

STATES OF JERSEY ORDER PAPER

Tuesday 20th July and Wednesday 21st July 2004, and,
if necessary, Thursday 22nd July 2004

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Insurance Business (General Provisions) (Amendment No. 4) R&O 68/2004.
(Jersey) Order 2004.
Economic Development Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

Matters presented under Standing Order 6A(1)(a)

Public Employees Contributory Retirement Scheme – Actuary’s Valuation Report. R.C.33/2004.
Policy and Resources Committee.

States of Jersey Law 1966, as amended: delegation of functions– harbours. R.C.34/2004.
Harbours and Airport Committee.

Matters presented under Standing Order 6A(1)(b)

13th July 2004

Jersey Appointments Commission: Annual Report for 2003.
Policy and Resources Committee.

Composition and Election of the States Assembly (P.115/2004): comments. P.115/2004.
Finance and Economics Committee. Com.(3)

Sale of Properties (P.119/2004): comments. P.119/2004.
Finance and Economics Committee. Com.(2)

(b) Notification of Standing Order decisions

(c) Notification of acceptance of tenders

(d) Papers to be lodged “au Greffe” under Standing Order 17A(1)(a)

Regulatory Reform. P.134/2004.
Policy and Resources Committee.

States Resource Plan 2005 to 2009. P.135/2004.
Policy and Resources Committee.

Channel Islands Lottery: allocation of profits.
Economic Development Committee.

P.136/2004.

- (e) **Notification of Papers lodged “au Greffe” under Standing Order 17A(1)(b)**
- (f) **Papers for consideration by the States in Committee under Standing Order 38A**

E. STATEMENTS AND PROPOSITIONS RELATING TO THE ARRANGEMENT OF PUBLIC BUSINESS AT THIS OR ANY SUBSEQUENT MEETING

Deputy L.J. Farnham of St. Saviour will ask the States to agree to defer the following matter set down for consideration at the present meeting –

Draft Act annulling the Island Planning (Designation of Sites of Special Interest) (No. 9) (Jersey) Order 2004. P.109/2004.
Lodged: 1st June 2004.
Deputy L.J. Farnham of St. Saviour.

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at the present meeting –

U.N. Convention on Wetlands of International Importance: designation of offshore reefs. P.103/2004.
Lodged: 25th May 2004.
Environment and Public Services Committee.

Draft Unlawful Public Entertainments (Jersey) Regulations 200-. P.128/2004.
Lodged: 6th July 2004.
Home Affairs Committee.

THE President of the Privileges and Procedures Committee will ask the States to agree that matters set down for consideration at the present meeting be taken in the following order –

Jersey Competition Regulatory Authority: appointment of non-Executive Chairman.
Economic Development Committee.
(attached).

An Alcohol Strategy for Jersey. P.110/2003.
Lodged: 15th July 2003.
Health and Social Services Committee.

An Alcohol Strategy for Jersey (P.110/2003): comments. P.110/2003.
Presented: 9th September 2003. Com.
Finance and Economics Committee.

An Alcohol Strategy for Jersey (P.110/2003): amendment. P.110/2003.
Lodged: 6th July 2004. Amd.
Deputy G.W.J. de Faye of St. Helier.

Sale of Properties. P.119/2004.
Lodged: 22nd June 2004.

Housing Committee.

Sale of Properties (P.119/2004): comments. Presented: 7th July 2004. <i>Policy and Resources Committee.</i>	P.119/2004. Com.
Sale of Properties (P.119/2004): comments. Presented: 13th July 2004. <i>Finance and Economics Committee.</i>	P.119/2004. Com.(2)
Sale of Properties (P.119/2004): amendment. Lodged: 6th July 2004. <i>Deputy P.N. Troy of St. Brelade.</i>	P.119/2004. Amd.
Draft Stamp Duties and Fees (No. 3) (Jersey) Regulations 200. Lodged: 6th April 2004. <i>Finance and Economics Committee.</i>	P.53/2004.
Draft Stamp Duties and Fees (No. 3) (Jersey) Regulations 200- (P.53/2004): second amendment. Lodged: 6th July 2004. <i>Finance and Economics Committee.</i>	P.53/2004. Amd.(2)
Public and political access to economic models. Lodged: 22nd June 2004. <i>Senator S. Syvret.</i>	P.121/2004.
Public and political access to economic models (P.121/2004): comments. Presented: 6th July 2004. <i>Finance and Economics Committee.</i>	P.121/2004. Com.
Fields 181, 182 and 183, St. Peter: restriction on development. Lodged: 6th July 2004. <i>Deputy of St. Peter.</i>	P.133/2004.
Mr. William Richmond-Pickering: acceptance of bequest and establishment of Rivington Travelling scholarship. Lodged: 22nd June 2004. <i>Education, Sport and Culture Committee.</i>	P.117/2004.
Draft Jersey Association for Mental Health and Jersey Schizophrenia Fellowship (Integration with Jersey Focus on Mental Health) (Jersey) Law 2003 (Appointed Day) Act 200- Lodged: 22nd June 2004. <i>Health and Social Services Committee.</i>	P.120/2004.
St. Clement's Primary School: approval of drawings. Lodged: 29th June 2004. <i>Education, Sport and Culture Committee.</i>	P.125/2004.
Court and Case Costs: investigation by Legal Budgets Limited. Lodged: 29th June 2004. <i>Deputy A. Breckon of St. Saviour.</i>	P.126/2004.
Appointments Commission: re-appointment of member. Lodged: 6th July 2004.	P.127/2004.

