant risk to the interests of Jersey.

The direction is given, by Article 3, to all "relevant persons" as defined in Article 1 of the Law. "Relevant person" means –

- (a) a person carrying on a financial services business in or from within Jersey; or
- (b) any of the following carrying on a financial services business in any part of the world
 - (i) a body incorporated in Jersey,
 - (ii) a limited liability partnership registered under the Limited Liability Partnerships (Jersey) Law 1997, or
 - (iii) a separate limited partnership registered under the Separate Limited Partnerships (Jersey) Law 2011.

The direction prohibits a relevant person from entering into new transactions or business relationships with banks incorporated in Iran, including their branches and the Central Bank of Iran, or continuing to participate in transactions or business relationships with such banks. Under Article 6(15) of the Law, the direction also prevents such transactions or business relationships from taking place with subsidiaries of such banks. Under Article 9 of the Law, the Minister for External Relations may grant a licence to exempt certain acts from these prohibitions.

Under Article 14 of the Law, a person who breaches a direction is guilty of an offence and liable to a maximum term of 2 years imprisonment and an unlimited fine.

This Order was made on 13th January 2015 and came into force on 14th January 2015 and, unless earlier revoked, will cease to have effect one year after it is made, in accordance with Article 7(3) of the Law.

R&O.2/2015.

This Order gives effect in Jersey to Council Regulation (EU) No 747/2014 of 10 July 2014 concerning restrictive measures in view of the situation in Sudan (OJ L 203, 11.7.2014, p. 1). The Order applies that Regulation as amended up to the date on which the Order is made. However, the Order also contains an ambulatory reference, in *Article 2*, to the Annexes to the Regulation. The effect is that, if the EU amends the lists of persons subject to the restrictive measures (or the details of the competent authorities in the Member States) that change takes effect automatically in Jersey without the need for any amendment to this Order.

The Order also requires, by $Articles\ 3$ and 4(1)(b), all of the standard general provisions, contained in the EU Legislation (Sanctions) (General Provisions) (Jersey) Order 2014, to be read as part of this Order, without modifying any of them.



This Order revokes the Community Provisions (Restrictive Measures – Sudan and South Sudan) (Jersey) Order 2011. This Order only replaces the revoked Order in respect of Sudan, so that a separate Order can be made to apply in respect of South Sudan. This Order does not over-ride any effective provisions of the Sudan (United Nations Measures) (Channel Islands) Order 2005.

The Order was made on 15th January 2015 and came into force on 16th January 2015.

R&O.3/2015.

This Order gives effect in Jersey to Council Regulation (EU) No 748/2014 of 10 July 2014 concerning restrictive measures in respect of the situation in South Sudan (OJ L 203, 11.7.2014, p. 13). The Order applies that Regulation as amended up to the date on which the Order is made. However, the Order also contains an ambulatory reference, in *Article 2*, to the Annexes to the Regulation. The effect is that, if the EU amends the lists of persons subject to the restrictive measures (or the details of the competent authorities in the Member States) that change takes effect automatically in Jersey without the need for any amendment to this Order.

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

The Order was made on 15th January 2015 and came into force on 16th January 2015.

R&O.4/2015.

This Order amends Article 3(1) of the Proceeds of Crime (Supervisory Bodies) (Jersey) Law 2008 to include, within the definition of "anti-money laundering and counter-terrorism legislation" contained in that Article, Orders made under the European Union Legislation (Implementation (Jersey) Law 2014 (the "2014 Law") and such of the Orders made under the European Communities Legislation (Implementation) (Jersey) Law 1996 that remain in force by virtue of Article 6 of the 2014 Law.

By Article 2, this Order comes into force the day after it is made.

The Order was made on 15th January 2015 and came into force on 16th January 2015.



