



STATES OF JERSEY ORDER PAPER

Tuesday 9th December 2014

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Financial Services (Investment Business (Qualifying Segregated Managed Accounts – Exemption)) (Jersey) Order 2014. R&O.182/2014.
Chief Minister.

Economic Development (2015 Fees) (Jersey) Order 2014. R&O.189/2014.
Minister for Economic Development.

Royal Court (Amendment No. 18) Rules 2014 R&O.190/2014.
Superior Number of the Royal Court.

Petty Debts Court (Amendment No. 2) Rules 2014 R&O.191/2014.
Superior Number of the Royal Court.

EU Legislation (Sanctions – Somalia) (Jersey) Order 2014. R&O.192/2014.
Minister for External Relations.

EU Legislation (Sanctions – Syria) (Jersey) Order 2014. R&O.193/2014.
Minister for External Relations.

EU Legislation (Sanctions – Ukraine) (Jersey) Order 2014. R&O.194/2014.
Minister for External Relations.

EU Legislation (Sanctions – Libya) (Jersey) Order 2014. R&O.195/2014.
Minister for External Relations.

C. DOCUMENTS PRESENTED OR LAID

Code of Audit Practice. R.169/2014.
Presented: 28th November 2014.
Comptroller and Auditor General.

Equal Marriage and Partnership: Options Paper Report – November 2014. R.170/2014.
Presented: 28th November 2014.
Council of Ministers.

States Investment Strategies. R.171/2014.
Presented: 3rd December 2014.
Minister for Treasury and Resources.

Land Transactions under Standing Order 168(3) – Le Braye Café, Le Braye Slip South Bunker and Le Braye Slip North Bunker, La Grande Route des Mielles, St. Brelade – lease. R.172/2014.
Presented: 3rd December 2014.
Minister for Treasury and Resources.



States of Jersey Law 2005: delegation of functions – Health and Social Services – R.173/2014.
revised delegations December 2014.
Presented: 4th December 2014.
Minister for Health and Social Services.

States of Jersey Law 2005: delegation of functions – Planning and Environment – R.174/2014.
revised delegations November 2014.
Presented: 4th December 2014.
Minister for Planning and Environment.

The Lord Portsea Gift Fund: report for 2012 and 2013. R.175/2014.
Presented: 5th December 2014.
Minister for Education, Sport and Culture.

D. NOTIFICATION OF LODGED PROPOSITIONS

E. WITHDRAWAL OF LODGED PROPOSITIONS

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

- (i) Election of a Member and an Associate Member to represent the States of Jersey on the British-Irish Parliamentary Assembly (see Note).
- (ii) Nomination of Deputy J.A. Martin of St. Helier as a member of the Environment, Housing and Technical Services Scrutiny Panel.
- (iii) Resignation of Deputy S.M. Wickenden of St. Helier as a member of the Education and Home Affairs Scrutiny Panel.

G. MATTERS OF PRIVILEGE

H. PETITIONS

I. QUESTIONS

(a) – Written Questions *(attached)*

1. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding management of the Consolidated Fund.
2. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding tax revenues.
3. The Minister for Economic Development will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding tax revenues.
4. The Minister for Health and Social Services will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding proposals to deliver 2% budget reductions across all departments.
5. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the benefits administered by the Department.
6. H.M. Attorney General will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the power to directly file or instigate charges in the Magistrate's Court.



7. The Minister for Home Affairs will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding Operation Rectangle.
8. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding truancy.
9. The Minister for Health and Social Services will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding burials.
10. The Minister for Planning and Environment will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding nuisance caused by feeding seagulls.
11. The Minister for Health and Social Services will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding nuisance caused by feeding seagulls.
12. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding taxi plates.
13. The Chairman of the Comité des Connétables will table an answer to a question asked by Deputy M. Tadier of St. Brelade regarding the provision of Christmas lunches for senior citizens.
14. The Minister for Home Affairs will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding truancy.
15. The Minister for Treasury and Resources will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding tax rates.

(b) – Oral Questions

(120 minutes)

1. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Health and Social Services –

“Will the Minister inform members what contracts have been agreed with which third sector or private companies to deliver residential support or health care services in the community as per P.82/2012 and will he inform members what mechanisms are in place to ensure contracts are subject to robust tendering processes; contain SLAs which ensure value for money, and that tenders are not dependant on poor terms and conditions for employees?”
2. Deputy J.A. Hilton of St. Saviour will ask the following question of the Minister for Treasury and Resources –

“In view of the recent decision by the States of Jersey Development Company to renew the planning permit for the proposed Zephyrus scheme of flats, does the Minister feel it now appropriate to review this so as to direct the company to allocate the site area to public use such as a hospital?”
3. Deputy L.M.C. Doublet of St. Saviour will ask the following question of the Minister for Health and Social Services –

“What percentage of women who request a home birth are medically eligible and what is the criteria for this, and could the Minister detail what provision is available for women in Jersey to have the birth plan they want?”



