



# STATES OF JERSEY ORDER PAPER

Tuesday 24th March 2015

## CONSOLIDATED

### A. COMMUNICATIONS BY THE PRESIDING OFFICER

### B. TABLING OF SUBORDINATE ENACTMENTS

*(Explanatory note attached)*

EU Legislation (Sanctions – Belarus) (Jersey) Order 2015. R&O.32/2015.  
*Minister for External Relations.*

EU Legislation (Sanctions – Libya) (Amendment) (Jersey) Order 2015. R&O.33/2015.  
*Minister for External Relations.*

EU Legislation (Sanctions – Zimbabwe) (Jersey) Order 2015. R&O.34/2015.  
*Minister for External Relations.*

Planning and Building (Miscellaneous Provisions) (Jersey) Order 2015. R&O.35/2015.  
*Minister for Planning and Environment.*

Building Bye-laws (Amendment No. 4) (Jersey) 2015. R&O.36/2015.  
*Minister for Planning and Environment.*

\* Motor Traffic (Third-Party Insurance) (Expenses Limits) (Amendment No. 3) R&O.37/2015.  
(Jersey) Order 2015.  
*Minister for Health and Social Services.*

\* Money Laundering (Amendment No. 8) (Jersey) Order 2015. R&O.38/2015.  
*Chief Minister.*

### C. DOCUMENTS PRESENTED OR LAID

States of Jersey Law 2005: delegation of functions – Planning and Environment – R.29/2015.  
revised delegations March 2015.  
Presented: 12th March 2015  
*Minister for Planning and Environment.*

Jersey Teachers' Superannuation Fund: Actuarial Review as at R.30/2015.  
31st December 2013 – report by the Actuary.  
Presented: 13th March 2015.  
*Chief Minister.*

Public Employees Contributory Retirement Scheme (PECRS): Actuarial Valuation R.31/2015.  
at 31st December 2013 – Scheme funding report.  
Presented: 13th March 2015.  
*Chief Minister.*

Public Lotteries: report for 2014. R.32/2015.  
Presented: 16th March 2015.  
*Minister for Economic Development.*



- Land Transactions under Standing Order 168(3) – Obstacles Policy – acquisition of Field 186 (Newholme), La Rue Rose, St. Peter. R.33/2015.  
Presented: 17th March 2015.  
*Minister for Treasury and Resources.*
- \* Jersey Consumer Council: Annual Report for 2014. R.34/2015.  
Presented: 24th March 2015.  
*Minister for Economic Development.*
- \* Gas Tariffs: reduction (P.18/2015) – comments. P.18/2015.  
Presented: 23rd March 2015. Com.  
*Council of Ministers.*
- \* Committee of Inquiry: Historical Child Abuse – additional funding (P.20/2015) – amendment (P.20/2015 Amd.) – comments. P.20/2015.  
Presented: 23rd March 2015. Amd.Com.  
*Chief Minister.*

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

- Draft Strategic Plan 2015 – 2018 (P.27/2015): amendment. P.27/2015.  
Lodged: 19th March 2015. Amd.  
*Deputy S.Y. Mézec of St. Helier.*
- Draft Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 201-. P.29/2015.  
Lodged: 18th March 2015.  
*Minister for Economic Development.*
- Income Support Medical Appeal Tribunal: appointment of members. P.30/2015.  
Lodged: 19th March 2015.  
*Minister for Social Security.*
- Social Security Medical Appeal Tribunal: appointment of members. P.31/2015.  
Lodged: 19th March 2015.  
*Minister for Social Security.*

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

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

Nomination of the following as members of the Planning Applications Committee –

Connétable of Trinity  
Deputy J.M. Maçon of St. Saviour  
Deputy R.J. Rondel of St. Helier  
Deputy R. Labey of St. Helier  
Deputy G.J. Truscott of St. Brelade