Policy and Resources Committee.

Draft Social Security (Amendment No. 14) (Jersey) Law 2000 (Appointed Day) Act 200-. Lodged: 6th July 2004. <i>Employment and Social Security Committee.</i>	P.129/2004.
Minimum Wage: proposed rates. Lodged: 6th July 2004. <i>Employment and Social Security Committee.</i>	P.130/2004.
Minimum Wage: proposed rates: amendment. <i>Deputy G.P. Southern of St. Helier.</i> (attached).	
Draft Employment (Minimum Wage) (Jersey) Regulations 200-. Lodged: 6th July 2004. <i>Employment and Social Security Committee.</i>	P.131/2004.
Draft Nursing and Residential Homes (Amendment No. 2) (Jersey) Law 200-. Lodged: 6th July 2004. <i>Health and Social Services Committee.</i>	P.132/2004.
U.N. Convention on Wetlands of International Importance: designation of offshore reefs. Lodged: 25th May 2004. <i>Environment and Public Services Committee.</i>	P.103/2004.
Draft Unlawful Public Entertainments (Jersey) Regulations 200-. Lodged: 6th July 2004. <i>Home Affairs Committee.</i>	P.128/2004.
THE STATES are asked to agree that the following matters lodged "au Greffe" be considered at their next meeting on 14th September 2004, in the following order –	
Draft The Law Society of Jersey Law 200-. Lodged: 11th November 2003. <i>Legislation Committee.</i>	P.154/2003.
Draft The Law Society of Jersey Law 200- (P.154/2003): amendments. Lodged: 27th April 2004. <i>Legislation Committee.</i>	P.154/2003. Amd.
Draft The Law Society of Jersey Law 200- (P.154/2003): second amendments. Lodged: 6th July 2004. <i>Deputy R.G. Le Hérisssier of St. Saviour.</i>	P.154/2003. Amd.(2) (re-issue)
States Resource Plan 2005 to 2009. Lodged: 20th July 2004. <i>Policy and Resources Committee.</i>	P.135/2004.
Speed Limits: revised policy. Lodged: 20th January 2004. <i>Environment and Public Services Committee.</i>	P.1/2004.

Machinery of Government: votes of no confidence in individual ministers. Lodged: 20th January 2004. <i>Senator S. Syvret</i>	P.6/2004.
Machinery of Government: votes of no confidence in individual ministers (P.6/2004) – comments. Presented: 30th March 2004. <i>Privileges and Procedures Committee.</i>	P.6/2004. Com.
Machinery of Government: votes of no confidence in individual ministers (P.6/2004) – comments. Presented: 20th April 2004. <i>Policy and Resources Committee.</i>	P.6/2004. Com.(2).
Royal Court House/States Building: allocation of accommodation. Lodged: 20th April 2004. <i>Environment and Public Services Committee.</i>	P.69/2004.
Royal Court House/States Building: allocation of accommodation (P.69/2004) – amendment. Lodged: 27th April 2004. <i>Privileges and Procedures Committee.</i>	P.69/2004. Amd.
Sunday Trading legislation. Lodged: 1st June 2004. <i>Senator E.P. Vibert.</i>	P.107/2004.
Sunday Trading legislation (P.107/2004): amendment. Lodged: 8th June 2004. <i>Deputy J.L. Dorey of St. Helier.</i>	P.107/2004. Amd.
Draft Act annulling the Island Planning (Designation of Sites of Special Interest) (No. 9) (Jersey) Order 2004. Lodged: 1st June 2004. <i>Deputy L.J. Farnham of St. Saviour.</i>	P.109/2004.
Composition and Election of the States Assembly. Lodged: 15th June 2004. <i>Deputy of St. Martin.</i>	P.115/2004.
Composition and Election of the States Assembly (P.115/2004): comments. Presented: 6th July 2004. <i>Privileges and Procedures Committee.</i>	P.115/2004. Com.
Composition and Election of the States Assembly (P.115/2004): comments. Presented: 6th July 2004. <i>Policy and Resources Committee.</i>	P.115/2004. Com.(2)
Composition and Election of the States Assembly (P.115/2004): comments. Presented: 13th July 2004. <i>Finance and Economics Committee.</i>	P.115/2004. Com.(3)