4. Deputy S.Y. Mézec of St. Helier will ask the following question of the Chief Minister –

“When will the Chief Minister bring a sustainable long-term population policy to the Assembly for consideration and will this include the need for inward migration of up to 150 graduates annually as indicated by representatives of the finance sector?”
5. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Health and Social Services –

“With regard to Social Services will the Minister explain to members the duty of care officers have to the vulnerable people they deal with and explain the circumstances, if any, in which the duty of care owed to staff overrides the duty of care to a vulnerable person.”
6. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Planning and Environment –

“Following the decision earlier this year to designate the former Odeon Cinema as a Class 1 listed building, what steps will the Minister take, if any, to ensure that the building is maintained in an acceptable condition by its current owners?”
7. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Will the Minister release the notes/minutes of the quarterly meetings held between the Minister and the representatives of Jersey Telecom throughout the period over which the Gigabit project was developed and agreed, that is, from 2011 to date, and if not why not?”
8. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Education, Sport and Culture –

“Will the Minister state what progress is being made towards Chinese language tuition in schools and what steps, if any, are being taken with Ministerial colleagues for the establishment of a Confucius Institute or similar in the Island?”
9. Deputy S.Y. Mezec of St. Helier will ask the following question of the Chief Minister –

“What timetable does the Chief Minister envisage for the creation of the new post of Minister for Finance, Digital and Competition, and will any changes to the ‘Troy Rule’ be recommended to facilitate this?”
10. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Home Affairs –

“What are the procedures of the Police if independent expert witnesses opine that clear child protection concerns and risks to children are present, but these expert views conflict with those of their officers or representatives?”
11. Deputy J.A. Hilton of St. Helier will ask the following question of the Minister for Treasury and Resources –

“In light of the indications by the previous Minister that the States of Jersey Development Company had to have substantial interest by companies in pre-letting the majority of the gross areas in the proposed Building 1 or 4 that were approved by the previous Minister for Planning and Environment, before proceeding to construction on the Esplanade car park site, can the Minister confirm that this is still the case?”



(c) – Questions to Ministers without notice (30 minutes) –

1st question period – Minister for Education, Sport and Culture

2nd question period – Minister for Health and Social Services

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

L. PUBLIC BUSINESS

9th December 2014

Bedrocan BV: possession for treatment purposes – petition. P.126/2014.
Lodged: 16th July 2014.
Deputy M. Tadier of St. Brelade.

Bedrocan BV: possession for treatment purposes – petition (P.126/2014) – P.126/2014.
comments. Com.
Presented: 9th September 2014.
Minister for Health and Social Services.

Sativex: possession for treatment purposes – petition. P.127/2014.
Lodged: 16th July 2014.
Deputy M. Tadier of St. Brelade.

Sativex: possession for treatment purposes – petition (P.127/2014) – comments. P.127/2014.
Presented: 8th September 2014. Com.
Minister for Health and Social Services.

Cannabis: possession of cannabis for treatment purposes – petition. P.128/2014.
Lodged: 16th July 2014.
Deputy M. Tadier of St. Brelade.

Cannabis: possession of cannabis for treatment purposes – petition (P.128/2014) – P.128/2014.
comments. Com.
Presented: 8th September 2014.
Minister for Health and Social Services.

Draft Financial Services Commission (Amendment No. 6) (Jersey) Law 201-. P.151/2014.
Presented: 22nd September 2014
Chief Minister.

Draft Employment (Minimum Wage) (Amendment No. 11) (Jersey) Regulations P.157/2014.
201-.
Lodged: 21st October 2014.
Minister for Social Security.

Draft Proceeds of Crime (Amendment – Financial Intelligence) (Jersey) Law 201-. P.158/2014.
Lodged: 21st October 2014.
Chief Minister.

Draft Criminal Justice (Insane Persons) (Amendment) (Jersey) Law 201-. P.160/2014.
Lodged: 27th October 2014.
Chief Minister.



Draft Freedom of Information (Exemptions – Amendment of Law) (Jersey) Regulations 201-. P.162/2014.
Lodged: 29th October 2014.
Chief Minister.

Draft Freedom of Information (Jersey) Law 2011 (Appointed Day) Act 201-. P.153/2014.
Lodged: 23rd September 2014.
Chief Minister.

Council of Ministers' meetings: public access. P.163/2014.
Lodged: 3rd November 2014.
Deputy M. Tadier of St. Brelade.

Draft Air Navigation (Jersey) Law 2014 (Appointed Day) Act 201-. P.164/2014.
Lodged: 11th November 2014.
Minister for External Relations.

