

STATES OF JERSEY ORDER PAPER

Tuesday 4th July 2006

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Bankruptcy (Désastre) (Jersey) Order 2006. R&O 65/2006.
Minister for Economic Development.

Planning and Building (Moveable Structures) (Jersey) Order 2006. R&O 66/2006.
Minister for Planning and Environment.

Planning and Building (Application Publication) (Jersey) Order 2006. R&O 67/2006.
Minister for Planning and Environment.

Planning and Building (Display of Advertisements) (Jersey) Order 2006. R&O 68/2006.
Minister for Planning and Environment.

Planning and Building (General Development) (Jersey) Order 2006. R&O 69/2006.
Minister for Planning and Environment.

C. DOCUMENTS PRESENTED OR LAID

Draft Sexual Offences (Jersey) Law 200- (P.63/2006): amendments P.63/2006.
(P.63/2006 Amd.) – comments. Amd.Com.
Presented: 30th June 2006.
H.M. Attorney General.

D. NOTIFICATION OF LODGED PROPOSITIONS

Draft Teachers' Superannuation (Amendment No. 2) (Jersey) Law P.69/2006.
200- (P.69/2006): amendment. Amd.
Lodged: 30th June 2006.
Minister for Education, Sport and Culture.

Manual Workers' Joint Council Constitution: amendment. P.82/2006.
Lodged: 30th June 2006.
Chief Minister.

Manual Workers' Joint Council: Employers' Side membership. P.83/2006
Lodged: 30th June 2006.
Chief Minister.

Planning Applications Panel: membership. P.84/2006
Lodged: 3rd July 2006.
Minister for Planning and Environment.

E. WITHDRAWAL OF LODGED PROPOSITIONS

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

G. MATTERS OF PRIVILEGE

H. PETITIONS

I. QUESTIONS

(a) – Written Questions -

The Minister for Treasury and Resources will table an answer to a question asked by Senator B.E. Shenton regarding reporting of the Public Employees Retirement Scheme (PECRS) and treatment of any deficit.

The Chief Minister will table an answer to a question asked by Deputy P.V. F. Le Clair of St. Helier regarding financial returns from development of the Waterfront.

The Minister for Housing will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding application of the 'j' category policy.

The Minister for Economic Development will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the conversion of coastal forts and similar properties into holiday lets.

The Minister for Economic Development will table an answer to a question asked by Deputy J.A. Martin of St. Helier regarding the conversion of coastal forts and similar properties into holiday lets.

The Minister for Health and Social Services will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the IT system integration scheme for GP's.

The Minister for Economic Development will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding incentive payments to senior management at Jersey Post.

The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding consultation of the 'Zero/Ten Design Proposal' document.

The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding exemptions to shareholders under the 'Zero/Ten Design Proposal' document.

(b) – Oral Questions (90 minutes) -

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

“What calculations and assumptions underlie the Minister’s recent statement that the total of £13 million raised by the application of the EU Savings Tax Directive (STD), is ‘broadly in line with expectations’ and, in particular, what figures were used for the total sums held by U.K. and EU depositors, and the interest that should have been paid on these sums during the relevant period 1st July to 31st December 2005?”

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

“Would the Minister provide members with details of the public consultation that took place in advance to the draft Trusts (Amendment No. 4) Jersey Law 200, being debated and adopted by the States on 25th April 2006, and, in particular, whether any responses expressed concerns over powers reserved by settlors, as provided for under Article 9A and, if so, what these concerns were?”

Deputy R.G. Le Hérisssier of St. Saviour will ask the following question of the Minister for Planning and Environment –

“Would the Minister state whether comprehensive regulations embracing energy efficiency in construction will be introduced and, if so, when?”

Deputy S. Pitman of St. Helier will ask the following question of the Minister for Education, Sport and Culture –

“Would the Minister inform members, in connection with the recent decision to work with Prince’s Trust scheme, how many weeks over the course of a year the projects will run and how many young people are estimated to take part in the Trust’s programme annually?”

Deputy A. Breckon of St. Saviour will ask the following question of the Minister for Housing –

“With regard to the Minister’s recent statement, what are the total numbers of time and non-time limited ‘j’ category consents and how many were granted in 2005 in both public and private sectors and by employment category, what percentage is envisaged for the “*significant proportion*” of ‘j’ categories that will be without time limit and which Articles of the Employment Law are inconsistent with time limited ‘j’ categories and why?”