Regulatory Reform.
Lodged: 20th July 2004.
Policy and Resources Committee.

P.134/2004.

In accordance with Standing Order 17(6), the following paper is deemed to have been withdrawn -

Waterfront Enterprise Board Limited: provision of information by
the Policy and Resources Committee.
Lodged: 8th July 2003.
Senator S. Syvret.

P.106/2003.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

(a) Written Questions

(b) Oral Questions

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

(order subject to E –)

Jersey Competition Regulatory Authority: appointment of non-
Executive Chairman.
Economic Development Committee.
(attached).

An Alcohol Strategy for Jersey.
Lodged: 15th July 2003.
Health and Social Services Committee.

P.110/2003.

An Alcohol Strategy for Jersey (P.110/2003): comments.
Presented: 9th September 2003.
Finance and Economics Committee.

P.110/2003.
Com.

An Alcohol Strategy for Jersey (P.110/2003): amendment.
Lodged: 6th July 2004.
Deputy G.W.J. de Faye of St. Helier.

P.110/2003.
Amd.

Sale of Properties.
Lodged: 22nd June 2004.
Housing Committee.

P.119/2004.

Sale of Properties (P.119/2004): comments.
Presented: 7th July 2004.
Policy and Resources Committee.

P.119/2004.
Com.

<p>Sale of Properties (P.119/2004): comments. Presented: 13th July 2004. <i>Finance and Economics Committee.</i></p>	<p>P.119/2004. Com.(2)</p>
<p>Sale of Properties (P.119/2004): amendment. Lodged: 6th July 2004. <i>Deputy P.N. Troy of St. Brelade.</i></p>	<p>P.119/2004. Amd.</p>
<p>Draft Stamp Duties and Fees (No. 3) (Jersey) Regulations 200. Lodged: 6th April 2004. <i>Finance and Economics Committee.</i></p>	<p>P.53/2004.</p>
<p>Draft Stamp Duties and Fees (No. 3) (Jersey) Regulations 200- (P.53/2004): second amendment. Lodged: 6th July 2004. <i>Finance and Economics Committee.</i></p>	<p>P.53/2004. Amd.(2)</p>
<p>Public and political access to economic models. Lodged: 22nd June 2004. <i>Senator S. Syvret.</i></p>	<p>P.121/2004.</p>
<p>Public and political access to economic models (P.121/2004): comments. Presented: 6th July 2004. <i>Finance and Economics Committee.</i></p>	<p>P.121/2004. Com.</p>
<p>Fields 181, 182 and 183, St. Peter: restriction on development. Lodged: 6th July 2004. <i>Deputy of St. Peter.</i></p>	<p>P.133/2004.</p>
<p>Mr. William Richmond-Pickering: acceptance of bequest and establishment of Rivington Travelling scholarship. Lodged: 22nd June 2004. <i>Education, Sport and Culture Committee.</i></p>	<p>P.117/2004.</p>
<p>Draft Jersey Association for Mental Health and Jersey Schizophrenia Fellowship (Integration with Jersey Focus on Mental Health) (Jersey) Law 2003 (Appointed Day) Act 200-. Lodged: 22nd June 2004. <i>Health and Social Services Committee.</i></p>	<p>P.120/2004.</p>
<p>St. Clement's Primary School: approval of drawings. Lodged: 29th June 2004. <i>Education, Sport and Culture Committee.</i></p>	<p>P.125/2004.</p>
<p>Court and Case Costs: investigation by Legal Budgets Limited. Lodged: 29th June 2004. <i>Deputy A. Breckon of St. Saviour.</i></p>	<p>P.126/2004.</p>
<p>Appointments Commission: re-appointment of member. Lodged: 6th July 2004. <i>Policy and Resources Committee.</i></p>	<p>P.127/2004.</p>
<p>Draft Social Security (Amendment No. 14) (Jersey) Law 2000 (Appointed Day) Act 200-. Lodged: 6th July 2004.</p>	<p>P.129/2004.</p>

Employment and Social Security Committee.