Jersey Employment and Discrimination Tribunal: appointment of members. P.165/2014.
Lodged: 11th November 2014.
Minister for Social Security.

Planning Applications Panel: appointment of members. P.166/2014.
Lodged: 11th November 2014.
Minister for Planning and Environment.

M. ARRANGEMENT OF PUBLIC BUSINESS

20th January 2015

Gas Place: petition. P.156/2014.
Lodged: 24th September 2014.
Connétable of St. Helier.

M.N. DE LA HAYE, O.B.E.
Greffier of the States

4th December 2014

Note –

In accordance with the meeting dates fixed for 2014 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 10th and Thursday 11th December 2014.



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.182/2014.

This Order provides for an exemption from registration under the Financial Services (Jersey) Law 1998 (the “Law”) in respect of the discretionary investment management activities of an “Operator” in connection with certain segregated managed accounts (“Qualifying Segregated Managed Accounts” or “QSMA”) in the circumstances described in this Order. Crucially, the Operator must be a person registered under the Law for carrying on fund services business (“FSB”) in one or more specified classes in respect of funds, the hedge-fund strategies of which (or material elements therefrom), are the basis of the QSMA’s investment strategy.

Article 1 defines terms and expressions used in the Order.

Article 2 describes the characteristics of a Qualifying Segregated Managed Account. An account is a QSMA only if (and for so long as) it has all the characteristics set out in Schedule 1. One such characteristic is that if there is more than one owner of the account, those owners (the QSMA’s “Participants”) must, subject to certain limited exceptions, all be connected to each other at the relevant points in time by virtue of a ‘Family Connection’ or by virtue of an ‘Employment Connection’. Another crucial characteristic is that the QSMA pursues a hedge-fund strategy or strategies.

Article 3 provides for the Operator of a QSMA to be exempt from the Law in respect of the carrying on of the relevant type of investment business activity (being discretionary investment management) in connection with a QSMA where the Operator complies with the conditions specified in Schedule 2. However, Article 3(3) provides that Articles 12, 18, 23, 24, 25, 25A, 25B, 25C, 26, 28, 32, 33, 34, 35, 36, 37, 38, 39 and 41 of the Law continue to apply to the Operator when exempted from registration by virtue of Article 3(1) as if it were a registered person in respect of activity within the scope of the exemption. One of the conditions specified in Schedule 2 is that the Operator is registered under the Law to carry on FSB in relation to at least one of classes U, X, ZG and ZJ referred to in Part 5 of the Schedule to the Financial Services (Financial Service Business) (Jersey) Order 2009 (that is, in the capacity of a manager, investment manager, trustee or member of a partnership (other than a limited partner)). Another condition in Schedule 2 is that the Operator manages conflicts of interest in such a way that its clients (as defined in the Order) are, as between each other, treated fairly and that none is given an unfair advantage. The definition of client includes the Operator itself when undertaking orders on its own account. A further condition in Schedule 2 requires that the Operator reports certain statistical information to the Commission at specified times. In certain specified circumstances a failure to comply with such obligation will not be considered a breach of the duty to report.

Article 4 gives the title to this Order and provides for it to come into force on the day after it is made.

Schedule 1 sets out the conditions that must be complied with by a segregated managed account in order to qualify as a QSMA, pursuant to Article 2.

Schedule 2 sets out the conditions that must be complied with by an Operator in order to be eligible for the exemption conferred by Article 3.

Schedule 3 sets out the text of a warning which must be acknowledged by Participants before they take part in a QSMA, which is one of the conditions set out in Schedule 1.

The Order was made on 25th November 2014 and came into force on 26th November 2014.

R&O.189/2014.

This Order increases by approximately 2.5% or less the fees charged under 5 regimes administered by the Minister for Economic Development.

Article 1 increases fees under the Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003, the Sea Fisheries (Underwater Fishing) (Jersey) Regulations 2003 and the Sea Fisheries (Fisheries)



(Jersey) Regulations 2010 for the grant of fishing boat licences and sea fisheries licences including renewals and annual charges and for permits to take scallops. The fees were last increased with effect from 1st January 2014.

Article 2 increases shipping fees under the Shipping (Jersey) Law 2002 for the issue of certificates and other documents, for applications and surveys and for measurements relating to a ship's tonnage. The majority of these fees were last increased with effect from 1st January 2012 by the Economic Development (2012 Fees) (Jersey) Order 2011. (The subsequent Shipping (Fees) (Jersey) Order 2013, which came into effect on 19th November 2013, introduced some new fees but did not increase the existing fees under the Shipping (Jersey) Law 2002.)

Article 3 increases the fees for testing weighing or measuring equipment under Article 12 of the Weights and Measures (Jersey) Law 1967. Those fees were last increased with effect from 1st January 2014.