Deputy S.S.P.A. Power of St. Brelade will ask the following question of the Minister for Health and Social Services –

“Given the standard of service and care provided by the staff at Overdale Hospital and the general interests of the public in this facility, would the Minister undertake to review plans for the closure and break-up of Overdale, and explore the option of retaining or expanding it so that it continues to offer States controlled respite and long-term care ?”

Deputy R.G. Le Hérisssier of St. Saviour will ask the following question of the Chief Minister –

“Would the Chief Minister clarify where the States funding for the Prince’s Trust will be coming from and inform members how, if at all, this will impact on States funding for other voluntary organisations?”

The Deputy of Trinity will ask the following question of the Minister for Health and Social Services –

“Further to information given to members regarding the patients in long-term care at Overdale Hospital, would the Minister inform members whether discussions are taking place with Nursing Homes or Residential Homes and, if so, what these have

concluded, what criteria, if any, these Homes will have to meet in the care they offer and whether transferred patients and/or their families will have a choice of home and transfer time?"

Senator B.E. Shenton will ask the following question of the Minister for Economic Development –

“Is the Minister completely satisfied with the performance of the Jersey Competition Regulatory Authority to-date and, if not, what concerns does he have?”

(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 Minister for Planning and Environment will make a statement regarding deep ground water investigation.

L. PUBLIC BUSINESS

Island Plan 2002, Policy H2: Fields 848, 851, 853, and 854. P.48/2006.
Lodged: 20th April 2006.
Connétable of St. Lawrence.

Island Plan 2002, Policy H2: Fields 848, 851, 853, and 854 P.48/2006.
(P.48/2006) – comments. Com.
Presented: 8th May 2006.
Minister for Planning and Environment.

Island Plan 2002, Policy H2: Fields 848, 851, 853, and 854 P.48/2006.
(P.48/2006) – comments – addendum. Com.Add.
Presented: 12th May 2006.
Minister for Planning and Environment.

Island Plan 2002, Policy H2: Fields 848, 851, 853, and 854 P.48/2006.
(P.48/2006) – comments. Com.(2)
Presented: 1st June 2006.
Minister for Treasury and Resources.

Draft Customs and Excise (Amendment No. 3) (Jersey) Law 200. P.52/2006.
Lodged: 11th May 2006.
Minister for Treasury and Resources.

Draft Act declaring that part of a taxation draft known as the Customs P.67/2006.
and Excise (Amendment No. 3) (Jersey) Law 200 shall have immediate
effect.
Lodged: 1st June 2006.
Minister for Treasury and Resources.

Draft Employers' Liability (Compulsory Insurance) (Amendment P.53/2006.
No. 3) (Jersey) Law 200.
Lodged: 11th May 2006.

Minister for Social Security.

Draft Health and Safety (Work Experience) (Jersey) Regulations 200-. Lodged: 11th May 2006. <i>Minister for Social Security.</i>	P.54/2006.
Tevielka, La Rue de la Haye du Puits, Grouville: deed of arrangement. Lodged: 12th May 2006. <i>Minister for Treasury and Resources.</i>	P.56/2006.
Draft Employment Relations (Amendment No. 2) (Jersey) Law 200-. Lodged: 15th May 2006. <i>Minister for Social Security.</i>	P.57/2006.
Aquasplash Swimming Pool Complex, Waterfront, St. Helier: public use at weekends. Lodged: 22nd May 2006. <i>Connétable of St. Helier.</i>	P.59/2006.
Aquasplash Swimming Pool Complex, Waterfront, St. Helier: public use at weekends (P.59/2006) – comments. Presented: 15th June 2006. <i>Minister for Education, Sport and Culture.</i>	P.59/2006. Com.
Provision of pedestrian crossings. Lodged: 23rd May 2006. <i>Connétable of St. Helier.</i>	P.60/2006.
Provision of Pedestrian Crossings (P.60/2006): comments. Presented: 20th June 2006. <i>Minister for Transport and Technical Services.</i>	P.60/2006. Com.
Draft Jersey College for Girls (Removal of Covenants from Former Site) (Jersey) Law 200-. Lodged: 23rd May 2006. <i>Minister for Treasury and Resources.</i>	P.62/2006. (re-issue)
Draft Sexual Offences (Jersey) Law 200-. Lodged: 23rd May 2006. <i>Minister for Home Affairs.</i>	P.63/2006.
Draft Sexual Offences (Jersey) Law 200- (P.63/2006): comments. Presented: 12th June 2006. <i>Minister for Education, Sport and Culture.</i>	P.63/2006. Com.
Draft Sexual Offences (Jersey) Law 200- (P.63/2006): comments. Presented: 20th June 2006. <i>Minister for Health and Social Services.</i>	P.63/2006. Com.(2)
Draft Sexual Offences (Jersey) Law 200- (P.63/2006): comments. Presented: 27th June 2006. <i>Social Affairs ScrutinyPanel.</i>	P.63/2006. Com.(3)
Draft Sexual Offences (Jersey) Law 200- (P.63/2006): amendments. Lodged: 20th June 2006. <i>Deputy of St. Ouen.</i>	P.63/2006. Amd. (re-issue)

