

STATES OF JERSEY ORDER PAPER

Tuesday 16th December 2008

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Motor Cars (Driving Instruction) (Amendment No. 19) (Jersey) Order 2008. R&O.159/2008.
Minister for Transport and Technical Services.

Motor Traffic (Public Service Vehicles) (Fees) (Jersey) Order 2008. R&O.160/2008.
Minister for Transport and Technical Services.

Motor Vehicles (Driving Licences) (Amendment No. 11) (Jersey) Order 2008. R&O.161/2008.
Minister for Transport and Technical Services.

Motor Vehicles (Construction and Use) (Amendment No. 11) (Jersey) Order 2008. R&O.162/2008.
Minister for Transport and Technical Services.

Motor Vehicle Registration (General Provisions) (Amendment No. 17) (Jersey) Order 2008. R&O.163/2008.
Minister for Transport and Technical Services.

Water Resources (Registration) (Jersey) Order 2008. R&O.164/2008.
Minister for Planning and Environment.

Income Support (General Provisions) (Amendment No. 2) (Jersey) Order 2008. R&O.165/2008.
Minister for Social Security.

Mental Health (General Provisions) (Amendment No. 2) (Jersey) Order 2008. R&O.166/2008.
Minister for Health and Social Services.

Mental Health (Review Tribunal) (Procedure) (Amendment No. 2) (Jersey) Order 2008. R&O.167/2008.
Minister for Health and Social Services.

Health and Social Services (2009 Fees) (Jersey) Order 2008. R&O.168/2008.
Minister for Health and Social Services.

Income Tax (Superannuation Funds) (Amendment No. 3) (Jersey) Order 2008. R&O.169/2008.
Minister for Treasury and Resources.

Shipping (Fees) (No. 2) (Jersey) Order 2008. R&O.170/2008.
Minister for Economic Development.

C. DOCUMENTS PRESENTED OR LAID

Code of Conduct for elected members: complaint against Senator S. Syvret. R.124/2008.
Presented: 5th December 2008.
Privileges and Procedures Committee.

Code of Conduct for elected members: complaint against Senator T.J. Le Main. R.125/2008.
Presented: 5th December 2008.
Privileges and Procedures Committee.

Jersey Advisory and Conciliation Service Board – appointment of members. Presented: 9th December 2008. <i>Minister for Social Security.</i>	R.126/2008.
External Review Report: the States of Jersey Youth Service 2008. Presented: 9th December 2008. <i>Minister for Education, Sport and Culture.</i>	R.127/2008.
Land Transactions under Standing Order 168(3) – (a) Miltonia, Old St. John's Road, St. Helier, JE2 3LG – lease; (b) St. Helier Harbour leases– PG 1654/8, 1669/19, 1669/22, 1669/45, 1713/1 – E16, V24, V26, V32A, LB1AA, A55 and V55. Presented: 9th December 2008. <i>Minister for Treasury and Resources.</i>	R.128/2008.
Land Transactions under Standing Order 168(3) – Howard Davis Farm Trinity – lease to Jersey Dairy Property Limited. Presented: 9th December 2008. <i>Minister for Treasury and Resources.</i>	R.129/2008.
Urban Regeneration Review. Presented: 5th December 2008. <i>Environment Scrutiny Panel.</i>	S.R.15/2008.

D. NOTIFICATION OF LODGED PROPOSITIONS

Draft Amendment (No. 10) of the Standing Orders of the States of Jersey. Lodged: 5th December 2008. <i>Privileges and Procedures Committee.</i>	P.179/2008.
Draft Employment (Minimum Wage) (Amendment No. 5) (Jersey) Regulations 200-. Lodged: 9th December 2008. <i>Minister for Social Security.</i>	P.180/2008.
Ministerial government: review. Lodged: 10th December 2008. <i>Deputy of St. John.</i>	P.181/2008.

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

- (i) Appointment of President of the Chairmen's Committee.
- (ii) Appointment of members of the Privileges and Procedures Committee.
- (iii) Appointment of elected members of the Public Accounts Committee
- (iv) Appointment of members of Scrutiny Panels in the following order –
 - (a) Corporate Services
 - (b) Economic Affairs
 - (c) Education and Home Affairs
 - (d) Environment
 - (e) Health, Social Security and Housing

(v) Appointment of members of the Jersey Overseas Aid Commission.