Article 4 increases the fees for registrations or renewals under Article 9(1) of the Tourism (Jersey) Law 1948. Those fees were last increased with effect from 10th October 2013.

Article 5 increases the fee for an application for registration, or the renewal of registration, of premises as a place of refreshment under Article 4(1) of the Places of Refreshment (Jersey) Law 1967. That fee was last increased with effect from 1st January 2014.

Article 6 gives the title of this Order and states when the provisions come into force. *Article 4* comes into force 7 days after the making of this Order and the remainder of this Order comes into force on 1st January 2015.

The Order was made on 25th November 2014 and came into force in accordance with Article 6 (Article 4 of the Order came into force on 2nd December 2014 and the remainder of the Order comes into force on 1st January 2015).

R&O.190/2014.

These Rules amend the Royal Court Rules 2004 ("the principal Rules").

Rule 1 defines the principal Rules.

Rule 2 amends Part 5 of the principal Rules as regards service of documents on Ministers (of the States). The proper address of each Minister for this purpose is now specified in the States of Jersey (Proper Addresses for Ministers) (Jersey) Order 2014 made by the Chief Minister¹ in accordance with Article 51A of the States of Jersey Law 2005 ("Article 51A"). The amendments –

- (a) provide in Rule 5/9 of the principal Rules that personal service of a document on a Minister (including the Chief Minister) may be effected by leaving it at the proper address of that Minister; and
- (b) make it clear in Rule 5/6(2) of the principal Rules that, if at the time when service is effected a Minister has not given any other address for service, the proper address for the purposes of that Rule shall be the address specified pursuant to Article 51A.

Rule 3 is the customary citation provision.

The Rules were made by the Superior Number of the Royal Court on 1st December 2014 and came into force forthwith.

R&O.191/2014.

These Rules amend the Petty Debts Court Rules 2004 ("the principal Rules").

Rule 1 defines the principal Rules.

Rules 2 and 3 amend Rules 8 and 15, respectively, of the principal Rules. The amendments relate to service of documents on Ministers (of the States). The proper address of each Minister for this purpose is

¹ See R&O 178/2014 which came into force on 7th November 2014



now specified in the States of Jersey (Proper Addresses for Ministers) (Jersey) Order 2014 made by the Chief Minister² in accordance with Article 51A of the States of Jersey Law 2005 (“Article 51A”). The amendments –

- (a) provide in Rule 15 that personal service of a document on a Minister (including the Chief Minister) may be effected by leaving it at the proper address of that Minister; and
- (b) make it clear in Rule 8 that, if at the time when service is effected a Minister has not given any other address for service, the proper address for the purposes of that Rule shall be the address specified pursuant to Article 51A.

Rule 4 is the customary citation provision.

The Rules were made by the Superior Number of the Royal Court on 1st December 2014 and came into force forthwith.

R&O.192/2014.

This Order revokes and replaces the Community Provisions (Restrictive Measures – Somalia) (Jersey) Order 2011. This Order gives effect in Jersey to –

- (a) Council Regulation (EC) No 147/2003 of 27 January 2003 concerning certain restrictive measures in respect of Somalia (OJ L 24, 29.1.2003, p. 2), which was given effect by the revoked Order only in relation to charcoal (whereas this Order gives effect to the whole Regulation); and
- (b) Council Regulation (EU) No 356/2010 of 26 April 2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia (OJ L 105, 27.4.2010, p. 1), which was originally given effect by the revoked Order.

The Order applies those Regulations as they have been amended up to the date on which the Order is made. However, the Order also contains a new ambulatory reference, in *Article 2*, to the Annexes to the Regulations. The effect is that, if the EU amends the lists of persons subject to the restrictive measures, or the details of the competent authorities in the Member States, that change takes effect automatically in Jersey without the need for any amendment to this Order.

The Order also requires, by *Articles 3* and *4(2)(b)*, all of the standard general provisions, contained in the EU Legislation (Sanctions) (General Provisions) (Jersey) Order 2014, to be read as part of this Order, without modifying any of them.

The Order comes into force on the day after it is made.

The Order was made on 2nd December 2014 and came into force on 3rd December 2014.

R&O.193/2014.

This Order revokes and replaces the Community Provisions (Restrictive Measures – Syria) (Jersey) Order 2012. This Order continues to give effect in Jersey to Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011 (OJ L 16, 19.1.2012, p. 1), which was originally given effect by the revoked Order.

The Order applies that Regulation as it has been amended up to the date on which the Order is made. However, the Order also contains a new ambulatory reference, in *Article 2*, to the Annexes to the Regulation. The effect is that, if the EU amends the lists of persons subject to the restrictive measures, or the details of the competent authorities in the Member States, or the lists of restricted items, that change takes effect automatically in Jersey without the need for any amendment to this Order.

