



# STATES OF JERSEY ORDER PAPER

Tuesday 2nd July 2013

## A. COMMUNICATIONS BY THE PRESIDING OFFICER

## B. TABLING OF SUBORDINATE ENACTMENTS

*(Explanatory note attached)*

Medicines (Prescription Only) (Amendment No. 8) (Jersey) Order 2013. R&O.82/2013.  
*Minister for Health and Social Services.*

Community Provisions (Restrictive Measures – Iran) (Amendment No. 4) (Jersey) Order 2013. R&O.83/2013.  
*Deputy Chief Minister, for and on behalf of Chief Minister.*

Control of Housing and Work (Fees) (Jersey) Order 2013. R&O.84/2013.  
*Chief Minister.*

Control of Housing and Work (Exemptions) (Jersey) Order 2013. R&O.85/2013.  
*Chief Minister.*

Public Finances (Transitional Arrangements) (Amendment No. 2) (Jersey) Order 2013. R&O.86/2013.  
*Minister for Treasury and Resources.*

Control of Housing and Work (Guidance on Temporary Absence and Significant Ownership) (Jersey) Order 2013. R&O.87/2013.  
*Chief Minister.*

Community Provisions (Restrictive Measures – Guinea-Bissau) (Amendment No. 2) (Jersey) Order 2013. R&O.88/2013.  
*Chief Minister.*

Social Security (Collection of Contributions) (Jersey) Order 2013. R&O.89/2013.  
*Minister for Social Security.*

Social Security (Contributions) (Amendment No. 14) (Jersey) Order 2013. R&O.90/2013.  
*Minister for Social Security.*

Social Security (Contributions) (Amendment No. 15) (Jersey) Order 2013. R&O.91/2013.  
*Minister for Social Security.*

## C. DOCUMENTS PRESENTED OR LAID

Draft States of Jersey (Transfer of Functions No. 6) (Economic Development and Treasury and Resources to Chief Minister) (Jersey) Regulations 201- (P.75.2013): P.75/2013.  
comments. Com.  
Presented: 20th June 2013.  
*Chairmen's Committee.*

Criminal Injuries Compensation Board: Report and Accounts for 2012. R.65/2013.  
Presented: 21st June 2013.  
*Minister for Home Affairs.*



Jersey Fire and Rescue Service: Annual Review 2012. Presented: 21st June 2013. <i>Minister for Home Affairs.</i>	R.66/2013.
States of Jersey Complaints Board: findings – complaint against a decision of the Minister for Transport and Technical Services. Presented: 24th June 2013. <i>Privileges and Procedures Committee.</i>	R.67/2013.
European Convention on Human Rights (ECHR): Protocol 15. Presented: 26th June 2013. <i>Chief Minister.</i>	R.68/2013.
Control of Housing and Work (Jersey) Law 2012: Guidance – control provisions. Presented: 26th June 2013. <i>Chief Minister.</i>	R.69/2013.
Control of Housing and Work (Jersey) Law 2012: Guidance – temporary absence. Presented: 26th June 2013. <i>Chief Minister.</i>	R.70/2013.
Jersey Tourism: A Year in Review 2012. Presented: 27th June 2013. <i>Minister for Economic Development.</i>	R.71/2013.
States of Jersey Law 2005: delegation of functions – Chief Minister – Control of Housing and Work (Jersey) Law 2012. Presented: 27th June 2013. <i>Chief Minister.</i>	R.72/2013.
Minister for External Relations (S.R.9/2013) – response of the Council of Ministers. Presented: 27th June 2013. <i>Council of Ministers.</i>	S.R.9/2013. Res.

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

Jersey Appointments Commission: re-appointment of member. Lodged: 25th June 2013. <i>Chief Minister.</i>	P.79/2013.
Draft Adoption (Amendment No. 6) (Jersey) Law 201-. Lodged: 25th June 2013. <i>Chief Minister.</i>	P.80/2013.
British Nationality Act (H.M. Armed Forces Exemption) Bill: extension to Jersey. Lodged: 25th June 2013. <i>Chief Minister.</i>	P.81/2013.
Committee of Inquiry: costs for local businesses. Lodged: 27th June 2013. <i>Senator A. Breckon.</i>	P.82/2013.
Commissioners of Appeal for Taxes Office: re-appointment of members. Lodged: 28th June 2013. <i>Minister for Treasury and Resources.</i>	P.83/2013.



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

In accordance with Standing Order 34(1), the proposer of the following proposition lodged 'au Greffe' has informed the Greffier of the States that it is to be withdrawn –

Committee of Inquiry: costs for local businesses.  
Lodged: 25th February 2013.  
*Senator A. Breckon.*

P.31/2013.

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

## **G. MATTERS OF PRIVILEGE**

## **H. PETITIONS**

## **I. QUESTIONS**

### **(a) – Written Questions** *(attached)*

1. The Minister for Health and Social Services will table an answer to a question asked by the Connétable of St. Lawrence regarding the introduction of an 'end of life' strategy.
2. The Minister for Health and Social Services will table an answer to a question asked by Deputy J.A. Maçon of St. Saviour regarding costs in respect of diabetic foot care and screening for diabetes.
3. The Minister for Planning and Environment will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the number of staff administering the Water Resources (Jersey) Law 2007.
4. The Minister for Health and Social Services will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding waiting lists for scans.
5. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding net immigration in 2012.
6. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding tax issues discussed with the U.K. Prime Minister.
7. The Chief Minister will table an answer to a question asked by Deputy S. Pitman of St. Helier regarding the cost of a recent meal with U.K. politicians.
8. H.M. Attorney General will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the total cost of a recent Court case involving former Senator S. Syvret.
9. The Minister for Home Affairs will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding information leaked to a U.K. journalist during a live investigation.
10. H.M. Attorney General will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding individuals named in a 2009 Court case but not prosecuted.
11. The Minister for Home Affairs will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding confidential records accessed by Senator P.M. Bailhache.