(See Item I(a))

1. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy A.D. Lewis of St. Helier -

"In response to question 8540 on 25th November 2014 the Minister provided an update on the status of the delivery of Gigabit Jersey (Homes and Business) connections against the following three project elements:

- 1) Core Network Equipment 100% complete
- 2) Premises Passed Network 98% complete
- 3) Premises Connected 33% complete

With the first 2 elements of the project now virtually completed will the Minister, as shareholder representative, confirm:

- a) The total amount spent on the project to date;
- b) The total amount spent to date on each of the three elements of the project as identified above; and
- c) Why the stated number of properties now targeted for connection under 'Premises Connected' totals, as given on 25th November 2014, of 34,875 now differs from the 44,000 homes originally targeted to be connected as part of the Ministerial funding approval in 2011 and the 52,000 homes referred to by the Chief Executive Officer of Jersey Telecom in the Jersey Evening Post on 17th August 2013?"
- 2. The Chairman of the Comité des Connétables will table an answer to the following question asked by Deputy S.Y. Mézec of St. Helier –

"Could the Chairman of the Comité des Connétables provide a breakdown by parish and year of how many times in the past 5 years parishioners have utilised Article 9 of the 'Loi (1804) au Sujet des Assemblées Paroissiales' to instigate a Parish Assembly and, if possible, provide details of the subjects of those Assemblies?"

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

"In P.55/2012 the previous Minister produced a table showing the "job opportunities" arising from the success of Locate Jersey in encouraging inward investment through the business licences granted to the 128 foreign-owned companies which set up in the 4-year period from 2008 to 2011. Can the Minister state how many of these opportunities have been converted into real jobs, and if not, why not?

Can the Minister further state whether he considers that the figures shown represent successful diversification of the economy when they reveal that 30% of both businesses and jobs are in the finance sector?

Can the Minister also inform members how many of these jobs were high-value jobs in line with strategic aims and how many were low-value jobs, and if not, in the light of his predecessor's commitments to seek this data, why not?

Will the Minister liaise with the Minister for Treasury and Resources to establish what taxes and/or revenues have been paid by those 35 finance sector companies subject to the 10% rate and what



income tax has been paid by the 937 employees of these companies either overall or by sector over the period to date, and if not, why not?"

4. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy G.P. Southern of St. Helier -

"In the light of the projected £80m+ shortfall in tax revenues in the 2015 budget, what quantative evidence, if any, does the Minister have to indicate that the policy of encouraging inward investment, which has produced 128 new business start-ups in the period 2008 to 2011 (see P.55/2012 for example), has generated increased tax revenues over the period to date, and, if none, does the Minister consider that this policy has failed?

Is it the case that the shortfall represents a "structural deficit (which) arises simply because the tax base will have shrunk" as stated by the Minister's predecessor in November 2009 (Question (4886) refers) and what measures, if any, does the Minister have under consideration to generate additional revenues in 2015 and onward into 2016 and 2017?"

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

"Given that on 9th December 2014 the Minister stated that he was not aware of "budgetary or financial problems likely to get in the way of the final delivery of Gigabit Jersey" and, following news from Jersey Telecom (JT) 5 weeks later that there may be a delay in the timely delivery of the Gigabit project due, in part, to the withdrawal of the deferment of £6m in the dividend payment, can the Minister assure the Assembly that there was no discussion during the 2-hour meeting with the Chief Executive Officer of JT of the potential for the £6m reduction in funding on JT's ability to deliver Gigabit, and publish the minutes of the meeting (redacted as necessary) to confirm this?

If not, will the Minister inform members why he did not broach the issue himself, given the decision of his predecessor on this measure contained in the 2015 Budget and his assurances that agreement on the issue had been sought and obtained with JT?

Will the Minister further issue a statement clarifying his understanding of, and agree to call a meeting as requested in my proposition (P.181/2014) on, all the issues involved in the delivery of Gigabit?"

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

"Following the Chief Minister's commitment to making poverty a central focus of government, does he accept the international standard for the measurement of relative low income as 60% of median earnings or £323 weekly for a single person in Jersey and, if not, why not?

Does the Chief Minister also accept that a single person working 40 hours per week on the minimum wage falls some £50 per week below this low-income threshold?

Does the Chief Minister accept Reform Jersey principles that suggest that action should be taken on wage levels (living and/or minimum wage, zero-hours contracts) rather than benefits if poverty is be alleviate in a sustainable manner?