Draft Sexual Offences (Jersey) Law 200- (P.63/2006): amendments P.63/2006.
(P.63/2006 Amd.) – comments. Amd.Com.
Presented: 30th June 2006.
H.M. Attorney General.

M. ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

18th July 2006

Income Tax: allowances, reliefs and exemption thresholds P.58/2006.
("20 means 20).
Lodged: 19th May 2006.
Minister for Treasury and Resources.

Island Plan 2002, Policy H2: Field 91, St. Clement. P.70/2006.
Lodged: 6th June 2006.
Deputy I.J. Gorst of St. Clement.

Social Affairs Scrutiny Panel: division to create a fifth scrutiny panel. P.64/2006.
Lodged 26th May 2006.
Chairmen's Committee.

Social Affairs Scrutiny Panel: division to create a fifth scrutiny panel P.64/2006.
(P.64/2006) – comments. Com.
Presented: 6th June 2006.
Privileges and Procedures Committee.

Draft Teachers' Superannuation (Amendment No. 2) (Jersey) Law 200. P.69/2006.
Lodged: 5th June 2006.
Minister for Education, Sport and Culture.

Draft Teachers' Superannuation (Amendment No. 2) (Jersey) Law 200- P.69/2006.
(P.69/2006): amendment. Amd.
Lodged: 30th June 2006.
Minister for Minister for Education, Sport and Culture.

Draft Sea Fisheries (Licensing of Fishing Boats) (Amendment) (Jersey) P.71/2006.
Regulations 200-.
Lodged: 6th June 2006.
Minister for Planning and Environment.

Draft Bankruptcy (Désastre) (Amendment No. 5) (Jersey) Law 2006 P.74/2006.
(Appointed Day) Act 200-.
Lodged: 13th June 2006.
Minister for Economic Development.

Draft Companies (Amendment No. 8) (Jersey) Law 2005 (Appointed P.81/2006
Day No. 2) Act 200.
Lodged: 28th June 2006.
Minister for Economic Development.

Composting facilities at La Collette, St. Helier: cessation. P.76/2006.
Lodged: 15th June 2006.
Deputy G.C.L. Baudains of St. Clement.

Rent Control Tribunal: appointment of members. P.80/2006
Lodged: 27th June 2006.
Minister for Housing.

Planning Applications Panel: membership. P.84/2006
Lodged: 3rd July 2006.
Minister for Planning and Environment.

12th September 2006

Fur products: petition. P.72/2006.
Lodged: 6th June 2006, *and referred to the Ministers for Economic
Development and Home Affairs.*
Senator S. Syvret.

Draft Treaty on Open Skies (Privileges and Immunities) (Amendment) P.73/2006.
(Jersey) Law 200-.
Lodged: 8th June 2006.
Chief Minister.

Fields 190 and 192, Rue de la Sergente, St. Brelade: petition P.75/2006.
Lodged: 13th June 2006, *and referred to the Minister for Planning and
Environment.*
Deputy S. Power of St. Brelade.

Draft Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 2) P.78/2006.
(Jersey) Regulations 200-.
Lodged: 20th June 2006.
Minister for Planning and Environment.

Draft Electronic Communications (Amendment) (Jersey) Law 200-. P.79/2006.
Lodged: 27th June 2006.
Minister for Economic Development.

Manual Workers' Joint Council Constitution: amendment. P.82/2006.
Lodged: 30th June 2006.
Chief Minister.