12. The Minister for Home Affairs will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding complaints against the Chief and Deputy Chief of the States of Jersey Police.
13. The Minister for Home Affairs will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the rehabilitation of offenders.
14. The Minister for Treasury and Resources will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding GST on fuel and other goods where duty is already paid.
15. The Minister for Health and Social Services will table an answer to a question asked by the Connétable of St. Lawrence regarding hospitals in the U.K. with agreements to treat Jersey patients.

**(b) – Oral Questions**

(120 minutes)

1. Deputy J.M. Maçon of St. Saviour will ask the following question of the Chief Minister –  
  
“Would the Chief Minister explain why, despite various undertakings, the new population policy has not been placed before the Assembly for debate before the summer recess?”
2. Deputy G.P. Southern of St. Helier will ask the following question of the Chief Minister –  
  
“What short term changes, if any, will there be in the way Jersey conducts its business as an offshore finance centre as a consequence of agreements reached between the Chief Minister and the UK Prime Minister prior to the recent G8 meeting?”
3. Deputy T.M. Pitman of St. Helier will ask the following question of the Chief Minister –  
  
“What was the total cost of the dinner at the Atlantic Hotel on Sunday 23rd June 2013 when the Chief Minister and selected Members of the Council of Minister met the representatives of the UK Justice Select Committee; and why was this venue used?”
4. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Social Security –  
  
“Will the Minister confirm whether those earning over £152,232 will be insulated from the proposed 1% increase in Social Security/Income Tax contributions to fund long-term care and, if so, will he explain the reason for this decision?”
5. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Economic Development –  
  
“Would the Minister advise what arrangements, if any, are in place for local fishing vessels to be registered whenever those qualified and delegated to undertake this task (as indicated in R.12/2011) are on leave or otherwise unavailable?”
6. Deputy S. Pitman of St. Helier will ask the following question of the Minister for Social Security –  
  
“What is the Department’s policy when it is discovered that a mistake has been made and an income support recipient has been overpaid?”



7. Deputy R.G. Le Hérisier of St. Saviour will ask the following question of the Minister for Treasury and Resources –

“To what extent are the monopoly infrastructure services provided by JT cross subsidised by other cost centres within the JT Group?”
8. Deputy M.R. Higgins of St. Helier will ask the following question of H.M. Attorney General –

“Will H.M. Attorney General explain whether the Law Officers and Jersey qualified lawyers within his department are subject to the same professional standards and disciplinary procedures of the Law Society of Jersey which are applied to Jersey Advocates or solicitors in private practice and, if not, why not?”
9. Deputy T.A. Vallois of St. Saviour will ask the following question of the Minister for Economic Development –

“Could the Minister advise why there has been a delay in publishing a skills strategy, as agreed within Strategic Aim 4 of the economic growth and diversification strategy approved by the States Assembly last year and how much of the allocated £0.75 million has been expended?”
10. Deputy T.M. Pitman of St. Helier will ask the following question of the Minister for Economic Development –

“Would the Minister confirm whether the Harbours Department has effectively handed over control of outlying port management to groups of private individuals who use their vessels simply for pleasure, such as associations, resulting in exclusion of others and in certain instances leaving members of the public who actually rely on fishing as their livelihood without access to fresh water to hose their boats and gear?”
11. Deputy S. Pitman of St. Helier will ask the following question of the Minister for Social Security –

“Following the adoption of the Income Support (Amendment No.8) (Jersey) Regulations 2012 by the Assembly on 17th July 2012, would the Minister advise how many former Income Support recipients have had this benefit stopped?”
12. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Economic Development –

“Would the Minister advise whether the benefit to tourism generated by the Festival of Motoring has been calculated and state what assistance, both financial and practical, the Economic Development Department gives to this event?”
13. Deputy M.R. Higgins of St. Helier will ask the following question of H.M. Attorney General –

“Will H.M. Attorney General advise Members of the rules relating to a prosecutor’s duty to disclose or have disclosed to defendants in criminal cases, all information relevant to a case and confirm whether such disclosure rules have been adhered to since the beginning of 2010 in respect of enforcement actions under the Planning and Building Law (Jersey) 2002 and, if not, why not?”



14. Deputy G.P. Southern of St. Helier will ask the following question of the Chief Minister –

“What measures, if any, will the Chief Minister propose to control immigration and population numbers before the population exceeds 100,000, and if none, why?”

15. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Treasury and Resources –

“Will the Minister explain whether the proposed 1% increase to pay for the long term care of the elderly represents a departure from the 20% maximum Income Tax rate?”