² See *R&O.178/2014* which came into force on 7th November 2014



The Order also requires, by *Articles 3 and 4(2)(b)*, all of the standard general provisions, contained in the EU Legislation (Sanctions) (General Provisions) (Jersey) Order 2014, to be read as part of this Order, without modifying any of them.

The Order comes into force on the day after it is made.

The Order was made on 2nd December 2014 and came into force on 3rd December 2014.

R&O.194/2014.

This Order revokes and replaces the Community Provisions (Restrictive Measures – Ukraine) (Jersey) Order 2014 and the Community Provisions (Restrictive Measures – Crimea and Sevastopol) (Jersey) Order 2014. This Order continues to give effect in Jersey to 3 EU Regulations which were previously given effect by the revoked Orders, namely –

- (a) Council Regulation (EU) No 208/2014 of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ L 66, 6.3.2014, p. 1);
- (b) Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ L 78, 17.3.2014, p. 6); and
- (c) Council Regulation (EU) No 692/2014 of 23 June 2014 concerning restrictive measures in response to the illegal annexation of Crimea and Sevastopol (OJ L 183, 24.6.2014, p. 9).

The Order applies those Regulations as they have been amended up to the date on which the Order is made. However, the Order also contains a new ambulatory reference, in *Article 2*, to the Annexes to each of the Regulations. The effect is that, if the EU amends the lists of persons subject to the restrictive measures in any of the Regulations, or the details of the competent authorities in the Member States, or the lists of mineral resources, equipment and technology, that change takes effect automatically in Jersey without the need for any amendment to this Order.

The Order also requires, by *Articles 3 and 4(2)(b)*, all of the standard general provisions, contained in the EU Legislation (Sanctions) (General Provisions) (Jersey) Order 2014, to be read as part of this Order, without modifying any of them.

The Order comes into force on the day after it is made.

The Order was made on 2nd December 2014 and came into force on 3rd December 2014.

R&O.195/2014.

This Order revokes and replaces the Community Provisions (Restrictive Measures – Libya) (Jersey) Order 2011. This Order continues to give effect in Jersey to Council Regulation (EU) No 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya (OJ L 58, 3.3.2011, p. 1), which was originally given effect by the revoked Order.

The Order applies that Regulation as it has been amended up to the date on which the Order is made. However, the Order also contains a new ambulatory reference, in *Article 2*, to Annexes I to IV to the Regulation. The effect is that, if the EU amends the lists of equipment and persons subject to the restrictive measures, or the details of the competent authorities in the Member States, that change takes effect automatically in Jersey without the need for any amendment to this Order.

The Order also requires, by *Articles 3 and 4(2)(b)*, all of the standard general provisions, contained in the EU Legislation (Sanctions) (General Provisions) (Jersey) Order 2014, to be read as part of this Order, without modifying any of them.

The Order comes into force on the day after it is made.

The Order was made on 2nd December 2014 and came into force on 3rd December 2014.



APPOINTMENTS

(See Item F)

BRITISH-IRISH PARLIAMENTARY ASSEMBLY

Following the recent elections it is necessary to appoint a Member and an Associate Member to represent the States of Jersey on the British-Irish Parliamentary Assembly (BIPA). Deputy J.A.N. Le Fondré was appointed as Member during the term of the last States Assembly with former Senator A. Breckon as the Associate Member. The Associate Member is invited to attend meetings of BIPA if the Member is unavailable.

Nominations will firstly be invited from the floor at this meeting for the position of Member and each nomination will need to be seconded (Standing Order 102). If there is more than one nomination a secret ballot will be held. If no candidate receives a majority of votes cast in the ballot the candidate with the lowest number of votes will withdraw from the contest and a further secret ballot will be held. This process will be repeated as necessary until one candidate receives a majority of votes cast.

Nominations will then be invited from the floor for the position of Associate Member. The selection process will be identical to the process set out above.

Those appointed will remain in office until the 2018 elections.

BACKGROUND INFORMATION

Jersey was invited to join the British-Irish Inter-Parliamentary Body (as BIPA was known until 2008) in 2000 although Jersey's initial involvement was limited. The history of the Body, which can be seen on its website (www.britishirish.org) is as follows.

Prior to the late 1980s there had been relatively little contact between the Oireachtas (the collective name for the bicameral Irish Parliament) in Dublin and the Parliament at Westminster. Members of the two parliaments met each other occasionally at the Plenaries of the Inter-Parliamentary Union and the Council of Europe, and Clerks sometimes found themselves working together at inter-parliamentary assemblies, but there was very little in the way of bilateral relations between the two institutions.

