



# STATES OF JERSEY ORDER PAPER

Tuesday 4th December 2012  
CONSOLIDATED

## A. COMMUNICATIONS BY THE PRESIDING OFFICER

## B. TABLING OF SUBORDINATE ENACTMENTS

*(Explanatory note attached)*

Transport and Technical Services (Driver and Vehicle Standards – 2013 Fees) (Jersey) Order 2012. R&O.134/2012.

*Minister for Transport and Technical Services.*

Court of Appeal (Transcripts) Rules 2012. R&O.135/2012.

*Court of Appeal and Superior Number of the Royal Court.*

Royal Court (Amendment No. 15) Rules 2012. R&O.136/2012.

*Superior Number of the Royal Court.*

Teachers Superannuation (Administration) (Amendment No. 2) (Jersey) Order 2012. R&O.137/2012.

*Chief Minister.*

## C. DOCUMENTS PRESENTED OR LAID

\* Old Age Pension: increase for 2012 (P.97/2012) – amendment (P.97/2012 Amd.) – comments. P.97/2012.  
Amd.Com.

Presented: 3rd December 2012.

*Minister for Social Security.*

\* Draft Budget Statement 2013 (P.102/2012): comments. P.102/2012.  
Com.

Presented: 3rd December 2012.

*Corporate Services Scrutiny Panel.*

\* Draft Budget Statement 2013 (P.102/2012): amendment (P.102/2012 Amd.) – comments. P.102/2012.  
Amd.Com.

Presented: 3rd December 2012.

*Minister for Treasury and Resources.*

\* Draft Budget Statement 2013 (P.102/2012): second amendment (P.102/2012 Amd.(2)) – comments. P.102/2012.  
Amd.(2)

Presented: 3rd December 2012.

*Minister for Treasury and Resources.*

\* Draft Budget Statement 2013 (P.102/2012): second amendment (P.102/2012 Amd.(2)) – comments. P.102/2012.  
Amd.(2)

Presented: 3rd December 2012.

*Council of Ministers.*

\* Draft Budget Statement 2013 (P.102/2012): third amendment (P.102/2012 Amd.(3)) – comments. P.102/2012.  
Amd.(3)

Presented: 3rd December 2012.

*Minister for Treasury and Resources.*



- \* Draft Budget Statement 2013 (P.102/2012): third amendment (P.102/2012 Amd.(3)) – comments.  
Presented: 3rd December 2012.  
*Council of Ministers.* P.102/2012.  
Amd.(3)  
Com.(2)
- Income Tax: Report on Personal Income Tax Assessments (P.106/2012) – comments.  
Presented: 30th November 2012.  
*Minister for Treasury and Resources.* P.106/2012.  
Com.
- \* Draft Intellectual Property (Unregistered Rights) (Application, Transitional Provisions and Savings) (Jersey) Regulations 201- (P.112/2012): comments.  
Presented: 4th December 2012.  
*Economic Affairs Scrutiny Panel.* P.112/2012.  
Com.
- External Relations: Common Policy.  
Presented: 23rd November 2012.  
*Council of Ministers.* R.140/2012.
- Land Transactions under Standing Order 168(3) –  
(a) Centre Point Nursery, Rope Walk, Green Street, St. Helier – proposed re-letting;  
(b) St. Catherine’s RNLI Lifeboat Station, St. Martin – lease;  
(c) Railway Walk Marking Store, St. Brelade – proposed sale.  
Presented: 28th November 2012.  
*Minister for Treasury and Resources.* R.141/2012.
- \* Social Security Advisory Council: Report on proposed changes to survivor’s benefit.  
Presented: 4th December 2012.  
*Minister for Social Security.* R.142/2012.

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

- Plémont Holiday Village – acquisition by the public and sale to the National Trust for Jersey (P.90/2012) – second amendment.  
Lodged: 27th November 2012.  
*Deputy G.P. Southern of St. Helier.* P.90/2012.  
Amd.(2)  
(re-issue)
- Draft Social Security (Amendment of Law No. 4) (Jersey) Regulations 201- (P.101/2012): amendment (P.101/2012 Amd.) – amendment.  
Lodged: 26th November 2012.  
*Deputy J.H. Young of St. Brelade.* P.101/2012.  
Amd.Amd.
- Draft Social Security (Amendment of Law No. 4) (Jersey) Regulations 201- (P.101/2012): amendment (P.101/2012 Amd.) – second amendment.  
Lodged: 27th November 2012.  
*Deputy G.P. Southern of St. Helier.* P.101/2012.  
Amd.  
Amd.(2)
- Draft Community Provisions (Goods Infringing Intellectual Property Rights) (Jersey) Regulations 201-.  
Lodged: 27th November 2012.  
*Minister for Home Affairs.* P.125/2012.