Manual Workers' Joint Council: Employers' Side membership. P.83/2006
Lodged: 30th June 2006.
Chief Minister.

26th September 2006

Ministerial Government: review of first 12 months. P.77/2006.
Lodged: 20th June 2006.
Senator B.E. Shenton.

10th October 2006

Draft Howard Davis Farm (Removal of Covenant) (Jersey) Law 200-. P.65/2006.
Lodged 30th May 2006.
Minister for Treasury and Resources.

24th October 2006

7th November 2006

21st November 2006

Howard Davis Farm, Trinity: part of Fields 562, 827 and 828 – sale of land.

P.68/2006.

Lodged: 5th June 2006, *and referred to the Public Accounts Committee. Minister for Treasury and Resources.*

M.N. DE LA HAYE
Greffier of the States

29th June 2006

Note –

In accordance with a decision of the States on 25th October 2005, this meeting will continue, if necessary, on Wednesday 5th and Thursday 6th July 2006.

Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O 64/2006

The purpose of this Order is to prescribe certain sums for the purposes of the Bankruptcy (Désastre) (Jersey) Law 1990 and to prescribe countries to which assistance in bankruptcy matters may be given.

The Order was made on 26th June 2006, and comes into force when Article 2 of the Bankruptcy (Désastre) (Amendment No. 5) (Jersey) Law 2006 comes into force.

R&O 66/2006

The purpose of this Order is to regulate the placing and use of moveable structures used to accommodate people.

The Order was made on 28th June 2006, and comes into force on 1st July 2006.

R&O 67/2006

This Order sets out how applications for planning permission must be publicized.

In all cases the Minister will publish notice of the application in a manner that brings the application to the attention of the general public of Jersey. The notice will set out how further information about the application may be obtained and how representations in respect of the application may be provided to the Minister.

The applicant must also display such a notice on the building or land where it is proposed to carry out the development. The notice must be displayed for at least 21 days and must be easily visible and legible to members of the public.

The applicant must then certify to the Minister that the notice has been displayed in the prescribed manner.

Article 11(3) of the Planning and Building (Jersey) Law 2002 provides that the Minister must not make a decision on a planning application until it has been publicized as required by this Order.

Article 10 of the Law provides that if an applicant provides false information in an application for planning permission, which includes a site notice and a certificate of compliance with this Order, the applicant is guilty of an offence and any planning permission subsequently given may be revoked.

The Order was made on 28th June 2006, and comes into force on 1st July 2006.

R&O68/2006

The purpose of this Order is to regulate the display of advertisements.

The Order was made on 28th June 2006, and comes into force on 1st July 2006.

R&O69/2006

The purpose of this Order is to grant planning permission for certain minor development (including certain changes of use). The result is that this type of development may be carried out without prior application to the Minister although certain conditions may still have to be complied with.

The Order was made on 28th June 2006, and comes into force on 1st July 2006.

WRITTEN QUESTIONS

(See Item I(a))

The Minister for Treasury and Resources will table answers to the following questions asked by Senator B.E. Shenton—

- “1. Would the Minister inform members why he reported to members that the Public Employees Contributory Retirement Scheme (PECRS) deficit as at 31st December 2004, had fallen to £17,400,000, whereas in his reply to my written question on 6th June, 2006, he acknowledged that the deficit calculated under recognised reporting standards was in fact £158,441,000 - a difference of £141,041,000.
2. The notes to the Financial Report and Accounts 2005 state that *‘The Scheme is not a conventional final salary scheme in that the employers are not responsible for meeting any deficiency in the Scheme’*. Would the Minister inform members –
 - (a) whether the scheme is now ‘stand-alone’ and, if so, that the States will not meet the cost of any future deficits?
 - (b) whether PECRS members have been made aware of the possibility of any future dramatic cut in benefits resulting from large deficits to the scheme caused through inflation and poor investment returns?
 - (c) of the past service liability, under FRS17, at the time the States agreed the Public Employees (Retirement) (Additional Contributions – Amendments) (Jersey) Regulations 200- (P.190/2005) on 27th September 2005, which confirmed responsibility for that liability arising from the restructuring of the PECRS arrangements with effect from 1st January 1988?”