Minimum Wage: proposed rates.

P.130/2004.

Lodged: 6th July 2004.

Employment and Social Security Committee.

Minimum Wage: proposed rates: amendment.

Deputy G.P. Southern of St. Helier.

(attached).

Draft Employment (Minimum Wage) (Jersey) Regulations 200-.

P.131/2004.

Lodged: 6th July 2004.

Employment and Social Security Committee.

Draft Nursing and Residential Homes (Amendment No. 2) (Jersey)
Law 200-.

P.132/2004.

Lodged: 6th July 2004.

Health and Social Services Committee.

Subject to E –

U.N. Convention on Wetlands of International Importance:
designation of offshore reefs.

P.103/2004.

Lodged: 25th May 2004.

Environment and Public Services Committee.

Draft Unlawful Public Entertainments (Jersey) Regulations 200-.

P.128/2004.

Lodged: 6th July 2004.

Home Affairs Committee.

M.N. DE LA HAYE
Greffier of the States

15th July 2004.

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 68/2004

The purpose of this Order is to increase the fees payable in respect of permits to carry on insurance business under the Insurance Business (General Provisions) (Jersey) Order 1996, with respect to permits granted or renewed on or after 1st August 2004. The new fees represent an increase of 14.2% for Category A licences and 16.6% for Category B licenses since the last increase on 1st October 2000.

The Order was made on 9th July 2004, and comes into force on 1st August 2004.

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

in accordance with Article 3(1)(a) of the Competition Regulatory Authority (Jersey) Law 2001, to appoint the Rt. Hon. The Lord Kingsland as a member and non-executive Chairman of the Jersey Competition Regulatory Authority for a period of 3 years with effect from 20th July 2004.

ECONOMIC DEVELOPMENT COMMITTEE

REPORT

1. The States approved the Competition Regulatory Authority (Jersey) Law in November 2000. It received Royal Assent on 14th March and came into force on 1st May 2001.
2. Under Article 3(1)(a) it is for the States to appoint one member of the Authority as its Chairman upon the recommendation of the Economic Development Committee. Other members of the Authority are then appointed by the Committee, after consultation with the member appointed as Chairman. It is the Committee's intention to appoint 2 other Non-Executive members, once a Chairman has been appointed.
3. Under Article 4(2) a member shall be appointed for a period not exceeding 5 years and upon expiry of such period shall be eligible for reappointment.
4. The Committee enlisted the help of search consultants, Veredus Executive Resourcing, in order to identify potential candidates as non-executive members of the Authority (JCRA). The brief was to find individuals who could demonstrate the ability to understand complex commercial, legal and economic regulatory issues and an ability to be responsible for taking forward and maintaining momentum on priority projects. Important attributes were the ability, stature and personal authority to establish credibility with the executive and key stakeholders and be respected by peer groups on the wider international scene.
5. Advertisements in the national and local press and the Economist, together with Veredus' own database, yielded an impressive field of candidates. Out of 71 applications submitted, 14 were shortlisted. It was at this stage, as a result of significant weaknesses in governance issues identified in an Internal Audit report of the JCRA, that the proposition to reappoint the previous Chairman was withdrawn. Following consultation with and approval by the Appointments Commission, it was agreed that in the circumstances and in view of the high calibre of the shortlisted candidates, the position of Chairman should not be advertised separately and that the non-executive candidates be offered the opportunity to put themselves forward for Chairman.
6. A selection board was formed, comprising the President of the Committee, the Acting Chief Executive of Economic Development and a member of the Appointments Commission. With assistance from Veredus, a shortlist of 3 candidates was prepared and interviews took place on July 6th and 7th. The Appointments Commission has actively participated throughout the recruitment process.
7. A *curriculum vitae* for the Rt. Hon. The Lord Kingsland is attached.
8. The Committee is of the opinion that under the guidance and leadership of the Rt. Hon. The Lord Kingsland, the JCRA will be re-established as a credible and competent Authority. Furthermore, the governance issues raised during the recent Audit will be addressed as a matter of high priority.
9. As for the financial implications of this proposal, an independent remuneration survey has been carried out

on behalf of the Committee into the proposed remuneration for the incoming non-executive Chair and how it compares with that offered by a number of comparable organisations and elsewhere across the public sector in the U.K. The conclusion of the survey is that the fee of £37,000, which has been determined by the Committee, to be paid by the JCRA to the Chair is fair and equitable in the current market for a non-executive Chair of a public body.