Draft Public Employees (Contributory Retirement Scheme) (States of Jersey Prison Service – Amendments) (Jersey) Regulations 201-. P.126/2012.  
Lodged: 29th November 2012.  
*States Employment Board.*

\* States Members' remuneration: proposed increase for 2013. P.127/2012.  
Lodged: 3rd December 2012.  
*Connétable of St. Saviour.*

\* Draft Civil Partnership (Consequential Amendments) (No. 2) (Jersey) Regulations P.128/2012.  
201-.  
Lodged: 4th December 2012.  
*Chief Minister.*

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

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

## **G. MATTERS OF PRIVILEGE**

## **H. PETITIONS**

## **I. QUESTIONS**

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

- \* The written question submitted by Deputy M.R. Higgins of St. Helier and shown as number 14 on the principal Order Paper has been deferred until 11th December 2012 at the request of the Chief Minister.
1. The Chief Minister will table an answer to a question asked by the Connétable of St. John regarding the number of civil servants employed within his Department and by the States as a whole.
  2. The Minister for Planning and Environment will table an answer to a question asked by Deputy J.H. Young of St. Brelade regarding his decision to approve a development at Plémont.
  3. The Minister for Economic Development will table an answer to a question asked by the Connétable of St. John regarding the new fixed Based Operation developed by Hangar8.
  4. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the implications for information exchange arising from the signing of a Foreign Account Tax Compliance Act with the United States.
  5. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the terms of conditions of service offered to Connex staff by CT Plus.
  6. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding discrepancies between the terms of conditions of service offered to staff by Connex and CT Plus.



7. The Minister for Housing will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the impact that the Department's annual transfer of funds to the Treasury has had on the ability to build and maintain affordable social housing.
8. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the levels of interest subject to EU Savings Tax Directive (EUSTD) and declared under voluntary disclosure.
9. The Chief Minister will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the option of utilising Compulsory Purchase to acquire Plémont.
10. The Minister for Home Affairs will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the way in which cyber-bullying is being dealt with by the States of Jersey Police.
11. The Chief Minister will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the proposed purchase of Plémont.
12. The Minister for Treasury and Resources will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding increasing taxes for the wealthy.
13. The Minister for Economic Development will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the appointment of consultants.
14. H.M. Attorney General will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding prosecutions or applications for injunctions or court orders brought under the Data Protection (Jersey) Law 2005.

\* **(b) – Oral Questions**  
(120 minutes)

The oral question submitted by the Connétable of St. John and shown as number one on the principal Order Paper has been deferred until 11th December 2012.

- \* 1. Deputy T.M. Pitman of St. Helier will ask the following question of the Chief Minister –
- “Will the Chief Minister advise whether there any are earlier versions of the Napier report in existence other than the one published as R.132/2010 and, if so, will he agree to release these to Members?”
2. Deputy M.R. Higgins of St. Helier will ask the following question of H.M. Attorney General –
- “Will H.M. Attorney General inform members of the extent of the Island's power as a Crown Dependency to negotiate treaties on its own behalf as referred to in the Report entitled ‘External Relations: Common Policy’ (R.140/2012) and the extent of our powers to act independently of the United Kingdom Government?”
3. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Health and Social Services –
- “Given that in her response to the report by the Health, Social Security and Housing Scrutiny Panel (S.R.2.Res), it was anticipated that the report of Action for Children Review would be published at the end of June 2012, will the Minister explain why there has been a delay and when it will be published?”



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

“Will the Chief Minister state why he is prepared to accede to the US Foreign Account Tax Compliance Act (FATCA), inform members whether he is willing to agree to a UK equivalent and will he outline what the impact of a UK FATCA style agreement would be on Jersey’s finance sector?”
5. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Education, Sport and Culture –

“Would the Minister agree to circulate a list of the properties currently owned/administered by the Jersey Heritage Trust?”
6. Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the Minister for Health and Social Services –

“What procedures, if any, are in place to prevent the over prescribing of medicine and how effective are they?”
7. Deputy M. Tadier of St. Brelade will ask the following question of the Chief Minister –

“Will the Chief Minister explain why the Verita recommendation (agreed by the States in 2011) to ‘review what actions the government took when concerns came to light in 2008 and what, if any, lessons there are to be learned’ has been omitted from the Council of Ministers’ proposition ‘Committee of Inquiry – Historical Child Abuse’ P.118/2012?”
8. Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the Chairman of the Environment Scrutiny Panel –