The Chief Minister will table an answer to the following question asked by Deputy P.V. F. Le Claire of St. Hel—

“On 3rd February 2004, I put, in part, the following question to the then President of the Policy and Resources Committee –

- (a) *In agreeing the lease to CTP (Jersey) Ltd for the land on which the Waterfront Leisure Complex has been constructed the States agreed a formula for financial returns. Would the President inform members of the sums of money per annum received to date, and give a breakdown of this sum, to indicate how the Waterfront development has delivered financially to the States of Jersey?*
- (b) *Would the President advise members –*
 - (i) *of the projections for income, if any, for the future and would he indicate how these will be delivered?*

In order for members to understand the contribution and the amounts paid to date, would the Chief Minister supply members with updated information, including payments?”

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

“Would the Minister –

- (a) explain to members, with regard to the recent statement by Population Office regarding ‘j’ category residents, how the new ‘j’ category policy compares with the previous one with regard to safeguarding work opportunities for local people and controlling ‘j’ category staff acquiring residential qualifications over a period of time? and,
- (b) provide members with a financial comparison of the policies, including such matters as education and healthcare ramifications, together with any forecast implications on the housing market?”

The Minister for Economic Development will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement-

“Further to oral questions on 20th June 2006, in relation to coastal forts and similar type holiday lets, would the Minister inform members –

- (a) of the confirmed total spend so far on all conversion work involved?
- (b) of the future anticipated spend, if any?
- (c) of the number of properties currently converted for holiday letting and the number planned to be so converted?
- (d) of the costs divided between essential repair and modernisation/fitting out required for habitation for both currently completed units and those planned to be let?
- (e) of the percentage of those properties on mains drains?
- (f) of the percentage of those properties that have mains water supply and, for those without, what provisions are made and what type of waste disposal is provided for sewage/household?
- (g) of the provision made for solid waste collection from offshore forts, if any? and,
- (h) of the anticipated ongoing annual maintenance costs ,if any, differentiated between fabric maintenance and that required as a result of letting?”

“The Minister for Economic Development will table an answer to the following question asked by Deputy J.A. Martin of St. Helier-

“Would the Minister provide members with –

- (a) a breakdown of the £758,660 that has been spent on forts and fortifications to convert them to letting accommodation, including details of the amounts spent on each project?
- (b) details of which premises have been turned into tourist accommodation and how many people each will accommodate?
- (c) a copy of the Business Plan, if any, that was produced before embarking on the above projects? and,
- (d) details of any future proposals to provide financial support for private sector enterprises from the

Tourism Development Fund?”

The Minister for Health and Social Services will table an answer to the following question asked by Deputy R.G. Le Hérisssier of St. Saviour-

“Would the Minister inform members –

- (a) of the costs to date of the scheme intended to allow GPs to integrate with the relevant IT systems of the Health and Social Services Department? and,
- (b) when this scheme will be completed and at what cost over and above those already incurred?”

The Minister for Economic Development will table an answer to the following question asked by Deputy R.G. L Hérisssier of St. Saviour –

“Would the Minister inform members –

- (a) of the additional payments paid to senior management at Jersey Post, such as bonuses and performance payments, over each of the last 5 years?
- (b) of the percentage that these payments form of additional payments throughout Jersey Post over each of these years? and,
- (c) of the percentage that these payments form of the management salary costs over each of the last 5 years?”

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

“Notwithstanding his written answer to my question on 20th June 2006, following the end of the consultation period and finalisation of the ‘Zero/Ten Design Proposal’, will the Minister undertake to provide a detailed breakdown of which sectors of the financial services industry will be subject to a 10% tax rate and which to 0%, along with estimates of the revenue to be raised by each and the overall revenue to be raised, and will he do so in a timescale which will allow proper examination of the figures prior to any debate of the proposals in the Assembly?”

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

In his written answer to my question of 6th June 2006, regarding exemptions on shareholdings, the Minister stated that *‘to subject shareholders with a less than 1% shareholding in public companies to the deemed distribution charge and the deferred distribution charge would be legally indefensible* Will the Minister explain to members why the application of such measures would be legally defensible in the case of shareholders with a 2% shareholding?”

**ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE
ROTA**

(See Item I(c))

First 15 minute period

Health and Social Services

Education Sport and Culture

Planning and Environment

Housing

Treasury and Resources

Second 15 minute period

Technical and Transport Services

Chief Minister

Social Security

Chief Minister

Home Affairs