The initial proposal for an inter-parliamentary forum (which arose from a Joint Studies Report made to the meeting of British and Irish Heads of Government in 1981 which suggested an East-West "parliamentary tier") was made in 1983 by Mr Peter Temple-Morris, MP for Leominster and Mr Jim Tunney TD, Leas Cheann-Comhairle (or Deputy Presiding Officer) of Dáil Éireann (the Lower House of the Oireachtas). But it was not until 1990 that the Body was established, at first under the auspices of the British and Irish Groups of the Inter-Parliamentary Union. It met for the first time at the House of Commons on 26th February 1990.

The aim of the Body from the outset was to promote mutual understanding and respect between Members of the two parliaments. Inevitably, much of the work of the Body since its inception has been set in the context of the situation in Northern Ireland and the various peace initiatives to bring an end to that conflict. Relations between the two Governments in London and Dublin are a crucial part of that process, and the Body has seen its role as providing support in those endeavours.

For the first 10 years of its life, the Body consisted of 25 Members from each parliament, with twenty Associate Members from each side who could replace Full Members either at Plenary sessions or at Committee meetings. The delegations were nominated with a view to maintaining balance between the various political parties. However, national representation has been relevant only for the purposes of the quorum and the tabling of certain motions and amendments; and there has never been an occasion on which the delegations voted along national lines. From its inception the ethos of the Body has been to act as an organic whole; in the Plenary, for example, Members sit in alphabetical order rather than as delegations of their respective legislatures.



BIPA has changed quite radically since the constitutional changes in the United Kingdom in the late 1990s with the re-establishment of the Scottish Parliament and the creation of the National Assembly for Wales and the Northern Ireland Assembly. In addition the Belfast ('Good Friday') Agreement provided for a British-Irish Council which brings together senior politicians from Dublin, Westminster, the devolved institutions in Belfast, Cardiff and Edinburgh, and the three Crown Dependencies. Paragraph 11 of Strand 3 of the Agreement, on the subject of the British-Irish Council, states that 'the elected institutions of the members will be encouraged to develop inter-parliamentary links, perhaps building on the British-Irish Inter-Parliamentary Body'.

At the 22nd Plenary in Killarney in February 2001, the Body agreed to expand its membership

- the National Assembly for Wales, the Northern Ireland Assembly and the Scottish Parliament were each invited to nominate 5 Members and 4 Associate Members to the Body;
- the States of Guernsey, the States of Jersey and Tynwald were each invited to nominate one Member and one Associate;
- what used to be the Political Committee was redesignated "the Committee on Sovereign Matters" so that it could remain the preserve of Members from Westminster and the Oireachtas, while the other 3 Committees were expanded to include representatives from the new member institutions.

The running of the Body and the control of its business is in the hands of a Steering Committee consisting of 3 Members from Dublin, 3 from Westminster, and 3 from among the other participating institutions, led by the 2 Co-Chairmen, one from Westminster and one from Dublin. The 3 Crown Dependencies have one place on the Committee between them and this is filled on an annual rotation basis. Jersey has filled the Crown Dependency place on the Committee in 2014 and will next do so in 2017.

The Body is funded by grant-in-aid from the Treasury in London and the Department of Finance in Dublin. The day-to-day administration is carried out by the 2 Clerks, one from Dublin and one from Westminster, with assistance from several of their colleagues from both jurisdictions.

There are normally 2 Plenary sessions every year, of a day and a half or 2 days each, which provide a forum for the mutual exchange of views between parliamentarians. The practice to date has been to alternate Plenaries between Ireland and the UK (although one plenary was held in the Isle of Man in 2010) and they have usually been held at venues other than Dublin and London. Each Plenary has a Question Time at which a Minister from the host country answers Questions (of which notice is given in the Programme of Business) put by Members of both parliaments - which can lead to a Minister from one jurisdiction having to deal with extremely probing supplementaries from Members from the other. Apart from the Ministerial Statement and Questions, the main business is always a debate on a motion on Recent Political Developments. At first, those debates were held in private on the grounds that politicians from Ireland and Great Britain would feel inhibited about discussing sensitive issues with journalists in attendance. Once the Body found its feet, however, it became routine to hold all debates in public, even those on sensitive security issues; and a private sitting is now a very rare event - and then only to discuss domestic, organisational matters.

As noted above, the primary function of Plenary Sessions is to provide a forum for debate and the exchange of views, while the day-to-day work of the Body is carried out through its 4 Committees: Committee A deals with Sovereign (ie East-West) Matters, Committee B covers European Affairs, Committee C is concerned with Economic Affairs, and Committee D with Environmental and Social Affairs. Each Committee has a Chairman from one delegation and a Shadow Chairman from the other, so that the British and the Irish each have 2 full Chairmanships. They are supported by 4 Clerks from Westminster and, from the Irish side, 2 officers from the Department of Foreign Affairs. The Steering Committee assigns each full Member of the Body and each Associate to one of the 4 Committees, normally by agreement with the person concerned, and with an eye both to party-political balance and



equality of representation from the delegations. Jersey did not initially participate in Committee work but after his appointment in 2013 Deputy Le Fondré became a member of Committee C.