“Does the Panel intend to undertake a scrutiny review of the Planning Process and of the Island Plan 2011 in the near future and, if so, when?”
- \* 9. Deputy M.R. Higgins of St. Helier will ask the following question of the Chief Minister –

“Would the Chief Minister advise Members what impact the failure to sign up to the requirements of the US Foreign Account Tax Compliance Act provisions will have on the Jersey economy and the delivery of the Medium Term Financial Plan and what impact similar agreements across the European Union will have?”
10. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Education, Sport and Culture –

“Further to the recent proposals regarding parental payments for university fees, is the Minister planning to undertake additional work to ensure the correct balance is achieved?”
11. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Transport and Technical Services–

“Will the Minister inform members how many bus drivers have now been transferred to CT Plus on full time contracts from Connex, how many driving positions remain to be filled and whether non-driving staff (administrators, cleaners, mechanics) have been transferred and, if not, why not?”



12. Deputy T.M. Pitman of St. Helier will ask the following question of the Minister for Home Affairs –

“Will the Minister advise whether someone from within the States of Jersey Police forwarded the original email complaint regarding allegations of land re-zoning corruption to the former Bailiff in 2008?”

(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

- \* The Chairman of the Education and Home Affairs Scrutiny Panel will make a statement regarding the scrutiny of the proposition entitled ‘Police Station Relocation: review of decision’ (as amended) (P.92/2012).

## L. PUBLIC BUSINESS

- |   |   |                                   |
|---|---|-----------------------------------|
|   | Draft Budget Statement 2013.<br>Lodged: 17th October 2012.<br><i>Minister for Treasury and Resources.</i>   | P.102/2012.                       |
| * | Draft Budget Statement 2013 (P.102/2012): comments.<br>Presented: 3rd December 2012.<br><i>Corporate Services Scrutiny Panel.</i>   | P.102/2012.<br>Com.               |
|   | Draft Budget Statement 2013 (P.102/2012): amendment.<br>Lodged: 2nd November 2012.<br><i>Deputy G.C.L. Baudains of St. Clement.</i>   | P.102/2012.<br>Amd.               |
| * | Draft Budget Statement 2013 (P.102/2012): amendment (P.102/2012 Amd.) – comments.<br>Presented: 3rd December 2012.<br><i>Minister for Treasury and Resources.</i>           | P.102/2012.<br>Amd.Com.           |
|   | Draft Budget Statement 2013 (P.102/2012): second amendment.<br>Lodged: 20th November 2012.<br><i>Deputy G.P. Southern of St. Helier.</i>                                    | P.102/2012.<br>Amd.(2)            |
| * | Draft Budget Statement 2013 (P.102/2012): second amendment (P.102/2012 Amd.(2)) – comments.<br>Presented: 3rd December 2012.<br><i>Minister for Treasury and Resources.</i> | P.102/2012.<br>Amd.(2)<br>Com.    |
| * | Draft Budget Statement 2013 (P.102/2012): second amendment (P.102/2012 Amd.(2)) – comments.<br>Presented: 3rd December 2012.<br><i>Council of Ministers.</i>                | P.102/2012.<br>Amd.(2)<br>Com.(2) |