M. ARRANGEMENT OF PUBLIC BUSINESS

20th January 2009

Rates: the States' liability. Lodged: 16th September 2008. <i>Connétable of St. Helier.</i>	P.147/2008.
Waterfront Enterprise Board Ltd: appointment of Director. Lodged: 1st October 2008. <i>Chief Minister.</i>	P.153/2008.
Waterfront Enterprise Board Ltd.: appointment of Director (P.153/2008) – amendment. Lodged: 21st October 2008. <i>Senator B.E. Shenton.</i>	P.153/2008. Amd.
Traditional delivery of Christmas addresses. Lodged: 31st October 2008. <i>Senator S. Syvret.</i>	P.168/2008.
Traditional delivery of Christmas addresses (P.168/2008): comments. Presented: 18th November 2008. <i>Privileges and Procedures Committee.</i>	P.168/2008. Com.
Draft Employment Tribunal (Amendment No. 2) (Jersey) Regulations 200. Lodged: 4th November 2008. <i>Minister for Social Security.</i>	P.169/2008.
Draft Health and Safety at Work (Amendment No. 4) (Jersey) Law 200. Lodged: 4th November 2008. <i>Minister for Social Security.</i>	P.170/2008.
Ratification of the Agreement for the Exchange of Information Relating to Tax Matters between the Federal Republic of Germany and the States of Jersey. Lodged: 4th November 2008. <i>Chief Minister.</i>	P.171/2008.
Draft Taxation (Exchange of Information with Third Countries) (Amendment) (Jersey) Regulations 200-. Lodged: 4th November 2008. <i>Chief Minister.</i>	P.172/2008.
Draft Gender Recognition (Jersey) Law 200-. Lodged: 25th November 2008. <i>Chief Minister.</i>	P.174/2008.
Draft Protection of Children (Restriction on Supply of Goods) (Jersey) Law 200-. Lodged: 27th November 2008. Minister for Economic Development.	P.175/2008.
Draft Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 10) (Jersey) Regulations 200.	P.176/2008.

Lodged: 2nd December 2008.

Chief Minister.

Draft Public Employees (Contributory Retirement Scheme) (New Members)
(Amendment No. 13) (Jersey) Regulations 200.

P.177/2008.

Lodged: 2nd December 2008.

Chief Minister.

3rd February 2009

Draft Amendment (No. 10) of the Standing Orders of the States of Jersey.

P.179/2008.

Lodged: 5th December 2008.

Privileges and Procedures Committee.

Draft Employment (Minimum Wage) (Amendment No. 5) (Jersey)
Regulations 200-

P.180/2008.

Lodged: 9th December 2008.

Minister for Social Security.

Ministerial government: review.

P.181/2008.

Lodged: 10th December 2008.

Deputy of St. John.

24th February 2009

Draft Sex Offenders (Jersey) Law 200-

P.178/2008.

Lodged: 3rd December 2008.

Minister for Home Affairs.

24th March 2008

Draft Income Tax (Amendment No. 32) (Jersey) Law 200.

P.161/2008.

Lodged: 21st October 2008.

Minister for Treasury and Resources.

Draft Income Tax (Amendment No. 32) (Jersey) Law 200 (P.161/2008):
comments.

P.161/2008.

Com.

Presented: 25th November 2008.

Corporate Services Scrutiny Panel.

M.N. DE LA HAYE
Greffier of the States

11th December 2008.

Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.159/2008.

This Order increases, by 2.5%, the fees connected with registration of driving instructors. The fees were last increased on 1st January 2008.

The Order was made on 4th December 2008 and comes into force on 1st January 2009.

R&O.160/2008.

This Order increases, by 2.5%, some of the fees connected with the issue of certificates, licences, plates and badges in respect of public service vehicles. The fees were last increased on 1st January 2008.

The Order was made on 4th December 2008 and comes into force on 1st January 2009.

R&O.161/2008.