(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**

Chief Minister and Chairman of Comité des Connétables: monthly meetings. P.51/2013.  
Lodged: 16th April 2013.  
*Deputy M. Tadier of St. Brelade.*

Chief Minister and Chairman of Comité des Connétables: monthly meetings P.51/2013.  
(P.51/2013) – comments. Com.  
Presented: 13th May 2013.  
*Comité des Connétables.*

Chief Minister and Chairman of Comité des Connétables: monthly meetings P.51/2013.  
(P.51/2013) – comments. Com.(2).  
Presented: 13th May 2013.  
*Council of Ministers.*

Ratification of the Convention between Jersey and the Grand Duchy of P.58/2013.  
Luxembourg for the Avoidance of Double Taxation and the Prevention of Fiscal  
Evasion with Respect to Taxes on Income and on Capital.  
Lodged: 21st May 2013.  
*Chief Minister.*

Draft Taxation (Double Taxation) (Amendment No. 2) (Jersey) Regulations 201-. P.59/2013.  
Lodged: 21st May 2013.  
*Chief Minister.*

Historic buildings in Pitt Street and Dumaresq Street: request to Minister for P.60/2013.  
Planning and Environment.  
Lodged: 29th May 2013.  
*Connétable of St. Helier.*

Draft Amendment (No. 21) of the Standing Orders of the States of Jersey. P.65/2013.  
Lodged: 3rd June 2013.  
*Privileges and Procedures Committee.*



Island Plan Review. P.71/2013.  
Lodged: 4th June 2013.  
*Deputy J.H. Young of St. Brelade.*

## **M. ARRANGEMENT OF PUBLIC BUSINESS**

### **16th July 2013**

Draft Succession to the Crown (Jersey) Law 201-. P.57/2013.  
Lodged: 8th May 2013.  
*Chief Minister.*

Draft Security Interests (Amendment of Law) (Jersey) Regulations 201-. P.61/2013.  
Lodged: 31st May 2013.  
*Minister for Economic Development.*

Draft Trusts (Amendment No. 6) (Jersey) Law 201-. P.62/2013.  
Lodged: 31st May 2013.  
*Minister for Economic Development.*

Draft Social Housing (Transfer) (Jersey) Law 201-. P.63/2013.  
Lodged: 31st May 2013.  
*Minister for Housing.*

Victoria and George V Cottage Homes (Repeal of General Principles). P.44/2013.  
Lodged: 28th March 2013.  
*Minister for Housing.*

Victoria and George V Cottage Homes (Repeal of General Principles) (P.44/2013): P.44/2013.  
amendment. Amd.  
Lodged: 3rd May 2013.  
*Deputy G.P. Southern of St. Helier.*

Draft States of Jersey (Amendment No. 7) Law 201-. P.64/2013.  
Lodged: 3rd June 2013.  
*Privileges and Procedures Committee.*

Draft Income Support (Amendment No. 9) (Jersey) Regulations 201-. P.66/2013.  
Lodged: 4th June 2013.  
*Minister for Social Security.*

Draft Dwelling-Houses (Rent Control) (Standard Tenancy Agreement) P.68/2013.  
(Amendment) (Jersey) Regulations 201-.  
Lodged: 4th June 2013.  
*Minister for Housing.*

Draft Firearms (Amendment No. 3) (Jersey) Law 201-. P.69/2013.  
Lodged: 4th June 2013.  
*Minister for Home Affairs.*

Referendum on States reform: outcome. P.74/2013.  
Lodged: 6th June 2013.  
*Senator B.I. Le Marquand.*



Draft Security Interests (Jersey) Law 2012 (Appointed Day) Act 201-. Lodged: 18th June 2013. <i>Minister for Economic Development.</i>	P.77/2013.
Draft States of Jersey (Transfer of Functions No. 6) (Economic Development and Treasury and Resources to Chief Minister) (Jersey) Regulations 201-. Lodged: 6th June 2013. <i>Chief Minister.</i> <i>(Cannot be debated until 18th July 2013)</i>	P.75/2013.
Draft States of Jersey (Transfer of Functions No. 6) (Economic Development and Treasury and Resources to Chief Minister) (Jersey) Regulations 201- (P.75.2013): comments. Presented: 20th June 2013. <i>Chairmen's Committee.</i>	P.75/2013. Com.
Committee of Inquiry into Historical Abuse: appointment of Chairman. Lodged: 14th June 2013. <i>Chief Minister.</i>	P.76/2013.
Draft States of Jersey Police Force Law 2012 (Appointed Day) Act 201-. Lodged: 18th June 2013. <i>Minister for Home Affairs.</i>	P.78/2013.
<b><u>10th September 2013</u></b>	
Draft States of Jersey (Minister for External Relations) (Jersey) Regulations 201-. Lodged: 4th June 2013. <i>Chief Minister.</i>	P.67/2013.
Draft Loi (201-) (Amendement) sur la Voirie. Lodged: 4th June 2013. <i>Comité des Connétables.</i>	P.70/2013.
Draft Public Finances (Amendment No. 4) (Jersey) Law 201-. Lodged: 6th June 2013. <i>Minister for Treasury and Resources.</i>	P.73/2013.
Jersey Appointments Commission: re-appointment of member. Lodged: 25th June 2013. <i>Chief Minister.</i>	P.79/2013.
Draft Adoption (Amendment No. 6) (Jersey) Law 201-. Lodged: 25th June 2013. <i>Chief Minister.</i>	P.80/2013.
British Nationality Act (H.M. Armed Forces Exemption) Bill: extension to Jersey. Lodged: 25th June 2013. <i>Chief Minister.</i>	P.81/2013.
Committee of Inquiry: costs for local businesses. Lodged: 27th June 2013. <i>Senator A. Breckon.</i>	P.82/2013.
Commissioners of Appeal for Taxes Office: re-appointment of members. Lodged: 28th June 2013. <i>Minister for Treasury and Resources.</i>	P.83/2013.





