

STATES OF JERSEY ORDER PAPER

Tuesday 15th May 2007

SUPPLEMENTARY

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Public Finances (Accounting Standards) (Jersey) Order 2007 R&O.67/2007.
Minister for Treasury and Resources.

Royal Court (Amendment No. 6) Rules 2007 R&O.68/2007.
Superior Number of the Royal Court.

C. DOCUMENTS PRESENTED OR LAID

Jersey Financial Services Commission: Annual Report for 2006. R.48/2007.
Presented: 15th May 2007.
Minister for Economic Development.

Land Transactions under Standing Order 168(3) – Stonemason’s Yard (Former R.49/2007.
Quarry), Mont Mado, St. John: proposed sale.
Presented: 15th May 2007.
Minister for Treasury and Resources.

La Pouquelaye Old School Site: purchase (P.55/2007) – comments. P.55/2007. Com.
Presented: 14th May 2007.
Minister for Treasury and Resources.

D. NOTIFICATION OF LODGED PROPOSITIONS

Rezoning of land for Category A and life-long dwellings for the over 55s. P.61/2007.
Lodged: 14th May 2007.
Minister for Planning and Environment.

Disciplinary Panel of the Law Society of Jersey: appointment of lay members. P.62/2007.
Lodged: 15th May 2007.
Chief Minister.

Public Elections: reduction in voting age to 16. P.63/2007.
Lodged: 15th May 2007.
Deputy of Grouville.

Composition and Election of the States. P.64/2007.
Lodged: 15th May 2007.
Deputy P.V.F. Le Claire of St. Helier.

I. QUESTIONS

Deputy S. Pitman of St. Helier has requested that this oral question be deferred until 5th June 2007 and presented as a written question -

“Would the Minister inform members of the total amount of subsidies paid to Housing Trusts for each year from 1998 to 2006?”

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Chairman of the Privileges and Procedures Committee will make a statement regarding the reform of the States.

The Chief Minister will make a statement regarding the development of the new Jersey Brand.

The Chairman of the Economic Affairs Scrutiny Panel will make a statement regarding the use of Question time by Scrutiny.

L. PUBLIC BUSINESS

The Connétable of St. Helier, in accordance with Standing Order 30(2), has informed the Greffier that he wishes the debate on the following proposition to be deferred from the present meeting until the 5th June 2007 -

La Pouquelaye Old School Site: purchase.
Lodged: 23rd April 2007.
Connétable of St. Helier.

P.55/2007.

M.N. DE LA HAYE
Greffier of the States

14th May 2007

Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.67/2007

This Order sets out accounting standards that the Treasurer must apply in preparing annual financial statements in respect of the accounts of the States.

The Order was made on 11th May 2007 and comes into force on 18th May 2007.

R&O.68/2007

These Rules amend the Royal Court Rules 2004 (“the principal Rules”) so as to –

- (i) empower the Royal Court to direct any party at any stage of proceedings to serve on the other parties affidavits or written statements containing the oral evidence which that party intends to lead on any issues of fact to be decided at the trial;
- (ii) introduce a requirement that an applicant for a caveat give written notice of the lodging of the caveat to every person whose immovable property is affected by it; and
- (iii) correct an error in the existing form of acknowledgement where a third party makes a declaration with regard to existing hypothecary rights.

The amendment consists of six *Rules*.

Rule 1 merely defines the principal Rules.

Rule 2 inserts a new *Rule 6/23A* consisting of four *paragraphs*.

Paragraph (1) empowers the Royal Court to give directions with regard to affidavits or written statements of oral evidence that a party intends to lead on issues of fact to be decided at the trial.

Under *paragraph (2)* if the person to whose evidence an affidavit or statement relates is not called at the trial by the party serving it, any other party wishing to put it in evidence at the trial requires leave to do so. If, however, that person is called as a witness by the party serving the affidavit/statement –

- (a) the party requires leave under *paragraph (3)(a)* to lead evidence from the witness beyond that which is contained in the affidavit/statement or which has newly arisen during the trial;
- (b) the Court is able under *paragraph (3)(b)* to direct that the affidavit/statement stand in whole or in part as evidence in chief;
- (c) the affidavit/statement may under *paragraph (3)(c)* be put to the witness in cross-examination.

Under *paragraph (4)* a party that fails to comply with a direction under *paragraph (1)* cannot adduce evidence to which the direction relates.

Rule 3 amends Rule 18/5 of the principal Rules so as to include a requirement that, when the Bailiff has granted an application for a caveat, the applicant give written notice of the lodging of the caveat to every person whose immovable property is affected by it.

Rule 4 amends Schedule 3 to the principal Rules which contains the form of summons for directions. The form is amended to take account of the power of the Court to order service of affidavits and/or statements of fact before trial.

Rule 5 (together with the *Schedule*) amends Schedule 6 to the principal Rules which contains the different forms of acknowledgement of debt (*'reconnaisances'*). The last such form – the form of acknowledgement where a third party makes a declaration with regard to existing hypothecary rights – contains a drafting error. It would be replaced with a correctly worded version.

Rule 6 is the usual citation provision and provides for the *Rules* to come into force 7 days after they are made.

The Rules were made by the Superior Number of the Royal Court on 14th May 2007 and come into force on 21st May 2007.