10. Accordingly, the Economic Development Committee recommends that the States appoint the Rt. Hon. The Lord Kingsland as a member and non-executive Chairman of the Jersey Competition Regulatory Authority for a period of 3 years commencing on 20th July 2004.
11. There are no financial or manpower implications for the States other than those detailed in this report.

The Rt. Hon. The Lord Kingsland

Before completing his legal studies, Lord Kingsland's intellectual interests were in the field of economics, a subject in which he completed three university degrees. His doctoral thesis at Oxford concerned the operation of markets in a self-managed economy – a study which he later expanded into a book published by Oxford University Press. Lord Kingsland also spent three years at the International Bank for Reconstruction and Development, a specialised agency of the United Nations, in Washington.

On returning to the United Kingdom, Lord Kingsland was appointed Leverhulme Research Fellow at Sussex University, subsequently became a lecturer in law there, following his call to the Bar in 1969, and at the same time, began to practise at the Bar in the field of European competition law.

In 1979 Lord Kingsland was elected Member of the European Parliament for Shropshire and Stafford and served until 1994. Throughout his time in the European Parliament, Lord Kingsland served on the Parliament's Legal Affairs Committee (becoming Chairman in 1987) and has played a prominent role in all matters concerning competition law.

Lord Kingsland continued to practise at the European Competition Bar to the extent that his parliamentary responsibilities allowed. He appeared in two of the leading cases of that decade, Stanley Adams v. The Commission [1985] ECR 3539, on confidentiality, and Ahlstrom and Others v. The Commission [1988] ECR 5193, concerning extra-territoriality. During that time he also contributed to the European Community editions of Halsbury's Laws of England.

On his departure from the European Parliament Lord Kingsland returned to full time practise at the Bar and, at the same time, was appointed to the House of Lords. As far as his legal work is concerned, while he continues to advise on competition law, his main practise has expanded into the area of environmental law. *Chambers Guide to the UK Legal Profession* for the years 2002/3 and 2003/4 indicates his rating in this field.

In 2002, he was appointed Chairman of Plymouth Marine Laboratory, clg, a recently privatised marine research institution, which is a world leader in the science of estuarine and continental shelf systems.

Meanwhile, in the House of Lords, Lord Kingsland served for a year as Chairman of Sub-Committee F of the European Communities Select Committee, before being appointed Shadow Lord Chancellor in 1997, a position which he continues to hold. In that capacity he has played a leading role on all competition legislation introduced by the Government, a great deal of which, such as the Competition Act, 1998, and the Enterprise Act, 2002, is concerned with competition in the public utilities sectors.

As far as the Shadow Lord Chancellorship is concerned, it is unpaid and mainly concerns issues which are not party political. The fact that he has continued to sit as a Crown Court Recorder (a Judge of the Crown Court) throughout his time in the position is powerful evidence that the position of Shadow Lord Chancellor is not regarded as in any way compromising the independent judgement of the person holding the office.

As far as his legal practice is concerned, its recent movement away from mainstream competition law into environmental law would be an advantage in performing the role of Non-Executive Member. On the one hand, since Lord Kingsland would be unlikely to be representing organizations subject to the jurisdiction of the Competition Regulatory Authority, there is little likelihood that he might be conflicted out of any matter. On the other hand, his familiarity with environmental regulatory regimes, in addition to competition regulatory regimes, ensures that he will have a thorough grasp of the legal and public interest issues to which modern regulatory systems give rise.

Curriculum Vitae

Born: 1.1.42. Christopher James Prout

Educated: Sevenoaks School; Manchester University (BA);
The Queen's College, Oxford (B.Phil., D. Phil.);
The Middle Temple (Barrister at Law).

Scholarship: English Speaking Union Fellow, Columbia University, NY 1963-64.

Military: T.A. Service: OUOTC, 1966-73; 16/5 The Queen's Royal Lancers 1974-82; Staff Office
3rd Armoured Division, 1982-88; RARO, 1988-2002.