**24th September 2013**

Hospital Outpatients: re-introduction of prescriptions charges.  
Lodged: 4th June 2013.  
*Minister for Health and Social Services.*

P.72/2013.

**A.H. HARRIS**  
**Deputy Greffier of the States**

27th June 2013

**Note –**

**In accordance with the meeting dates fixed for 2013 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 3rd and Thursday 4th July 2013.**



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

(See Item B)

### R&O.82/2013.

The object of this Order is to amend the Medicines (Prescription Only) (Jersey) Order 1997 –

- (a) to prescribe that a person registered in one of the following professions is (alongside doctors, dentists and veterinary surgeons) an appropriate practitioner for the purposes of the Medicines (Jersey) Law 1995 and, by virtue of Article 57 of that Law, able to issue prescriptions for, or to administer, prescription only medicines –  
Midwife prescribing practitioner;  
Nurse prescribing practitioner;  
Specialist community public health nurse prescribing practitioner; and
- (b) to make changes to the conditions under which prescription only medicines may be supplied or administered as a consequence of extending to those practitioners the capacity to issue prescriptions for, or to administer, those medicines.

*Article 1* provides that the Medicines (Prescription Only) (Jersey) Order 1997 may be referred to in this amendment as the “principal Order”.

*Article 2* defines terms used in the Order – “health record” and “supplementary prescriber”. These terms are explained further below.

*Article 3* makes changes to cross references in the principal Order as a result of the enactment of the Medicines (Amendment No. 3) (Jersey) Law 2011, which replaced Article 57 of the Medicines (Jersey) Law 1995 (restricting the supply and administration of prescription only medicines) with new wording.

*Article 4* replaces Article 5 of the principal Order in order to add the 3 new classes of appropriate practitioner mentioned at the start of this explanatory note.

*Article 5* makes changes to the requirements in Article 6 of the principal Order setting out the conditions which must be fulfilled in order for a prescription only medicine to be sold or supplied in accordance with a prescription given by an appropriate practitioner. Article 57(2)(a) of the Medicines (Jersey) Law 1995 prohibits the retail sale or supply of prescription only medicines “except in accordance with a prescription given by an appropriate practitioner”. The changes made to the conditions by Article 6 fall into 2 categories.

The first category concerns the wording of prescriptions so as to take account of the new descriptions of appropriate practitioner mentioned at the start of this explanatory note.

The second category introduces requirements that must be met where a supplementary prescriber gives a prescription. A supplementary prescriber is defined in Article 1 to mean a person who falls within one of the new descriptions of appropriate practitioner whose entry on the register established and maintained under article 5 of the Nursing and Midwifery Order 200 of the United Kingdom indicates that he or she may act only as a supplementary prescriber.

The requirements are that the supplementary prescriber must have given the prescription in accordance with a clinical management plan to which the patient, his or her doctor or dentist and the supplementary prescriber are parties. The clinical management plan must relate to the individual patient and include information specified in the Order concerning the condition being treated and the medicines involved. The supplementary prescriber must also have access to the patient’s health records, to the extent that such health records are used by the doctor or dentist who is a party to the clinical management plan. “Health record” has the same meaning as in the Data Protection (Jersey) Law 2005, meaning a record consisting of information relating to the physical or mental health or condition of an individual that has been made by or on behalf of a health professional in connection with the care of that individual.

*Article 6* introduces conditions which must be fulfilled in order for a prescription only medicine to be administered by, or under the direction of, an appropriate practitioner. Article 57(2)(b) of the Medicines (Jersey) Law 1995 prohibits the administration of prescription only medicine by a person (other than to himself or herself) other than by an appropriate practitioner or a person acting in accordance with the



directions of an appropriate practitioner. The conditions apply where the appropriate practitioner is a supplementary prescriber. The conditions are similar to those described above: (a) that the supplementary prescriber is acting in accordance with a clinical management plan and (b) that the supplementary prescriber has access to the patient's health records which are being used by the doctor or dentist who is a party to the plan.

*Article 7* amends the exemption in Article 10 of the Order in respect of the sale or supply of prescription only medicine that is in the course of hospital business or is supplied by a pharmacy to prisoners. Article 10 currently allows such sale or supply even where the conditions in Article 6(2) are not met where the sale or supply is in accordance with the written directions of a doctor or dentist. The amendment extends the exemption so that it applies where the sale or supply is in accordance with the directions of any appropriate practitioner except, where the appropriate practitioner is a supplementary prescriber, the conditions relating to a clinical management plan and access to health records, as referred to above in relation to Article 5, must be met.

*Article 8* inserts a new Schedule to the principal Order setting out the matters that must be included in a clinical management plan.

*Article 9* makes a minor amendment to the Medicines (Health Professionals – Exemption) (Jersey) Order 2001 to change the term “health visitor” to the term presently used, “specialist community public health nurse”.

*Article 10* sets out the short title of the Order and provides for it to come into force 1st July 2013.

The Order was made on 19th June 2013 and came into force on 1st July 2013.