Does the Chief Minister consider that, whilst the new Income Distribution Survey (2014/15) to be finalised in the 4th quarter of 2015 may indicate new levels of poverty, these are unlikely to be markedly different to those in the 2010/11 survey which showed 9,000 households, including 4,000 pensioners, 4,000 children and 10,000 working age adults to be below the relative low income



threshold and that this should not preclude action early in 2015 to lay down the principles and policies to deal with poverty, and if not why not?"

7. 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 on what basis the tests used to assess award of Income Support impairment components are founded and when they were last reviewed by the Department or the relevant U.K. authority?

Is the Minister satisfied that these tests represent an accurate and complete picture of applicants' functional abilities, especially in the case of mental impairment, variable and multiple conditions and those difficult to diagnose such as Chronic Fatigue Syndrome?

In particular, is the Minister content that these judgements are made by Social Security officers without medical training on the basis of Department for Work and Pensions guidance and internet reading?

Is the Minister satisfied that the Department's appeals process, whether applied to medical (impairment) or other components of Income Support, or to the sanctions regime applied to breaches of Actively Seeking Work or leaving work without sufficient reason, is fit for purpose?

Further, has the Minister obtained legal advice on whether an appeals process which contains a "second determination" tick-box exercise followed by a complex process lasting between 3 and 6 months is human rights compliant given that an applicant's condition could be worsened due to stress following denial of benefit?"

8. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy S.Y. Mézec of St. Helier –

"Will the Minister, as shareholder representative, state what progress, if any, Andium Homes has made in developing the Andium Homes Standard for open and community space for housing developments in St. Helier and other urban areas? Is the Minister in a position to inform members what these standards are and when Andium will be in a position to set targets for the percentage of housing that meets those standards in the Strategic Business Plan 2014-2019? If not, when will the Minister be able to discuss these standards with elected representatives?"

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

"Will the Minister inform members of the terms of reference agreed with the chosen agents into the 100-day review of the one-site/two-site question for the new hospital project, and inform members when he expects to be in a position to report back to the States on its findings?"

10. The Minister for Health and Social Services will table an answer to the following question asked by Deputy M. Tadier of St. Brelade –

"During the debate on 9th December 2014 relating to the availability of Sativex, the Minister informed members of an existing mechanism whereby the medicine could be available if an application was supported by a general practitioner (G.P.) and if a recognised consultant in an appropriate specialism had made a request for public funding on behalf of a specific individual, but to date no applications had been received. Will the Minister inform Members:



- (a) when the existing mechanism was introduced;
- (b) whether the public and G.P.s were informed, and if so, how and when;
- (c) whether the fact that no applications had been received could have been due to G.P.s and the public being unaware of the existing mechanism, and whether the Minister intends to take steps to inform them?"
- 11. The Minister for Housing will table an answer to the following question asked by Deputy M. Tadier of St. Brelade –

"Does the Minister have a timescale for the introduction of appropriate and more stringent regulation of all providers of social (affordable) rental housing following the incorporation of Andium Homes and the adoption of the Housing Transformation Programme, and, if so, will the Minister inform members when such regulations are expected to be brought to the Assembly?

In the meantime, will the Minister inform members what policies Andium Homes and the Housing Trusts have concerning the tendering for planned and unplanned repairs, internal and structural maintenance, and decoration to ensure that professional standards and safety as well as value for money are met?

Will the Minister further examine what policies exist across housing providers on recharges for cleaning, decoration and repair costs between the provider, incoming new tenants, housing transfers/exchanges and departing tenants and, in particular, state whether there are agreed standards across providers for assessing the degree of "fair wear and tear" involved and, if not, will the Minister agree to achieve such agreed standards?"



ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

<u>2015</u>

1st Session 2015

February 3rd	Housing	Planning and Environment
February 24th	Social Security	Chief Minister
March 10th	Transport and Technical Services	Home Affairs
March 24th	External Relations	Chief Minister
April 14th	Treasury and Resources	Education, Sport and Culture
April 28th	Health and Social Services	Chief Minister