

STATES OF JERSEY ORDER PAPER

Tuesday 27th February 2007

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Shipping (Employment of Young People) (Jersey) Order 2007. R&O 32/2007.
Minister for Economic Development.

Collective Investment Funds (Permits) (Exemptions) (Amendment) (Jersey) Order 2007. R&O 33/2007.
Minister for Economic Development.

Financial Services (Collective Investment Funds) (Exemptions) (Jersey) Order 2007. R&O 34/2007.
Minister for Economic Development.

Court of Appeal (Fees) (Amendment No. 3) (Jersey) Rules 2007. R&O 35/2007.
Court of Appeal.

C. DOCUMENTS PRESENTED OR LAID

Land Transactions under Standing Order 168(3) – former JCG site – development proposals. R.13/2007.
Presented: 20th February 2007.
Minister for Treasury and Resources.

Deep groundwater: La Rocque and St. Catherine boreholes (P.22/2007) – P.22/2007. Com.
comments.
Lodged: 22nd February 2007.
Minister for Planning and Environment.

D. NOTIFICATION OF LODGED PROPOSITIONS

Draft Water Resources (Jersey) Law 200-. P.26/2007.
Lodged: 19th February 2007.
Minister for Planning and Environment.

Draft Telecommunications (Public Pensions) (Jersey) Regulations 200-. P.27/2007.
Lodged: 20th February 2007.
Minister for Treasury and Resources.

JT Group Limited (“Jersey Telecom”): proposed sale. P.28/2007.
Lodged: 20th February 2007.
Minister for Treasury and Resources.

E. WITHDRAWAL OF LODGED PROPOSITIONS

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

Nomination of the Connétable of St. Helier as a member of the Environment Scrutiny Panel.

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 G.P. Southern of St. Helier regarding backlogs at the Income Tax Department over the processing of ITIS data.
2. The Minister for Planning and Environment will table an answer to a question asked by Deputy G.P. Southern of St. Helier concerning environmental issues.
3. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the co-ordination of data gathered by departments.
4. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding spending pressures.
5. The Minister for Housing will table an answer to a question asked by Deputy G.P. Southern regarding the sell off of social housing rental housing stock.
6. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern regarding Long Term Incapacity Allowance.
7. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding the Chairman of the Higher Education Development Group.

(b) – Oral Questions (90 minutes) *(attached)*

1. Deputy K.C. Lewis of St. Saviour will ask the following question of the Minister for Home Affairs –

“Would the Minister inform members how many personnel from the Jersey Field Squadron are currently serving in Iraq and whether the announcement that some 1,600 British troops are to be withdrawn in the not too distant future will have any effect on the Jersey T.A. unit?”

2. Deputy S. Pitman of St. Helier will ask the following question of the Minister for Housing –

“Would the Minister inform members whether Convent Court needs to be demolished within the next 18 months and Caesarea Court by 2010 and, if so, would he provide members with the detailed research supporting this decision, and would he further explain whether the plan made public last year to assign Caesarea Court as accommodation for the over-50s has now been abandoned?”

3. Senator B.E. Shenton will ask the following question of the Chief Minister -

“In light of his written answer on 13th February 2007 that Senator Vibert takes no part in discussions relating to teachers at the States Employment Board, would the Chief Minister explain how the Board conducts its business in relation to these matters when its legal

quorum is fixed at 3 Ministers by the Employment of States of Jersey Employees (Jersey) Law 2005?

4. Deputy S. Pitman of St. Helier will ask the following question of the Minister for Housing –

“Would the Minister inform members what plans, if any, have been made to re-house existing tenants of Convent Court while it is being reconstructed and, in particular, would he inform members whether all tenants’ temporary homes will be equivalent to their current accommodation and whether they will be given accommodation equivalent to their current accommodation once the reconstruction has been completed?”

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

“What further work, if any, has been done in conjunction with the Jersey Competition Regulatory Authority to ensure that any reservations the Authority has over its powers, and the means to enforce them, in the absence of structural separation of Jersey Telecom are met following the sell-off of the company?”

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

“Following the Chief Minister’s answer on 13th February 2007 when he stated that funding for the pay award to public sector would “come from departmental budgets or there will be a request to the House for other means of funding” would Minister state what savings or other funding mechanisms, if any, are under consideration in departments affected and what Retail Price Index is anticipated for the 2007 award?”

7. Senator B.E. Shenton will ask the following question of the Minister for Home Affairs –

“Would the Minister inform members whether there is a policy in HM Prison La Moye to categorise certain prisoners as ‘vulnerable’ who might not be regarded as such in other places and, if so, could she reassure members that this policy does not lead to less attention being directed towards very vulnerable prisoners with potentially tragic consequences?”