## **G. MATTERS OF PRIVILEGE**

## **H. PETITIONS**

## **I. QUESTIONS**

### **(a) – Written Questions**

*(attached)*

1. The Chief Minister will table an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding eGovernment.
2. 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.
3. The Chief Minister will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the Independent Jersey Care Inquiry.
4. The Chief Minister will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding child abuse investigations.
5. The Chief Minister will table an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding the dual role of the Bailiff.
6. The Chief Minister will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding States emails.
7. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding Haut de la Garenne.
8. The Minister for Housing will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding social housing.
9. H.M. Attorney General will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the Police Procedures and Criminal Evidence (Jersey) Law 2003.
10. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding political education in secondary schools.
11. The Chairman of the Privileges and Procedures Committee will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the Code of Conduct for Elected Members.
12. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding tax cooperation.
13. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the Gigabit project.
14. The Minister for Treasury and Resources will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding sources of tax revenue.
15. The Minister for Health and Social Services will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding Child and Adolescent Mental Health Services.



Question 16 was deferred from the meeting of 10th March 2015 at the request of the Minister for Health and Social Services, and therefore appears in addition to Deputy M.R Higgins of St. Helier's five other written questions.

16. 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 employment of social workers.

**(b) – Oral Questions**

(120 minutes)

1. Deputy R. Labey of St. Helier will ask the following question of the Chief Minister –

“Could the Chief Minister, in his capacity as a member of the Bailiff's Consultative Panel and so far as he is able, update the Assembly on plans for the forthcoming commemoration of Liberation Day?”

2. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Education, Sport and Culture –

“Following the release of figures by the department which reveal that only 20% of students (247 out of 1,213 undergraduates) were in receipt of a full grant in 2014, can the Minister inform members how this figure compares with previous years?”

3. Deputy J.A. Martin of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Can the Minister detail the progress made to date in relation to the new Police Headquarters, including whether it is on time and on budget, and state whether there has been a need to use special blast proof concrete and, if so, whether this will require an increase to the allocated budget and by what amount?”

- \* 4. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Housing –

“Will the Minister provide a breakdown of the individual rents paid per calendar month by the existing tenants of the block of flats owned by Andium Homes at 163-170 Le Clos des Sables and can she also state whether the flats currently meet the decent homes standard?”

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

“Will the Chief Minister advise whether the Corporate Management Board consulted him and the Council of Ministers before agreeing a document retention strategy and state whether a decision was taken to automatically wipe emails on States servers after two years and, if so, whether this policy can be justified, given that emails can be instrumental in finding evidence of criminal wrongdoing and miscarriages of justice and ensuring transparent, open government?”

6. Deputy S.Y. Mézec of St. Helier will ask the following question of the Chief Minister –

“What impact, if any, will the fresh measures announced recently by the U.K. Chancellor on aggressive tax avoidance and evasion have on the level of activity of the financial services industry based in the Island?”

7. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Further to the response given on 3rd February 2015, will the Minister, as shareholder representative, update members on what progress, if any, has been made towards resolving the Gigabit dispute and state what lessons, if any, have been learned by the department?”



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

“Can the Chief Minister advise whether a meeting of the Council of Ministers was held at which a decision was taken for a free vote on the funding of the Independent Care Inquiry and, if so, will he publish the Minutes and state whether the view was expressed that the final cost would be £50 million, any related evidence, and how Ministers voted on this issue?”

9. Deputy J.A. Martin of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Will the Minister confirm whether 40 private parking spaces for the Police have been secured in the area adjacent to the new Police Headquarters, given that this was one of the conditions for the build at Green Street, and, if so, can he confirm where those spaces are to be situated?”

10. Deputy M. Tadier of St. Brelade will ask the following question of H.M. Attorney General –

“Will H.M. Attorney General state what criteria are necessary for appeal mechanisms against decisions of Ministers and departments to be human rights compliant and is he satisfied that a consistent approach is taken by all departments which is human rights compliant?”

11. Deputy S.Y. Mézec of St. Helier will ask the following question of the Minister for Treasury and Resources –

“What progress, if any, has the Minister made to find a suitable public or community use for Piquet House, following the States approval on 19th March 2014 of P.16/2014 ‘Piquet House: cancellation of sale and future use’?”