	Draft Budget Statement 2013 (P.102/2012): third amendment. Lodged: 20th November 2012. <i>Connétable of St. Helier.</i>	P.102/2012. Amd.(3)
*	Draft Budget Statement 2013 (P.102/2012): third amendment (P.102/2012 Amd.(3)) – comments. Presented: 3rd December 2012. <i>Minister for Treasury and Resources.</i>	P.102/2012. Amd.(3) Com.
*	Draft Budget Statement 2013 (P.102/2012): third amendment (P.102/2012 Amd.(3)) – comments. Presented: 3rd December 2012. <i>Council of Ministers.</i>	P.102/2012. Amd.(3) Com.(2)
	Draft Finance (2013 Budget) (Jersey) Law 201-. Lodged: 17th October 2012. <i>Minister for Treasury and Resources.</i>	P.103/2012.
	Draft Income Tax (Amendment No. 41) (Jersey) Law 201-. Lodged: 17th October 2012. <i>Minister for Treasury and Resources.</i>	P.104/2012.
	Draft Income Tax (Amendment No. 41) (Jersey) Law 201- (P.104/2012): amendment. Lodged: 20th November 2012. <i>Minister for Treasury and Resources.</i>	P.104/2012. Amd.
	Draft Goods and Services Tax (Amendment No. 4) (Jersey) Law 201-. Lodged: 17th October 2012. <i>Minister for Treasury and Resources.</i>	P.105/2012.
	Old Age Pension: increase for 2012. Lodged: 9th October 2012. <i>Deputy G.P. Southern of St. Helier.</i>	P.97/2012.
	Old Age Pension: increase for 2012 (P.97/2012) – comments. Presented: 7th November 2012. <i>Minister for Social Security.</i>	P.97/2012. Com.
	Old Age Pension: increase for 2012 (P.97/2012) – amendment. Lodged: 20th November 2012. <i>Deputy G.P. Southern of St. Helier.</i>	P.97/2012. Amd.
*	Old Age Pension: increase for 2012 (P.97/2012) – amendment (P.97/2012 Amd.) – comments. Presented: 3rd December 2012. <i>Minister for Social Security.</i>	P.97/2012. Amd.Com.
	Draft Social Security (Amendment of Law No. 4) (Jersey) Regulations 201-. Lodged: 9th October 2012. <i>Minister for Social Security.</i>	P.101/2012.
	Draft Social Security (Amendment of Law No. 4) (Jersey) Regulations 201- (P.101/2012): amendment. Lodged: 20th November 2012. <i>Minister for Social Security.</i>	P.101/2012. Amd.



Draft Social Security (Amendment of Law No. 4) (Jersey) Regulations 201-(P.101/2012): amendment (P.101/2012 Amd.) – amendment. Lodged: 26th November 2012. <i>Deputy J.H. Young of St. Brelade.</i>	P.101/2012. Amd.Amd.
Draft Social Security (Amendment of Law No. 4) (Jersey) Regulations 201-(P.101/2012): amendment (P.101/2012 Amd.) – second amendment. Lodged: 27th November 2012. <i>Deputy G.P. Southern of St. Helier.</i>	P.101/2012. Amd. Amd.(2)
Income Tax: Report on Personal Income Tax Assessments. Lodged: 18th October 2012. <i>Deputy G.P. Southern of St. Helier.</i>	P.106/2012.
Income Tax: Report on Personal Income Tax Assessments (P.106/2012) – comments. Presented: 30th November 2012. <i>Minister for Treasury and Resources.</i>	P.106/2012. Com.
Draft Alternative Investment Funds (Jersey) Regulations 201-. Lodged: 23rd October 2012. <i>Minister for Economic Development.</i>	P.109/2012.
Draft Financial Services (Amendment of Law No. 4) (Jersey) Regulations 201-. Lodged: 23rd October 2012. <i>Minister for Economic Development.</i>	P.110/2012.
Commissioner of Appeal for Taxes Office: appointment. Lodged: 31st October 2012. <i>Minister for Treasury and Resources.</i>	P.116/2012.
Jersey Heritage Trust: appointment of Chairman. Lodged: 2nd November 2012. <i>Minister for Education, Sport and Culture.</i>	P.117/2012.

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

### **11th December 2012**

Draft Intellectual Property (Unregistered Rights) (Application, Transitional Provisions and Savings) (Jersey) Regulations 201-. Lodged: 30th October 2012. <i>Minister for Economic Development.</i>	P.112/2012.
* Draft Intellectual Property (Unregistered Rights) (Application, Transitional Provisions and Savings) (Jersey) Regulations 201- (P.112/2012): comments. Presented: 4th December 2012. <i>Economic Affairs Scrutiny Panel.</i>	P.112/2012. Com.
Draft Intellectual Property (Unregistered Rights) (Jersey) Law 2011 (Appointed Day) Act 201-. Lodged: 30th October 2012. <i>Minister for Economic Development.</i>	P.111/2012.