This Order increases, by 2.5%, the fees connected with the driving test (both theory and practical). The fees were last increased on 1st January 2008. The fee for the compulsory basic training course is not increased by this Order, having been increased on 1st October 2008.

This Order also provides that a person taking the practical test is no longer required to have completed the basic training course within the period of 3 years preceding the date of the person's application to take the practical test. The basic training course can now be completed at any time before the practical test is taken.

The Order was made on 4th December 2008 and comes into force on 1st January 2009.

R&O.162/2008.

This Order increases the fees to accompany a licence authorizing the use of a vehicle that does not comply with the Motor Vehicles (Construction and Use) (Jersey) Order 1998. The fees were last increased on 1st January 2008.

The Order was made on 4th December 2008 and comes into force on 1st January 2009.

R&O.163/2008.

This Order increases, by 2.5%, the fees connected with the registration of motor vehicles. The fees were last increased on 1st January 2008.

The Order was made on 4th December 2008 and comes into force on 1st January 2009.

R&O.164/2008.

This Order prescribes how a person may register an abstraction or impounding of water in certain cases and so avoid the need to obtain a water resources licence.

The Order was made on 5th December 2008 and comes into force on 1st January 2009.

R&O.165/2008.

This Order increases certain existing disregards used in determining a person's income for the purposes of calculating entitlement to income support and introduces new disregards.

The disregard of the earnings of an adult who is not a sole adult in a household is increased from 6% to 10%.

New disregards are introduced –

- (a) for 5% of any income derived from long term incapacity allowance or invalidity benefit;
- (b) for 10% of income derived from a qualifying maintenance payment;
- (c) for 5% of income derived from a pension or annuity paid to a person under the age of 65.

The disregard for income derived from a pension or annuity paid to one person in the household aged 65 or over is increased from £27.09 to £32.06. The disregard for income derived from a pension or annuity paid to any other person in the household aged 65 or over is increased from £17.01 to £19.95.

The alternative disregard for the earnings of a lone parent that is based on a percentage of total earnings is increased from 6% to 10%.

The Order was made on 5th December 2008 and comes into force on 1st February 2009.

R&O.166/2008.

This Order removes the possibility of postal service for an application for admission or discharge of a patient, leaving the personal delivery of the application as the only means of service.

The Order also makes a change for the sake of law revision.

The Order was made on 5th December 2008 and comes into force on 12th December 2008.

R&O.167/2008.

This Order makes amendments principally in order to reflect the fact that the deputy chairman of the Mental Health Review Tribunal may carry out the functions of the chairman when the chairman or vice-chairman is unavailable.

The Order was made on 5th December 2008 and comes into force on 12th December 2008.

R&O.168/2008.

This Order increases by, approximately 2.5%, the following fees –

- (a) the fees connected with registration authorizing the carrying on of a nursing home, mental nursing home or residential home;
- (b) the fees connected with the grant, renewal or transfer of a licence to conduct a nursing agency;
- (c) the fees in relation to the rolls of ancillary dental workers;
- (d) the fee for a licence to sell ice-cream from a van or stall;

- (e) the maximum fee that a registered medical practitioner may charge for completing a medical certificate to accompany an application for cremation.

These fees were last increased on 1st January 2008.

This Order increases, by approximately 10%, the fee for cremation of a person aged 18 or more. The fee was last increased on 1st January 2008. There is no fee for the cremation of a person under that age.

This Order increases, by approximately 3.7%, the hospital charges for long-stay patients. The fees were last increased on 1st October 2007.

The Order was made on 5th December 2008 and all of the increases take effect on 1st January 2009.

R&O.169/2008.

This Order amends the Income Tax (Superannuation Funds) (Jersey) Order 1972 the “principal Order”.