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

1st question period – Minister for External Relations

2nd question period – Chief Minister

## **J. PERSONAL STATEMENTS**

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

## **L. PUBLIC BUSINESS**

### **24th March 2015**

Draft Video Recordings (Amendment) (Jersey) Law 201-. P.10/2015.  
Lodged: 28th January 2015.  
*Minister for Economic Development.*

Gas Tariffs: reduction. P.18/2015.  
Lodged: 17th February 2015.  
*Deputy G.P. Southern of St. Helier.*

\* Gas Tariffs: reduction (P.18/2015) – comments. P.18/2015.  
Presented: 23rd March 2015. Com.  
*Council of Ministers.*

Gas Tariffs: reduction (P.18/2015) – amendment. P.18/2015.  
Lodged: 24th February 2015. Amd.  
*Deputy G.P. Southern of St. Helier.*



	Gas Tariffs: reduction (P.18/2015) – second amendment. Lodged: 26th February 2015. <i>Deputy S.Y. Mézec of St. Helier.</i>	P.18/2015. Amd.(2)
	Committee of Inquiry: Historical Child Abuse – additional funding. Lodged: 24th February 2015. <i>Chief Minister.</i>	P.20/2015.
	Committee of Inquiry: Historical Child Abuse – additional funding (P.20/2015) – amendment. Lodged: 10th March 2015. <i>Deputy M. Tadier of St. Brelade.</i>	P.20/2015. Amd.
*	Committee of Inquiry: Historical Child Abuse – additional funding (P.20/2015) – amendment (P.20/2015 Amd.) – comments. Presented: 23rd March 2015. <i>Chief Minister.</i>	P.20/2015. Amd.Com.
	Draft Amendment (No. 28) of the Standing Orders of the States of Jersey. Lodged: 24th February 2015. <i>Chief Minister.</i>	P.24/2015.
<b>M.</b>	<b>ARRANGEMENT OF PUBLIC BUSINESS</b>	
	<b><u>14th April 2015</u></b>	
	Criminal Injuries Compensation Scheme: revised Scheme. Lodged: 5th February 2015. <i>Minister for Home Affairs.</i>	P.13/2015.
	Draft Shipping (Fishing Vessels Safety Codes of Practice) (Jersey) Regulations 201-. Lodged: 17th February 2015. <i>Minister for Economic Development.</i>	P.19/2015.
	Draft Crown Advocates (Amendment) (Jersey) Law 201-. Lodged: 24th February 2015. <i>Chief Minister.</i>	P.25/2015.
	Ratification of the Agreement between the Government of the United States of America and the Government of Jersey regarding the sharing of confiscated or forfeited assets or their equivalent funds. Lodged: 3rd March 2015. <i>Chief Minister.</i>	P.26/2015.
	<b><u>28th April 2015</u></b>	
	Draft Strategic Plan 2015 – 2018. Lodged: 6th March 2015. <i>Council of Ministers.</i>	P.27/2015.
	Draft Strategic Plan 2015 – 2018 (P.27/2015): amendment. Lodged: 19th March 2015. <i>Deputy S.Y. Mézec of St. Helier.</i>	P.27/2015. Amd.



Draft Air and Sea Ports (Incorporation) (Jersey) Law 201-. Lodged: 15th January 2015. <i>Council of Ministers.</i>	P.5/2015.
Deregulation Bill: application of certain provisions to Jersey. Lodged: 9th March 2015. <i>Chief Minister.</i>	P.28/2015.
Draft Shipping (Oil Pollution) (Liability and Compensation) (Jersey) Law 201-. Lodged: 18th March 2015. <i>Minister for Economic Development.</i> <i>(Cannot be debated before 29th April 2015)</i>	P.29/2015.
Income Support Medical Appeal Tribunal: appointment of members. Lodged: 19th March 2015. <i>Minister for Social Security.</i>	P.30/2015.
Social Security Medical Appeal Tribunal: appointment of members. Lodged: 19th March 2015. <i>Minister for Social Security.</i>	P.31/2015.