### **R&O.83/2013.**

This Order amends the Community Provisions (Restrictive Measures – Iran) (Jersey) Order 2012 to give effect to Council Implementing Regulation (EU) No. 522/2013 of 6 June 2013 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran. The Implementing Regulation (O.J. No. L 156/3, 8.6.2013) amends the lists of persons, entities and bodies (in Annexes VIII and IX to Regulation (EU) No. 267/2012) whose funds are frozen. This Order also ensures that a listing of a person does not have effect in Jersey during any period when the relevant Regulation is annulled by the Court of Justice of the European Union in respect of the listing of that person.

The Order was made on 21st June 2013 and came into force on 22nd June 2013.

### **R&O.84/2013.**

This Order sets out fees and charges which are payable under the Control of Housing and Work (Jersey) Law 2012 (“Law”).

*Article 1* is an interpretation provision.

*Article 2* sets a fee of £35 for a first-time application for the registration card under the Law of a Registered or Licensed person who was given a social security number by the Department for Social Security in Jersey at any time before the date the Law comes into force. Otherwise, the fee for the first-time application of a Registered or Licensed person is £75. However, no fee is payable under either of these provisions if the person has not attained the age of 19 years at the time of the application.

Article 2 also sets a fee of £5,000 for an application for the registration card of a person who has been granted Entitled status on the basis of social or economic grounds for the first time and who was not ordinarily resident in Jersey for a continuous period of 3 months or more immediately before the commencement of the Law.

*Article 3* sets a fee of £1,500 for an application for a business licence by a non-resident undertaking where the application is to operate in Jersey for a period of more than 90 days in any 12 month period and a fee of £500 where the application is to operate in Jersey for a period of 90 days or less in any 12 month period. A non-resident undertaking is defined in Article 1 to mean an undertaking where, if only one person works for the undertaking, the person is not ordinarily resident in Jersey or, where more



than one person works for the undertaking, all or a majority of the workers are not ordinarily resident in Jersey.

*Article 4* sets a fee of £1,000 to accompany an application for a non-resident trading licence or a non-resident hawker's licence. In each case "non-resident" means that the applicant is not ordinarily resident in Jersey or does not have a permanent business address in Jersey. The application fee does not apply, however, if the application is by a non-profit undertaking or the undertaking otherwise brings cultural benefit to Jersey. "Non-profit undertaking" is defined in Article 1 to mean any non-profit organization within the meaning of the Non-Profit Organizations (Jersey) Law 2008 (whether or not registered under that Law); a States funded body (within the meaning of the Public Finances (Jersey) Law 2005); and a parish.

*Article 5* sets out the annual charge payable by each undertaking with a business licence that permits Licensed workers. The annual charge is £175 for each Licensed person. It is payable in respect of each such person permitted by the undertaking's business licence to work for the undertaking on 1st December in any year, regardless of the number of such persons actually working for the undertaking on that day. It is payable by 31st January in the following year. No fee is payable under this Article by a non-profit undertaking.

*Article 6* sets out the title of the Order and provides that it will come into force on 1st July 2013.

The Order was made on 24th June 2013 and came into force on 1st July 2013.

### **R&O.85/2013.**

This Order sets out various exemptions from requirements and other provisions under the Control of Housing and Work (Jersey) Law 2012 ("the Law").

*Article 1* is an interpretation provision. In particular, "resident undertaking" is defined to mean an undertaking which has one or more persons working for it in Jersey and, where one person only works for the undertaking, the person is ordinarily resident in Jersey or, where more than one person works for the undertaking, at least a majority of the workers are ordinarily resident in Jersey. A "non-resident undertaking" is an undertaking which is not a resident undertaking.

*Article 2* exempts the following persons from the need to have a registration card for the purpose of starting new work under the Law –

- (a) a person in Jersey for an aggregate period of 60 days or less in any period of 12 months for the purposes of that person's work as a company director, partner, member of the council of a foundation, trustee of an express trust, or the equivalent;
- (b) a person in Jersey for an aggregate period of 60 days or less in any period of 12 months for the purposes of that person's work for one or more financial services companies, where the person works mainly outside Jersey and each such company is part of an international group, that is, where at least one company in the group is incorporated outside Jersey;
- (c) a person who is a hawker or a non-resident trader;
- (d) a person who works in or for a resident undertaking to the extent that the undertaking does not require a business licence under Article 3;
- (e) a person who works in or for a non-resident undertaking; and
- (f) a person who works in Jersey for an aggregate period of 10 days or less in any period of 12 months for one or more undertakings.

*Article 3* exempts certain undertakings from the requirement to have a business licence under Article 25 of the Law –

- (a) a non-resident undertaking to the extent that it carries on financial activities regulated under Jersey legislation;
- (b) a resident undertaking to the extent that it carries on financial activities regulated under Jersey legislation where each person working for the undertaking does so for an aggregate period of 60 days or less in any 12 month period and each person working for the



undertaking is a company director, partner, member of the council of a foundation, trustee of an express trust, or the equivalent;