Plémont Holiday Village – acquisition by the public and sale to the National Trust for Jersey. Lodged: 27th September 2012. <i>Chief Minister.</i>	P.90/2012.
Plémont Holiday Village – acquisition by the public and sale to the National Trust for Jersey (P.90/2012) – amendment Lodged: 10th October 2012. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.90/2012. Amd.
Plémont Holiday Village – acquisition by the public and sale to the National Trust for Jersey (P.90/2012) – second amendment. Lodged: 27th November 2012. <i>Deputy G.P. Southern of St. Helier.</i>	P.90/2012. Amd.(2) (re-issue)
Jersey Appointments Commission: appointment of Commissioner. Lodged: 23rd October 2012. <i>Chief Minister.</i>	P.108/2012.
Tourism Shadow Board: establishment. Lodged: 30th October 2012. <i>Minister for Economic Development.</i>	P.113/2012.
Draft Fire Precautions (Amendment No. 2) (Jersey) Law 2012 (Appointed Day) Act 201-. Lodged: 30th October 2012. <i>Minister for Home Affairs.</i>	P.114/2012.
Draft Fire Precautions (Designated Premises) (Jersey) Regulations 201-. Lodged: 30th October 2012. <i>Minister for Home Affairs.</i>	P.115/2012.
Draft Repatriation of Prisoners (Jersey) Law 2012 (Appointed Day) Act 201-. Lodged: 13th November 2012. <i>Minister for Home Affairs.</i>	P.121/2012.
Draft Health Insurance (Amendment No. 14) (Jersey) Law 2012 (Appointed Day) Act 201-. Lodged: 13th November 2012. <i>Minister for Social Security.</i>	P.122/2012.
<b><u>15th January 2013</u></b>	
Committee of Inquiry: Historical Child Abuse. Lodged: 6th November 2012. <i>Council of Ministers.</i>	P.118/2012.
Connétables and other parish officials: explanatory document and new legislation. Lodged: 6th November 2012. <i>Deputy M.R. Higgins of St. Helier.</i>	P.119/2012.
Minister for Justice and Department of Justice: report. Lodged: 13th November 2012. <i>Senator L.J. Farnham.</i>	P.120/2012.



- Greville Bathe Fund: appointment of Jurat. P.123/2012.  
Lodged: 16th November 2012.  
*Minister for Treasury and Resources.*
- Jersey Innovation Fund: establishment, funding and operation. P.124/2012.  
Lodged: 20th November 2012.  
*Minister for Treasury and Resources.*
- Draft Community Provisions (Goods Infringing Intellectual Property Rights) P.125/2012.  
(Jersey) Regulations 201-.  
Lodged: 27th November 2012.  
*Minister for Home Affairs.*
- Draft Public Employees (Contributory Retirement Scheme) (States of Jersey Prison P.126/2012.  
Service – Amendments) (Jersey) Regulations 201-.  
Lodged: 29th November 2012.  
*States Employment Board.*
- \* States Members’ remuneration: proposed increase for 2013. P.127/2012.  
Lodged: 3rd December 2012.  
*Connétable of St. Saviour.*
- \* Draft Civil Partnership (Consequential Amendments) (No. 2) (Jersey) Regulations P.128/2012.  
201-.  
Lodged: 4th December 2012.  
*Chief Minister.*

### **29th January 2013**

### **19th February 2013**

- Police Station Relocation: review of decision (as amended). P.92/2012.  
Lodged: 2nd October 2012.  
*Deputy J.A. Martin of St. Helier.*
- Police Station Relocation: review of decision (P.92/2012) – comments. P.92/2012.  
Presented: 19th November 2012. Com.  
*Council of Ministers.*
- Police Station Relocation: review of decision (P.92/2012) – comments. P.92/2012.  
Presented: 20th November 2012. Com.(2)  
*Minister for Planning and Environment.*

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

3rd December 2012

**Note –**

**An asterix \* in the left-hand margin denotes either a new item added to this Order Paper since the principal Order Paper was published on 29th November 2012, or an item which has been moved.**



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

(See Item B)

### **R&O.137/2012.**

This Order amends the Teachers' Superannuation (Administration) (Jersey) Order 2007 to correct the wording of two Articles and to bring that wording closer in some respects to that of the analogous provisions of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989.

*Article 1* names as the "principal Order" the Teachers' Superannuation (Administration) (Jersey) Order 2007.

*Article 2* amends Article 18 of the principal Order. This Article requires a surplus in the Teachers' Superannuation Fund to be applied to restore pension increases that have been reduced or foregone and cross-refers to Article 23(2)(c) for some of its detail. The amendment ensures that Article 18(2) now correctly refers to a "reduction in an increase in pensions" rather than a reduction in pensions. Article 18(2) and (3) are also tidied in a number of respects.

*Article 3* amends Article 23 of the principal Order. Article 23 requires annual cost-of-living increases from 1st January each year. Article 23(2)(c) also (when read with Article 18) requires increases reduced or foregone in the previous 5 years to be restored. The amendment changes that period to 6 years and clarifies that those 6 years are the 6 years before the date on which the relevant actuarial report is signed by the Actuary.

*Article 4* specifies the name of the draft Order and that it is to come into force on the seventh day after it is made.

The Order was made on 30th November 2012 and comes into force on 7th December 2012.