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

23rd March 2015

**Note –**

**An asterix \* in the left-hand margin denotes either a new item added to this Order Paper since the principal Order Paper was published on 19th March 2015, or an item which has been altered or moved.**



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

(See Item B)

### **R&O.37/2015.**

This Order increases the limits on expenses that may be charged to a third-party motor insurer for treatment of a victim of a road traffic accident. The increase applies to treatment arising from accidents occurring on or after 1st April 2015.

The revised expenses limits are the same as those that apply in the United Kingdom under the NHS Injury Cost Recovery Scheme with effect from 1st April 2015.

The Order was made on 20th March 2015 and comes into force on 1st April 2015.

### **R&O.38/2015.**

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

*Article 1(a)* amends Article 3 of the 2008 Order to provide that customer due diligence measures must be applied in relation to a customer acting for a third party, whether the customer is acting directly or indirectly for that third party.

*Article 1(b) and (c)* also amends Article 3 of the 2008 Order with the effect that that where a third party is a trust or any other legal arrangement, the identification measures apply to an individual who exercises ultimate effective control over the third party, as well as the other persons mentioned in that Article.

*Article 2* amends *Article 11(3) of the 2008 Order* to provide that a relevant person (as defined in the 2008 Order) must maintain policies and procedures for determining whether a business relationship or transaction or a proposed business relationship or transaction is with a person that is subject to measures under law applicable in Jersey for the prevention and detection of money laundering, or is connected with an organization or a country or territory that is subject to such measures.

Article 21 of the 2008 Order requires relevant persons to maintain reporting procedures in accordance with the requirements set out in that Article and requires certain information or matters to be disclosed to the Financial Intelligence Unit, a designated police officer or a designated customs officer where there is a suspicion or knowledge that a person is engaged in money laundering. However, Article 21(5) disapplies those requirements in relation to a relevant person whose business is described in paragraphs 1 and 2 of Part B of Schedule 2 to the Proceeds of Crime (Jersey) Law 1999 (concerning accountants’ and lawyers’ activities) where the information or matter has been received in the course of ascertaining the legal position of the relevant person’s client or performing the task of defending or representing the client in, or concerning, legal proceedings, including advice on the institution of legal proceedings. *Article 3* of this Order substitutes Article 21(5) of the 2008 Order to provide that the disclosure requirements described in paragraphs (1)(h), (1)(ha), (2) and (4) do not apply to a relevant person who is a professional legal adviser where the information or matter is an item subject to legal privilege. (The question of whether an item is subject to legal privilege is to be determined in accordance with Jersey customary law.)

*Article 4* gives the title to this Order and provides for it to come into force on the day after it is made.

The Order was made on 23rd March 2015 and comes into force on 24th March 2015.





## **Planning Applications Committee Appointment of Members**

(See Item F)

### **125A Members of Planning Applications Committee: appointment process**

- (1) The chairman of the Planning Applications Committee shall indicate the number of members (not less than 3 and not more than 9) that he or she wishes the committee to have and shall nominate elected members as candidates for appointment as those members.
- (2) The presiding officer shall invite elected members to nominate other candidates.
- (3) If no other candidates are nominated the persons nominated by the chairman of the Planning Applications Committee are appointed as members of that Committee.
- (4) If other candidates are nominated there shall be a secret ballot and the number of candidates equal to the number of members the committee is to have who receive the highest number of votes are appointed as members of the Planning Applications Committee.
- (5) In a ballot an elected member shall have the same number of votes as there are members to appoint, although a member need not use all of his or her votes.
- (6) In the event that 2 or more candidates receive the same number of votes in a ballot, being a number which, if received by one candidate, would be the lowest number of votes required for that candidate to be appointed as a member of the committee, there shall be a further secret ballot between those candidates and the candidate receiving the greater number of votes shall be appointed as a member of the Planning Applications Committee.
- (7) This process shall also apply, with the necessary modifications, whenever the chairman of the Planning Applications Committee wishes to appoint one or more members of the committee (provided that the membership does not exceed 9).