- (c) a non-resident undertaking to the extent that it is administered or managed by a body that carries on financial activities regulated under Jersey legislation;
- (d) a resident undertaking to the extent that it carries on activities administered or managed by a body that carries on financial activities regulated under Jersey legislation and each person working for the undertaking does so in the same circumstances described in (b) above;
- (e) a non-resident undertaking to the extent that it is in the building or construction industry and operates in Jersey for an aggregate period of 5 days or less in any period of 12 months;
- (f) a non-resident undertaking to the extent that it carries on activities in Jersey for medical purposes (as defined in Article 1) for an aggregate period of 60 days or less in any 12 month period and such work is being carried on pursuant to arrangements with a publicly funded body or a body registered under the Nursing and Residential Homes (Jersey) Law 1994 or licensed under the Nursing Agencies (Jersey) Law 1978;
- (g) an undertaking to the extent that it provides accommodation or premises in Jersey (other than a property development body or one which is registered under Jersey legislation relating to tourism, nursing and residential homes or lodging houses) where the undertaking is a non-resident undertaking, or provides less than 5 units of accommodation or is run by a person acting alone with Entitled, Licensed or Entitled for Work Only status;
- (h) a resident undertaking to the extent that it involves the incidental sale of goods from domestic premises;
- (i) a resident undertaking to the extent that it involves the provision of domestic services to not more than 2 households;
- (j) an undertaking carried on immediately before the date the Law came into force that was exempt from the need to have a licence and was carried on from a person's place of residence without any employees;
- (k) an undertaking which has a person acting alone working for it who has Entitled or Entitled for Work Only status and who works for the undertaking for less than 8 hours a week;
- (l) a resident undertaking operating in Jersey for an aggregate period of 60 days or less in any period of 12 months where each person working for the undertaking has Entitled, Licensed or Entitled for Work Only status;
- (m) a resident undertaking operating in Jersey for an aggregate period of 10 days or less in any period of 12 months where at least one person working for the undertaking has Registered status;
- (n) a non-resident undertaking which operates in Jersey for an aggregate period of 30 days or less in any period of 12 months.

*Article 4* sets out the descriptions of individual who may be disregarded for the purposes of complying with a condition of a business licence under Article 27(1)(a) of the Law. Such a condition specifies the maximum number of persons with Licensed or Registered status who are permitted to work in or for an undertaking with a business licence. The persons who may be disregarded are as follows –

- (a) a person working as a replacement for another person provided that the 2 persons do not work simultaneously for more than 30 days;
- (b) a person providing cover for another person whilst on leave, such period not exceeding 9 months in the case of maternity leave or sick leave or 3 months in all other cases;
- (c) a person working in or for an undertaking for an aggregate period of 10 days or less in any period of 12 months;
- (d) a person working in Jersey for an aggregate period of 60 days or less in any period of 12 months –



- (i) as a director of a company, partner in a partnership, member of the council of a foundation, trustee of an express trust, or equivalent, or
- (ii) as an employee of a financial services company which is a member of an international group, where the person works mainly outside Jersey.

*Article 4* makes 2 other provisions for when a person may be disregarded for the purposes of a condition concerning maximum numbers.

The first is where a person is supplied by an agency to work for another undertaking in the circumstances set out in paragraph (a), (b) or (c) above. That person is disregarded for the purposes of a condition of the agency's licence relating to maximum numbers.

The second is where a person works under a zero hours contract, as defined in Article 1, that is where a person works for an undertaking from time to time and there is no minimum requirement for any period of work. The person may be disregarded for such time as the person is not working for the agency under the contract.

*Article 5* provides that conditions in existing licences under the Regulation of Undertakings and Development (Jersey) Law 1973 ("RUD Law 1973") that require any change of ownership of the business to be notified to the Minister for Economic Development shall not continue as conditions of those licences under the deeming provisions in Article 50 of the Law. Article 50 deems licences granted under the RUD Law 1973 for the regulation of undertakings that were in force immediately before the Law came into force to be deemed to be licences granted under the Law. This deeming provision includes conditions of licences granted under the RUD Law 1973, except those of a description specified by Order by the Chief Minister. Article 25 of the Law contains specific provisions concerning when changes of ownership must be notified. This means that the more general conditions in existing licences under the RUD Law are no longer needed.

*Article 6* sets out the title of the Order and provides that it will come into force on 1st July 2013.

The Order was made on 24th June 2013 and came into force on 1st July 2013.

### **R&O.86/2013.**

This Order extends the transitional period during which certain rules in the Public Finances (Jersey) Law 2005, as it was in force before the commencement of the Public Finances (Amendment No. 3) (Jersey) Law 2011, continue to apply.

The rules are –

- (a) the ability for the States to amend a head of expenditure, on a proposition lodged by the Minister for Treasury and Resources, on the grounds that there is an urgent need for expenditure and no expenditure approval is available;
- (b) the ability to vary a head of expenditure in accordance with Article 15 of the Public Finances (Jersey) Law 2005 as it was formerly in force.

The transitional period is extended for each of these rules until the draft Public Finances (Amendment No. 4) (Jersey) Law 201- (P.73/2013) is withdrawn or rejected by the States or until the replacement rule in that Law is either not proposed in debate or rejected in debate or, if that draft Law is adopted by the States, until the replacement rule comes into force.

The Order was made on 25th June 2013 and came into force on 30th June 2013.

### **R&O.87/2013.**

This Order provides that guidance issued under the Control of Housing and Work (Jersey) Law 2012 ("Law") shall come into effect on 1st July 2013. The Law requires the Chief Minister to specify by Order the date that such guidance shall come into effect. The guidance is set out in R.69/2012 and R.70/2012.



R.69/2012 deals with how provisions in the Law concerning significant change in the ownership of an undertaking apply to an undertaking that is not a company with a share capital. R.70/2012 deals with the effect on a person's residential and employment status of any temporary absence from Jersey.

The Order was made on 26th June 2013 and came into force on 1st July 2013.