Career: Staff Member, International Bank for Reconstruction and Development, Washington D
1966-69.

Barrister and Lecturer in Law, Sussex University 1969-79.

Barrister and Member of the European Parliament for Shropshire and Stafford, 1979-
Chief Whip, the Conservative Group, 1983-87; Chairman, European Parliament's L
Affairs Committee, 1987; Leader of the Conservative Group, 1987-94.

Barrister 1994-date (4 Bream's Buildings, EC4A 1AQ , until 2002 and thereafter,
Harcourt Buildings, London, EC4Y 9DB).

Crown Court Recorder 1997-date

Shadow Lord Chancellor, 1997-date.

Publications: *Market Socialism in Yugoslavia*, OUP, 1985; *Halbsbury's Laws of England*, 4th editio
(contrib.), Vols. 8, 51 and 52, Butterworths, 1986 and 1995; various chapters and articl
in books and academic journals.

Appointments: Territorial Decoration (1987); Queen's Counsel (1988); Knight Bachelor (1990); Priv
Counsellor (1994); Baron (1994); Bencher, Middle Temple (1996); Deputy Lieutenar
Shropshire (1997); Recorder (Wales & Chester Circuit) 1997-date; Master of the Gard
(Middle Temple), 1999-date.

Corporate: Chairman, Plymouth Marine Laboratory, clg 2002-date.

MINIMUM WAGE: PROPOSED RATES (P.130/2004): AMENDMENT

Delete paragraph (c).

DEPUTY G.P. SOUTHERN OF ST. HELIER

REPORT

“Based on a majority decision the Forum do not recommend a Youth rate at this time”.

These were the words at the Jersey Employment Forum, the body tasked on 6th January 2004 in R.C.1/2004, Minimum Wage Recommendation, with bringing forward employment legislation for the Island in the 21st century.

That was the Report I studied back in January of this year, and I was relieved that the poor practice of having lower rates for younger workers, a hangover from the time when we used to employ child labour was not recommended.

Yet what do we have 6 months later on 6th July, but the reinstatement of a Youth rate of £3.80 for 16 and 17 year-olds. This is £152 per week. We have just agreed in our Strategic Plan to move towards a high-skill rather than a low-skill economic base, with the consequent emphasis for training for our young people. Yet here we are stating that our 16 and 17 year-olds can be paid a lower rate than the minimum wage without the requirement for training. This is not consistent with the Strategic Plan. Let us have some consistency.

In their report on P.130/2004, under Youth rate, the Employment and Social Security Committee quote from its earlier report that –

“There may be a need for a Youth rate in future”.

I doubt that the Employment Forum thought that such a need would be supported in under 6 months. The Report continues to quote from OXERA and the Jersey Hospitality Association, suggesting that “not having a Youth rate could be potentially damaging to the long term employment prospects of young people”.

But this evidence was already before the Employment Forum when they took the decision to not recommend a Youth rate. What has changed?

Can it be that the deciding factor is to be found in the sentence following –

“Many local retailers currently have standard pay scales with lower rates for young workers, depending on age and length of service”.

It is time to close this loophole of cheap labour. We already know that very few local 16 and 17 year-olds come onto the job market currently. They continue in some form of study or training until 18. They may do Saturday or holiday work, but there are few that will work for less than £5 per hour, and many in retail, for example, will expect £6-£7 as the hourly rate.

Any 16/17 year old in work, must by definition be undergoing training whether he or she works in a bank, in a shop, or in a restaurant. In the dissension around a possible Youth rate the Employment Forum state that –

“ensuring that only ‘genuine’ trainees were paid at that (lower) rate could be expensive and difficult to enforce”. (P.27 of R.C.1/2004),

but by page 31 they put forward a simple code of practice –

“A Code of Practice should be produced detailing what qualifies as “accredited training” to allow flexibility to change in line with training schemes in Jersey. It should include, for instance, the following

requirements –

- Must be a locally or nationally recognised and certified qualification.
- Training must be undertaken on at least 30 days during the year (not necessarily full days).
- There must be a formal qualification at the end of the training.
- Training can be at or away from the workplace, but must be during normal working hours.
- There must be some supervision of the training.
- Based on a majority decision, the Forum is not providing a recommendation on a Youth rate at this time.”.

I believe the Employment and Social Security Committee has not made a sufficient case to overturn the recommendations of their advisors in the case of a Youth rate.

There are no financial or manpower implications for the States arising from this amendment.