As stated above the total membership of the Body at present is –

- 25 members of the Oireachtas (plus up to 20 Associate members);
- 25 members of the UK Parliament (including peers) (plus up to 20 Associate members);
- 5 members of the National Assembly for Wales (plus up to 4 Associate members);
- 5 members of the Northern Ireland Assembly (plus up to 4 Associate members);
- 5 members of the Scottish Parliament (plus up to 4 Associate members);
- one member of Tynwald (plus one Associate member);
- one member of the States of Jersey (plus one Associate member);
- one member of the States of Guernsey (plus one Associate member).

In recent years Jersey has been represented by former Senator A. Breckon (2006 to 2012), the late Connétable D.J. Murphy of Grouville (2012 to 2013) and Deputy Le Fondré (2013 to date). All have attended Plenary sessions on a regular basis and have made useful contacts for the Island.

The cost of participation is not excessive with the only expense being the fares and hotel accommodation which are paid by each jurisdiction and not by the host. The External Relations Department has made an officer available to accompany Jersey's Member to recent plenary sessions and this has been done at the expense of that Department.



WRITTEN QUESTIONS

(See Item I(a))

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

“Following the publication of the measures proposed to manage the Consolidated Fund (as amended) in the Addendum and Budget Statement (pages 75 to 78), will the Chief Minister inform members when he expects Ministers to report how they will deliver the measures that apply to their respective departments and whether he will undertake to publish a summary document of their responses, paying particular attention to:

- proposed 2% savings on departmental budgets;
- measures to deliver the 1% reduction in pay budgets;
- introduction/increases in user pays charges;

and if not why not?”

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

“Despite the fact that the shortfall in 2014 and 2015 tax revenues of some £75 million was partly put down to the mistaken expectation of a rise in interest rates, leading to growth in financial services profits, (Long Term Revenue Planning Review, R.136 /2014, page 11) what justification, if any, can the Minister give for a predicted increase in 2016 income tax revenues of 5% from £455 million to £475 million; to what extent is this estimate dependent on a rise in interest rates and what evidence does the Minister have that interest rates will rise significantly in the short term?”

3. The Minister for Economic Development will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

“Will the Minister advise:

- (a) To what extent the shortfalls in tax revenues for 2014 and 2015 at a time when unemployment is reducing, are an indication that, like the United Kingdom, the jobs that are being created are in low paid sectors?
- (b) Whether the increase in grant aid from £3.2 million in 2013 to £4.4 million in 2015 (pages 34 to 35 of R.167/2014 refer) indicate that the current policy of supporting Jersey Finance Limited and growing the high value sectors is failing, and if not, why?
- (c) How the target of a 2% cut in the Department’s budget referred to on page 35 of R.167/2014 is justified?”

4. The Minister for Health and Social Services will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

“Has the Minister yet finalised proposals to deliver the 2% reductions required of all departments, as shown on page 68 of R.167/2014, and, if not, when does he intend to consider:

- the re-phasing of the planned implementation of P82/2012;
- delays in other planned developments;
- a reduction in the provision of existing services;



- the risk of Health and Social Services no longer being able to follow United Kingdom standards for technologies, treatments and drugs;
- the potential increase in waiting times / reduction in patient satisfaction.

Will the Minister further state whether the extent of the budget reductions will be limited to the £4.7 million indicated on page 68 or the £10.5 million that is indicated elsewhere?

Is the Minister confident that a pay award for staff within the 1.5% limit for 2015 contained in the Addendum to the 2015 budget as amended can be achieved whilst maintaining the ability to recruit and retain properly trained and experienced staff?"

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

“Does the Minister consider that any of the benefits administered by her Department are “generous” and would she outline how the reduction of Income Support from £86 million to £83 million in 2015, outlined on page 94 of R.167/2014, reconciles with the statement in the following paragraph that the number of new claims will continue to increase in current economic conditions requiring additional funding for staff?”

6. H.M. Attorney General will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Will the Attorney General advise Members whether the Law Officers’ Department has, at any time, given the Planning Department or Planning Enforcement Officers the power to directly file or instigate charges in the Magistrate’s Court without first requiring the case files to be supplied to the Law Officers’ Department for consideration and approval, and if so, would the Attorney General set out for Members:

- (a) why, when, and in what circumstances this occurred;
- (b) the number of cases involved;
- (c) how many cases were prosecuted by Centeniers on behalf of the Planning and Environment Department and the outcome of those cases (whether the defendant pleaded guilty or not guilty and whether the defendant was convicted or acquitted after trial);
- (d) how many cases, once commenced by a Centenier, were taken over by a legal adviser or representative of the Law Officers’ Department and the outcome of those cases?”