### **R&O.88/2013.**

This Order amends the Community Provisions (Restrictive Measures – Guinea-Bissau) (Jersey) Order 2012 so as to give effect to Council Implementing Regulation (EU) No. 559/2013 (O.J. L167, 19.6.2013, p.1) which amends the list of persons, contained in Annex I to Council Regulation No. 377/2012, against whom restrictive measures are imposed in view of the situation in Guinea-Bissau.

The Order was made on 26th June 2013 and came into force on 27th June 2013.

### **R&O.89/2013.**

This Order revokes and replaces the Social Security (Collection of Contributions) (Jersey) Order 2001 ("2001 Order"). The main change is to remove the references to a social security card in the 2001 Order. This is because from 1st July 2013 a person who applies for a registration card under the Control of Housing and Work (Jersey) Law 2012 will have their social security number recorded on that registration card instead of being issued with a social security card under the Social Security (Jersey) Law 1974 ("1974 Law"). However a person is still required, under the 1974 Law, to apply for a social security number and the provisions for collecting Class 1 and Class 2 contributions remain unchanged from the 2001 Order.

*Article 1* is an interpretation provision. In particular, it introduces a definition of "employee" to mean an employed person over school leaving age who is, or treated as, a Class 1 insured person under Article 3 of the Law.

*Article 2* requires a person who becomes an insured person to apply to the Department for Social Security ("Department") for a social security registration number and a contribution liability notice. Under Article 3 of the 1974 Law, a person becomes an insured person on attaining school leaving age and fulfilling prescribed conditions as to residency. A contribution liability notice is defined in Article 1 of the Order and is in the form of a code. These are the same codes that are used in the 2001 Order and are currently marked on a person's social security registration card along with the social security number. The codes are "FR1" in the case of a person liable for contributions and "XR1" in the case of a person who is not liable for contributions.

*Articles 3 to 14* replicate provisions in the 2001 Order. These provisions concern periods of absence from Jersey; employer Class 1 contribution schedules; collection of Class 2 contributions; employer records, age determination; employer's death; succession to a business; an employer's notification duties to the Minister for Social Security; abnormal pay practice; monthly equivalent of standard rate of benefit and applications for supplementation.

*Article 15* retains the current offence of failure to comply with a requirement of the Order, the maximum penalty for which is a maximum fine of level 3 on the standard scale (that is, up to £2,000). The provisions in the 2001 Order relating to daily penalties up to £50 for continuing offences are omitted.

*Article 16* revokes the 2001 Order.

*Article 17* makes an amendment to the Social Security (Classification) (Jersey) Order 1974 ("1974 Order"). The 1974 Order is made under Article 3 of the 1974 Law and is relevant to the definition of "employee" referred to above in relation to Article 1. Amongst other things, an Order under Article 3 of the 1974 Law makes provision for when an employed person will be treated as a Class 2 insured person, rather than, as would normally be the case under Article 3, a Class 1 insured person. The amendment clarifies that a person who is employed for 8 hours or less in a week is treated as a Class 2 insured person for each such week.



*Article 18* sets out the title of the Order and provides that it comes into force on 1st July 2013.  
The Order was made on 26th June 2013 and came into force on 1st July 2013.

**R&O.90/2013.**

This Order amends the Social Security (Contributions) (Jersey) Order 1975 (“principal Order”).

*Article 1* is an interpretation provision.

*Article 2* simplifies the existing definition of “gainful occupation” in the principal Order. The substantial meaning remains unchanged.

*Article 2* also introduces a definition of “contribution liability notice”. This has the same meaning as in the Social Security (Collection of Contributions) (Jersey) Order 2013.

*Article 3* removes references to the social security registration card in the principal Order in connection with the contribution liability of a woman who is in receipt of survivor’s allowance. These references are replaced by references to the contribution liability notice.

*Article 4* sets out the title of the Order and provides that it will come into force on 1st July 2013.

The Order was made on 26th June 2013 and came into force on 1st July 2013.

**R&O.91/2013.**

This Order repeals provisions in the Social Security (Contributions) (Jersey) Order 1975 that were introduced by the Social Security (Contributions) (Amendment No. 9) (Jersey) Order 2011. The provisions were rules for the valuation of certain benefits in kind as part of a Class 1 or Class 2 insured person’s earnings, for the purpose of calculating the contributions to be paid by and in respect of the person. Although enacted and in force, the provisions have never been applied, as transitional arrangements subsequently added to the Social Security (Contributions) (Jersey) Order 1975 have provided for the continued application of the law as in force before the enactment of the Social Security (Contributions) (Amendment No. 9) (Jersey) Order 2011.

The transitional arrangements are now replaced by an amendment of the rules relating to benefits in kind so that they revert to the rules in force before the enactment of the Social Security (Contributions) (Amendment No. 9) (Jersey) Order 2011.

The Order was made on 27th June 2013 and came into force on 1st July 2013.





## WRITTEN QUESTIONS

(See Item I(a))

1. The Minister for Health and Social Services will table an answer to the following question asked by Connétable of St. Lawrence –

“When was the current ‘end of life’ care strategy introduced within the Health and Social Services Department and what is it?”

2. The Minister for Health and Social Services will table an answer to the following question asked by Deputy J.M. Maçon of St. Saviour –

“Will the Minister explain the cost implications of caring for patients with diabetic foot ulcerations (including the cost of toe, foot and leg amputations and after care costs)?

What programme, if any, does the Minister intend to put in place to screen the population for diabetes with particular reference to the introduction of preventative medication methods?”