8 Deputy K.C. Lewis of St. Saviour will ask the following question of the Minister for Education, Sport and Culture –

“Further to the announcement that the Jersey Heritage Trust has entered into an agreement with a new provider of state of the art amphibious vehicles to transport visitors to Elizabeth Castle would the Minister inform members whether the Trust can make arrangements for the existing amphibious vehicles to be used to cover the two month delay before the start of the new service and, if not, why not?”

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

1st question period – Minister for Home Affairs.

2nd question period – Minister for Economic Development.

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Chairman of the Economic Affairs Scrutiny Panel will make a statement regarding the review of the proposed sale of Jersey Telecom.

L. PUBLIC BUSINESS

- Draft Police (Honorary Police Complaints and Discipline Procedure) (Amendment) (Jersey) Regulations 200-. P.2/2007.
Lodged: 3rd January 2007.
Minister for Home Affairs.
- Field 512, La Route des Camps, St. Brelade: proposed Deed of Arrangement. P.3/2007.
Lodged: 10th January 2007.
Minister for Treasury and Resources.
- Draft Criminal Offences (Jersey) Law 200-. P.7/2007.
Lodged: 16th January 2007.
Re-issue
Chief Minister.
- Draft Corruption (Jersey) Law 2006 (Appointed Day) Act 200-. P.16/2007.
Lodged: 2nd February 2007.
Re-issue
Minister for Home Affairs.
- Deep groundwater: La Rocque and St. Catherine boreholes. P.22/2007.
Lodged: 8th February 2007.
Deputy G.C.L. Baudains of St. Clement.
- Deep groundwater: La Rocque and St. Catherine boreholes (P.22/2007) – P.22/2007. Com.
comments.
Lodged: 22nd February 2007.
Minister for Planning and Environment.

M. ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

13th March 2007

- Draft F.B. Playing Fields (Sports Hall) (Jersey) Law 200-. P.9/2007.
Lodged: 22nd January 2007.
Minister for Education, Sport and Culture.
- Draft Shops (Sunday Trading) (No. 9) (Jersey) Regulations 200. P.10/2007.
Lodged: 26th January 2007.
Minister for Economic Development.
- Draft Police Procedures and Criminal Evidence (Jersey) Law 2003 (Appointed Day) (No. 4) Act 200. P.17/2007.
Lodged: 2nd February 2007.
Minister for Home Affairs.
- Minimum Wage Level. P.23/2007.
Lodged: 12th February 2007.
Deputy G.P. Southern of St. Helier.
- Minimum Wage: Youth Rate. P.25/2007.
Lodged: 13th February 2007.
Deputy G.P. Southern of St. Helier.
- Draft Employment (Minimum Wage) (Amendment No. 2) (Jersey) Regulations P.14/2007.

200-.	
Lodged: 30th January 2007. <i>Minister for Social Security.</i>	
Draft Road Traffic (No. 57) (Jersey) Regulations 200-.	P.161/2006.
Lodged: 1st December 2006. <i>Minister for Transport and Technical Services.</i>	
Draft Road Traffic (No. 57) (Jersey) Regulations 200 (P.161/2006): amendment.	P.161/2006.
Lodged: 23rd January 2007. <i>Minister for Transport and Technical Services.</i>	Amd.
The States will sit in Committee to discuss the following report –	
Composition and election of the States Assembly: options for change.	R.97/2006.
Presented: 11th December 2006. <i>Privileges and Procedures Committee</i>	
<u>27th March 2007</u>	
Composition and Election of the States Assembly: proposed reform.	P.145/2006.
Lodged: 3rd November 2006. <i>Senator B.E. Shenton.</i>	
Composition and Election of the States Assembly: proposed reform (P.145/2006): amendments.	P.145/2006.
Lodged: 28th December 2006. <i>Deputy G.P. Southern of St. Helier.</i>	Amd.
Public Elections: reduction in voting age to 16.	P.166/2006.
Lodged: 5th December 2006. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	
Electoral Reform.	P.4/2007.
Lodged: 11th January 2007. <i>Deputy G.P. Southern of St. Helier.</i>	
Draft Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 3) (Jersey) Regulations 200-.	P.15/2007.
Lodged: 2nd February 2007. <i>Minister for Economic Development.</i>	
Draft Prison (Amendment No. 6) (Jersey) Law 200-.	P.18/2007.
Lodged: 5th February 2007. <i>Minister for Home Affairs.</i>	
Draft Regulation of Investigatory Powers (Amendment) (Jersey) Law 200-.	P.19/2007.
Lodged: 6th February 2007. <i>Minister for Home Affairs.</i>	
Draft Centeniers (Terms of Office) (Jersey) Law 200-.	P.20/2007.
Lodged: 6th February 2007. <i>Comité des Connétables.</i>	
Draft Règlements (200-) sur le tarif des honoraires des Jurés-Justiciers.	P.21/2007.
Lodged: 8th February 2007.	