7. 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 whether the milk teeth recovered during Operation Rectangle were subject to analysis to determine their age and other factors after 12th November 2008, and detail:

- (a) when they were tested and by whom;
- (b) what tests were carried out and the conclusions reached from those tests;
- (c) whether there has been an unbroken chain of signed custody for the teeth from the moment they were recovered to the present day;



- (d) whether the teeth remain in the custody of the States of Jersey Police or with another agency, and if the latter the name of the agency;

and if not, why not?"

8. The Minister for Education, Sport and Culture will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Will the Minister provide members with the following information regarding students who are absent from school without permission, and not related to illness:

- (a) any legislation which applies and the powers of the Department;
- (b) the Department’s policy in respect of repeated and extended absences from school;
- (c) the number of staff directly employed in monitoring and dealing with such absence;
- (d) details of any liaison that takes place between the Department, schools, police and social workers in respect of this area;
- (e) a table showing the name of each school, the number of students in each school, and the number of children who have been absent without permission for:
 - (i) one week;
 - (ii) two weeks;
 - (iii) three weeks;
 - (iv) four weeks;
 - (v) four weeks or more;

during the school term from September 2013 to June 2014, together with the percentages of truancy for each school?"

9. The Minister for Health and Social Service will table an answer to the following question asked by Deputy M. Tadier of St. Brelade –

“Will the Minister:

- (a) provide an update on what steps, if any, he will take during his term of office to achieve zero mercury emissions at the crematorium;
- (b) outline when and whether Jersey is likely to adopt Promession technology in respect of burials;
- (c) advise what progress is being made with Ministerial colleagues to bring forward a new burial law?"

10. The Minister for Planning and Environment will table an answer to the following question asked by Deputy M. Tadier of St. Brelade –

“Will the Minister advise how many complaints/inquiries, if any, have been received by the Department and recorded in the last 3 years concerning seagulls being fed and any related nuisance and what political options exist to minimize the nuisance caused by the feeding of seagulls in residential areas?"



11. The Minister for Health and Social Services will table an answer to the following question asked by Deputy M. Tadier of St. Brelade –

“Will the Minister advise how many complaints and/or inquiries have been received and recorded in the last 3 years to do with seagulls being fed and any related nuisance that occurs?”

12. The Minister for Transport and Technical Services will table an answer to the following question asked by Deputy M. Tadier of St. Brelade –

“Will the Minister provide a current breakdown of taxi plates by category (white, yellow, red) including their allocation by company?”

13. The Chairman of the Comité des Connétables will table an answer to the following question asked by Deputy M. Tadier of St. Brelade –

“Will the Chairman advise which parishes provide a senior citizens Christmas meal and detail, for each parish:

- (a) the eligibility criteria;
- (b) the total seating allocation;
- (c) how many people are on the waiting list;
- (d) the total number of eligible residents;
- (e) whether there are any plans to increase the provision for future years given the projected increase in the number of individuals over the age of 65?”

14. 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:

- (a) advise how much police time has been spent during the period 2010 to 2013 dealing with:
 - (i) children who are absent from school without permission;
 - (ii) adults with mental health needs;
 - (iii) children with mental health needs;
- (b) outline the relationship of each class of persons with the Education, Sport and Culture Department and the Health and Social Services Department?”

15. 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 provide Members with the following information:

- (a) the total number of people paying income tax in Jersey each year from 2007 to 2013;
- (b) the total number of people paying tax at 20% in each year from 2007 to 2013;
- (c) the number of people paying a marginal rate of tax in each year from 2007 to 2013;
- (d) the total number of finance firms paying tax at 10% each year from 2007 to 2013 and the sums involved;
- (e) the number of finance firms not paying the 10% tax rate;



- (f) the total number of utility companies paying tax at 20% each year from 2007 to 2013 and the sums involved;
- (g) the number of non-finance and utility companies paying tax each year between 2007 and 2013 and the sums involved;
- (h) the estimated loss of tax receipts from the loss of deemed distribution from Jersey owned companies shareholders;
- (i) an explanation of the factors causing the changes in the tax figures outlined above for the period 2007 to 2013, and estimates of future changes assuming no further change to tax rates?"



ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

2015

1st Session 2015

January 20th	Economic Development	Chief Minister
February 3rd	Housing	Planning and Environment
February 24th	Social Security	Chief Minister
March 10th	Transport and Technical Services	Home Affairs
March 24th	External Relations	Chief Minister
April 14th	Treasury and Resources	Education, Sport and Culture
April 28th	Health and Social Services	Chief Minister