Article 1 amends Article 5 of the principal Order in the following respects –

- (a) the heading to Article 5 is amended to cover all lump sums, not just those paid by way of commutation of an annuity;
- (b) an employed person may commute to a tax free lump sum up to 30% of the benefits to which he or she is entitled. Commutation may take place following up to 3 elections from the date that the employed person can take early retirement until the date the employed person actually retires;
- (c) an employed person may commute to a tax free lump sum all the benefits to which he or she is entitled at the time of retirement if he or she retires for reasons of serious ill health. Alternatively, if, when the employed person retires other than for reasons of serious ill health, the value of the fund does not exceed £30,000 at the time of retirement, all the benefits may be commuted to a lump sum taxed at 10%;
- (d) if an employed person dies following retirement, all the benefits to which he or she was entitled at that time may be commuted to a lump sum taxed at 10% and paid to a surviving spouse or dependent, provided that the value of such benefits at that time does not exceed £30,000;
- (e) if an employed person dies before retirement, a beneficiary may receive a tax free lump sum of up to 5 times that individual’s annual income.

Article 2 provides that the amendments made by this Order shall have effect for year of assessment 2009 and ensuing years.

Article 3 sets out the title of the Order and provides the commencement date.

The Order was made on 8th December 2008 and comes into force on 1st January 2009.

R&O.170/2008.

This Order increases certain fees, listed below, payable in respect of certificates, registrations and inspections under enactments made under the Shipping (Jersey) Law 2002. The increases take effect on 1st January 2009, apart from those for the Shipping (Local Small Ships Registration) (Jersey) Regulations 2004 which take effect on 1st June 2009. The fees were last increased on 1st March 2008.

For convenience the Order replaces the whole of the current Order (with some simplification of wording), but the only changes to fees are the following increases –

Shipping (Local Small Ships Registration) (Jersey) Regulations 2004 –

- (a) for registration under Regulation 2(2)(b) from £22 to £50,
- (b) for renewal under Regulation 2(8)(b) from £22 to £50,
- (c) for issue of certificate within 24 hours from £44 to £95;

Shipping (Fishing Vessels Safety Provisions) (Jersey) Order 2004 –

- (a) for issue of fishing vessel certificate under Article 129 from £13.50 to £14,
- (b) for fishing vessel certificate extension under Article 132 from £16 to £17,
- (c) for periodic inspection under Article 134 from £17 to £18;

Shipping (Registration) (Jersey) Regulations 2004 –

- (a) for provisional registration under Regulation 8 from £28 to £95,
- (b) for change of name under Regulation 21(3)(b) from £28 to £37.

The Order was made on 11th December 2008 and comes into force on 1st January 2009.

Explanatory Note regarding the appointment process

(See Item F)

Note 1: Standing Order 121(1) provides that the President of the Chairmen's Committee shall be appointed from amongst the persons who are members of the Committee.

Note 2: Standing Order 122(1) provides that the Chairman of the Privileges and Procedures Committee shall nominate 3 elected members, who are neither Ministers nor Assistant Ministers, as candidates for membership of the Committee. The Chairman, after consultation with the Chief Minister, will also nominate 2 elected members who are each a Minister or an Assistant Minister as candidates for membership of the Privileges and Procedures Committee and one member of the Chairmen's Committee (in accordance with Standing Order 122(9)).

Note 3: Standing Order 123(1) provides that the Chairman of the Public Accounts Committee shall indicate the number of elected members (being not less than 2) that he or she wishes to have as members of the Committee and should then nominate that number of elected members (who are neither Ministers nor Assistant Ministers) as candidates for appointment. Standing Order 131(b) provides that there must be an even number of members (but not less than 4) and half must be persons who are not members of the States. (*only the elected members are to be appointed at this meeting*).

Note 4: Standing Order 135(2)(b) provides that each Scrutiny Panel shall consist of a number of members determined by the Chairman of the Panel, but not more than 4, who must be elected members who are not Ministers or Assistant Ministers. Standing Order 135(3) provides that an elected member of a Scrutiny Panel cannot be a member of more than 2 Scrutiny Panels and can only be Chairman of one.

Note 5: Under the Constitution in Schedule 1 to the Jersey Overseas Aid Commission Law 2005, the nominations of the 5 members of the Commission are made on the recommendation of the Chairman and therefore alternative nominations can not be made by the Assembly. 2 of the Commissioners will be elected members whilst the other 3 non-States Commissioners will be persons who are not members of the States (*only the elected members are to be appointed at this meeting*). Election as a States Commissioner is open to **all** members.