Chief Minister.

Draft Employment (Amendment No. 3) (Jersey) Law 200. P.24/2007.
Lodged: 13th February 2007.
Minister for Social Security.

17th April 2007

Social Housing Property Plan 2007–2016. P.6/2007.
Lodged: 16th January 2007.
Minister for Housing.

Draft Telecommunications (Public Pensions) (Jersey) Regulations 200-. P.27/2007.
Lodged: 20th February 2007.
Minister for Treasury and Resources.

JT Group Limited (“Jersey Telecom”): proposed sale. P.28/2007.
Lodged: 20th February 2007.
Minister for Treasury and Resources.

1st May 2007

15th May 2007

Draft Water Resources (Jersey) Law 200-. P.26/2007.
Lodged: 19th February 2007.
Minister for Planning and Environment.

**M.N. DE LA HAYE
Greffier of the States**

22nd February 2007.

Note –

In accordance with the meeting dates fixed for 2007 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 28th February and Thursday 1st March 2007.

Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.32/2007.

This Order will give people over the age of 14 but under the age of 18 years who are working on Jersey registered ships protection similar to those working on United Kingdom registered ships.

The Order applies to all Jersey ships. Ships that are not Jersey ships but are in Jersey waters are, in certain circumstances, made subject to inspection and detention.

An obligation is placed on an employer to comply with the requirements of the Order as well as on any person specifically named in the provision. There is facility to extend the employer's duty to another person if the employer is not in control of the particular matter because he or she does not have responsibility for the operation of ship.

An employer must take appropriate measures to protect young people. This includes making an assessment of the risks to their health and safety in accordance with the Order. An employer must inform young people of identified risks and protective measures and must ensure that they are not engaged in certain specified work. If the assessment shows the young person's safety or health is at risk, or the young person will be regularly required to work at night, free health monitoring must be provided.

An employer must provide a young person with specific minimum daily and weekly rest periods, and the Company (owner) is required to ensure that the employer meets this obligation.

Except in specific circumstances a young person must not be employed on a ship unless he or she has provided an appropriate medical certificate.

A record must be kept that shows the young people engaged as workers on a ship and that sets out a short summary of the provisions of this Order.

Contravention of a duty provided for in the Order is a criminal offence.

Inspection and detention of Jersey and non-Jersey ships are separately provided for, and Articles of the Shipping (Jersey) Law 2002 dealing with arbitration and compensation are applied.

The Order was made on 16th February 2007 and came into force on 23rd February 2007.

R&O.33/2007.

This Order exempts, from the requirement under Article 5(1) of the Collective Investment Funds (Jersey) Law 1988 that a company issuing units shall hold a permit under the Law, any company that is a company issuing units, if the company is incorporated outside Jersey and does not have an "established place of business in Jersey".

The Order specifies that having a branch or an office of a company will mean the company shall be taken to have an "established place of business in Jersey", but that merely holding meetings in Jersey, or having a manager, director, or administrator who resides in Jersey, will not.

The Order was made on 16th February 2007 and came into force 7 days after it was made.

R&O.34/2007.

This Order exempts, from the requirement under Article 7 of the Financial Services (Jersey) Law 1988 that a company be registered to carry on financial services business, any company that is, for the purposes of the Collective Investment Funds (Jersey) Law 1988, a company issuing units, if the company is incorporated outside Jersey and does not have an “established place of business in Jersey”.

The Order specifies that having a branch or an office of a company will mean the company shall be taken to have an “established place of business in Jersey”, but that merely holding meetings in Jersey, or having a manager, director, or administrator, who resides in Jersey, will not.

The other provisions of the Law shall continue to apply to exempted companies as if they were registered under the Law.

The Order was made on 16th February 2007 and came into force 7 days after it was made.

R&O.35/2007.

These Rules increase the fees for matters arising under the Court of Appeal (Jersey) Rules 1964 except for the charge for attempted service. The rates, except for the charge for attempted service, were last increased in 1989.

The charge for attempted service is a new charge. The rates are increased by 400%-900%.

The Rules also amend the wording of cross-references between the Rules and the Schedule.

The Rules were made on 19th February 2007 and will come into force on 1st March 2007.