3. The Minister for Planning and Environment will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“Would the Minister advise how many staff are currently involved in the administration of the Water Resources (Jersey) Law 2007 and would he provide an outline of the positive effects this Law has achieved to date?”

4. The Minister for Health and Social Services will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“Would the Minister advise the current waiting list for scans, such as MRI and justify the length?”

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

“Does the Chief Minister accept that the figure of 500 for net immigration in 2012 (resulting in an overall growth in population of 900 creating a population of 99,000) demonstrates that the Council of Ministers has failed in its attempt to meet one of the 7 priorities of its Strategic Plan, to “manage population growth and migration”?”

In particular, will he advise whether one of the key actions “to bring realistic targets for population and immigration limits to the Assembly by July 2013” will be met and, if not, why?

Does he agree that to continue inward migration at this rate would see population in the short-term (2020) rise to over 104,000 for only a 2% reduction in the dependency ratio and, if so, does he consider this an appropriate way forward and, if not, why not?

In the light of the lack of success of current and past measures to control migration, will he commit to reduce inward migration further in 2013 and 2014 to create employment for local candidates and, if so, state what specific fresh measures he will bring to this task via the Control of Housing and Work Regulations or otherwise, and if not, why not?”



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

“Following his discussions with the UK Prime Minister and others, his statement on 18th June 2013 and the publication of the “action plan on beneficial ownership”, will the Chief Minister clarify -

- (a) in relation to ‘an enhanced tax information exchange agreement with the U.K’ does this refer to a FATCA-style transfer of tax information?
- (b) is the ‘multilateral approach’ advocated by the U.K. Prime Minister the same as Jersey’s “level playing field” whereby there would be agreement by all to any change before Jersey will act?
- (c) does “accurate information on the ownership” of Jersey trusts, mean a person, or might it include ownership by a different trust or company registered elsewhere in the world?
- (d) does “all information held in the Island is available to tax authorities on request” mean that the information will not be exchanged “automatically” but only as a result of a TIEA or double-tax agreement with that country?

Does he accept that as a result of this intense recent activity there has been no change in the way that Jersey conducts its business, especially with tax competition, and the Island is free to encourage companies to register in Jersey to avoid tax?”

7. The Chief Minister will table an answer to the following question asked by Deputy S. Pitman of St. Helier –

“How many individuals attended the evening meal with the Chief Minister on Sunday 23rd June 2013 at the 5 star Atlantic Hotel, who were they, what was the total cost, did this include alcohol, who paid the bill, what was the purpose and why was such an expensive venue deemed necessary?”

8. H.M. Attorney General will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier –

“Now that the Court process against former Senator Syvret has concluded; will H.M. Attorney General clarify what has been the total cost thus far, whether public funding was made available equally to all four individuals involved, were they also required to utilise their own funds and was Mr. Syvret given ‘equality of financial arms’?”

9. The Minister for Home Affairs will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier –

“Has the Minister now handed over all details to officers undertaking ‘Operation Elvedon’ relating to the information he advised the Assembly had been leaked to a UK journalist during a live child abuse investigation by Mr. Gradwell?”

10. H.M. Attorney General will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier –

“Given that the court transcripts of a 2009 case, which resulted in James Donnelly being sentenced to 15 years in prison, revealed that a number of other individuals were also identified as abusers by both the individual eventually convicted and the victim, why was no prosecution pursued in this case?”



11. The Minister for Home Affairs will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier –

“Given that two independent businessmen have alleged that documents, including police witness statements, relating to the Dean’s suspension and the HG abuse case were read in view of passengers on a flight from Gatwick on 21st March 2013 by the Assistant Chief Minister Senator P.M. Bailhache, can the Minister confirm whether such confidential police documents were supplied to a politician acting, as we are told, simply as a lay member of the Church of England and not within his capacity as a States member and why?”

12. The Minister for Home Affairs will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Will the Minister advise members –

- a) how many complaints alleging the perverting of the course of justice, if any, have been levelled against the Chief and Deputy Chief of the States of Jersey Police to him as Minister, the Department and to the Chief Executive of the States of Jersey?
- b) how many of these complaints have been levelled by former police officers?
- c) why he has not called in an external police force to investigate them?”

13. The Minister for Home Affairs will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Will the Minister explain –

- a) what action, if any, has been taken to rehabilitate offenders back into society i.e. those who have committed a criminal offence or served their punishment;
- b) whether there is evidence that businesses are circumventing the Rehabilitation of Offenders (Jersey) Law 2001 and, if so, what steps he is taking to tackle this?”

14. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Will the Minister explain and justify to members why GST is being charged on the price of fuel and other goods upon which duty is already payable and does he not think that the doubling of taxation in this way is wrong?”

15. The Minister for Health and Social Services will table an answer to the following question asked by the Connétable of St. Lawrence –

“Would the Minister name those hospitals on the UK mainland with which the Health and Social Services Department has agreements to provide treatment to patients referred from Jersey?”



## ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

### 2013

#### 1st Session 2013

**July 16th**

Housing

Planning and Environment

#### 2nd Session 2013

**September 10th**

Social Security

Chief Minister

**September 24th**

Transport and Technical Services

Home Affairs

**October 8th**

Treasury and Resources

Chief Minister

**October 22nd**

Education, Sport and Culture

Health and Social Services

**November 5th**

Economic Development

Chief Minister

**November 19th**

Housing

Planning and Environment

**December 3rd**

Social Security

Chief Minister

**December 10th**

Transport and Technical Services

Home Affairs