WRITTEN QUESTIONS

(See Item I(a))

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

“Would the Minister inform members what backlogs, if any, currently exist at the Income Tax Department over processing ITIS data for employers, employees (including repayments) and the self-employed? What measures, if any, are in place to ensure that the department remains up to date, and by when will any backlogs be eliminated?”

The Minister for Planning and Environment will table answers to the following questions asked by Deputy G.P. Southern of St. Helier –

“1. Has the Minister investigated what costs and energy savings are involved in the installation of the following energy saving actions for the average household -

Small windmill
Solar power
Cavity insulation

and, if so, could he provide details for members? What concrete support, if any, does his department plan for any of these initiatives in the Annual Business Plan for 2008?

2. Would the Minister inform members of the current and future costs of the Eco-Active campaign including the postage and packaging costs of sending out free pencils and badges to a wide number of recipients? Would he state which budget these costs come from and whether he is satisfied that such actions are ecologically justified?”

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

“On 6th December 2006 the Minister for Economic Development stated that “we have seen in the last few months reconciliation between the numbers of people on social security and Regulation of Undertakings licences.” Would the Chief Minister confirm that this reconciliation has been undertaken by the Statistics Unit and, if not, state why, and would he also indicate what progress, if any, has been made to co-ordinate approaches to data gathering between the Chief Minister’s Department, Social Security and Health and Social Services?”

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

“Would the Chief Minister agree to release to members the information regarding emerging spending pressures that was recently discussed at the Council of Ministers and, if not, when will this data be released into the public domain?”

The Minister for Housing will table answers to the following questions asked by Deputy G.P. Southern of St. Helier –

“1. Would the Minister –

(a) explain why the Social Housing Property Plan envisages the sale of social rental stock when the proportion of such accommodation (States plus housing trusts) is already lower than the 17% figure in the United Kingdom?”

- (b) give the current waiting period for 3-bed accommodation being notified to applicants by his department at a time when some of this housing is targeted for sale?
2. Would the Minister set out the Department's current policy on carrying out repairs or installing much needed facilities for disability for tenants in rental arrears? If no such work is undertaken how does the department prevent hardship to tenants and a deterioration in the fabric of its housing stock?"

The Minister for Social Security will table answers to the following questions asked by Deputy G.P. Southern of St. Helier –

- “1. (a) Comparison of the 2004 and 2005 Social Security Report and Accounts shows a growth in payments for Long Term Incapacity Allowance (LTIA) from some £1 million in 2004 to just over £5 million in 2005 without an apparent compensatory drop in funding elsewhere. Would the Minister account for this rise to members, inform members how many recipients of LTIA these figures refer to and state what estimate he has for 2006?
- (b) In a written answer on 13th February 2007 the Minister stated that data protection issues prevented his department knowing how many LTIA recipients were in receipt of additional welfare from their Parish. Would the Minister agree to seek anonymised data from the Parishes on the size of this sum which is soon to be transferred to Social Security under the income support system?
- (c) What start date is the Minister now working to for the implementation of the income support system?
2. Would the Minister inform members whether the dates of incapacity on medical certificates completed by General Practitioners are intended to be inclusive and, if so, state whether the Social Security Department includes the second date in payment of sickness benefit?
3. Would the Minister inform members what progress, if any, has been made in assessing the causes of the unexpected large rises in supplementation predicted for coming years and state whether new estimates are available?”

The Minister for Education, Sport and Culture will table and answer to the following question asked by Deputy R.G. Le Hérissier of St. Saviour –

“Further to his written answer on 13th February 2007 would the Minister state the total expenses, if any, paid to Dr. Michael Goldstein, additional to consultancy fees, in his role as Chairman of the Higher Education Development Group?”

ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

1st Session

	First 15 minute period Minister	Second 15 minute period Minister
13th March	Transport and Technical Services	Chief Minister
27th March	Health and Social Services	Education, Sport and Culture
17th April	Planning and Environment	Chief Minister
1st May	Social Security	Housing
15th May	Treasury and Resources	Chief Minister
5th June	Home Affairs	Economic Development
19th June	Transport and Technical Services	Chief Minister
3rd July	Health and Social Services	Education, Sport and Culture
17th July	Planning and Environment	Chief Minister

2nd Session

	First 15 minute period Minister	Second 15 minute period Minister
11th September	Social Security	Chief Minister
25th September	Housing	Treasury and Resources
9th October	Home Affairs	Chief Minister
23rd October	Economic Development	Transport & Technical Services
6th November	Health and Social Services	Chief Minister
20th November	Education, Sport and Culture	Planning and Environment
4th December	Social Security	Chief Minister