

STATES OF JERSEY ORDER PAPER

Tuesday 16th March 2004

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Shipping (Training, Certification and Manning) (Jersey) Order 2004. R&O 17/2004.
Harbours and Airport Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

Nomination of Deputy Francis Gerald Voisin of St. Lawrence as a member of the Policy and Resources Committee.

D. PRESENTATION OF PAPERS

(a) Papers for information

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

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

(b) Notification of Standing Order decisions

(c) Notification of acceptance of tenders

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

(e) Notification of Papers lodged "au Greffe" under Standing Order 17A(1)(b)

(f) Papers for consideration by the States in Committee under Standing Order 38A

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

THE STATES are asked to agree that the following matters lodged "au Greffe" be considered at their next meeting on 30th March 2004 -

Public right of access to information, financial and other records of the States of Jersey. P.34/2003.
Lodged: 1st April 2003.
Deputy A. Breckon of St. Saviour.

Public right of access to information, financial and other records of the States of Jersey (P.34/2003): comments. P.34/2003.
Presented: 3rd June 2003. Com.
Employment and Social Security Committee.

Public right of access to information, financial and other records of the States of Jersey (P.34/2003): comments. P.34/2003.
Presented: 19th August 2003. Com.(2)
Privileges and Procedures Committee.

Public right of access to information, financial and other records of the States of Jersey (P.34/2003): comments. P.34/2003.
Presented: 14th October 2003. Com.(3)
Policy and Resources Committee.

Public right of access to information, financial and other records of the States of Jersey (P.34/2003): comments. Presented: 10th February 2004. <i>Finance and Economics Committee.</i>	P.34/2003. Com.(4)
Draft Postal Services (Jersey) Law 200-. Lodged: 10th February 2004. <i>Economic Development Committee.</i>	P.24/2004.
Draft Shipping (Tonnage) (Jersey) Regulations 200-. Lodged: 17th February 2004. <i>Harbours and Airport Committee.</i>	P.25/2004.
Jersey Financial Services Commission: appointment of Commissioners. Lodged: 9th March 2004. <i>Economic Development Committee.</i>	P.38/2004.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

Deputy G.P. Southern of St. Helier will ask a question of the President of the Environment and Public Services Committee regarding the use of Haut de la Garenne.

The Deputy of St. John will ask a question of the President of the Environment and Public Services Committee regarding Mulcaster Street/Hill Street paving works.

Senator P.V.F. Le Claire will ask a questions of the President of the Policy and Resources Committee regarding the migration policy.

Senator P.V.F. Le Claire will ask a question of H.M. Attorney General regarding work permits.

The Deputy of St. John will ask a question of the President of the Policy and Resources Committee, (in his capacity as Vice-Chairman of the Emergencies Council), regarding the review of the Emergency Measures Plan.

The Deputy of St. John will ask a question of the President of the Economic Development Committee regarding the farming industry.

Deputy G.P. Southern of St. Helier will ask questions of the President of the Housing Committee regarding rental subsidies for tenants with savings.

Deputy G.C.L. Baudains of St. Clement will ask questions of the President of the Environment and Public Services Committee regarding the Bellozanne incinerator and road works at St. Clement.

Senator E.P. Vibert will ask questions of the President of the Finance and Economics Committee regarding that Committee's proposed tax reforms.

The Deputy of St. John will ask a question of the President of the Finance and Economics Committee regarding the Jersey Electricity Company Limited and the Jersey New Waterworks Company Limited.

Senator P.V.F. Le Claire will ask a question of the President of the Finance and Economics Committee regarding the implications arising from the adoption of measures outlined in the Code of Conduct group findings.

Deputy G.P. Southern of St. Helier will ask questions of the President of the Finance and Economics Committee regarding that Committee's proposed tax reforms.

Senator E.P. Vibert will ask a question of the President of the Finance and Economics Committee regarding matters involving the Jersey Financial Services Commission.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

The President of the Legislation Committee will make a statement regarding public holidays in 2004.

The President of the Special Committee on the Composition and Election of the States Assembly will make a statement regarding the work of that Committee.

K. PUBLIC BUSINESS

Draft Animal Welfare (Jersey) Law 200-. P.126/2003.
Lodged: 19th August 2003.
Economic Development Committee.

Draft Animal Welfare (Jersey) Law 200- (P.126/2003): comments. P.126/2003.
Presented: 10th February 2004. Com.
Finance and Economics Committee.

Draft Animal Welfare (Jersey) Law 200- (P.126/2003): amendments. P.126/2003.
Lodged: 3rd February 2004. Amd.
Deputy of St. Martin.

Draft Animal Welfare (Jersey) Law 200- (P.126/2003): amendments P.126/2003.
(P.126/2003 Amd.)– comments. Amd.Com.
Presented: 2nd March 2004.
Finance and Economics Committee.

Draft Animal Welfare (Jersey) Law 200- (P.126/2003): amendments P.126/2003.
(P.126/2003 Amd.)– comments. Amd.Com.(2)
Presented: 9th March 2004.
Economic Development Committee.

Draft Police Force (Amendment No. 10) (Jersey) Law 200. P.9/2004.
Lodged: 27th January 2004.
Home Affairs Committee.

Draft Police Force (Amendment No. 10) (Jersey) Law 200- (P.9/2004): amendment. Lodged: 3rd February 2004. <i>Deputy of St. Martin.</i>	P.9/2004. Amd.
Projet de Loi (200-) (Amendement No. 10) réglant la procédure criminelle. Logé: le 3 février 2004. <i>Comité de Législation.</i>	P.13/2004.
Building a safer society. Lodged: 3rd February 2004. <i>Home Affairs Committee.</i>	P.17/2004.
Building a safer society (P.17/2004): comments. Presented: 24th February 2004. <i>Finance and Economics Committee.</i>	P.17/2004. Com.
Draft Housing (Amendment No. 11) (Jersey) Law 200. Lodged: 24th February 2004. <i>Housing Committee.</i>	P.34/2004.
Draft Terms of Employment (Jersey) Regulations 200-. Lodged: 2nd March 2004. <i>Employment and Social Security Committee.</i>	P.36/2004.

M.N. DE LA HAYE
Greffier of the States

11th March 2004

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 17/2004

This Order applies the United Kingdom's Merchant Shipping (Training and Certification) Regulations 1997, and Merchant Shipping (Safe Manning, Hours of Work and Watchkeeping) Regulations 1997, to Jersey.

The U.K. Regulations give effect, in part, to the International Convention on Standards of Training, Certification and Watchkeeping (STCW) for Seafarers', 1978.

They apply to masters and seamen employed on sea-going ships registered in the United Kingdom, except in fishing vessels and certain pleasure vessels. It is appropriate that they should also apply, with the necessary amendments, to masters and seamen employed on similar ships registered in Jersey and to ships in Jersey waters.

The Order was made on 10th March 2004, and comes into force on the same day as the Shipping (Jersey) Law 2002.

QUESTION PAPER

(See Item G)

Deputy G.P. Southern of St. Helier will ask the following question of the President of the Environment and Public Services Committee -

Would the President advise members of the level of charges that apply to Haut de la Garenne for overnight use of the facilities, and, whether the Committee will be seeking to review them or to seek a subsidy from the Tourism Development Fund in order to attract more large visiting groups such as military bands?

The Deputy of St. John will ask the following question of the President of the Environment and Public Services Committee -

Will the President explain to members why paving in Hill Street/Mulcaster Street is being lifted just several months after the road was resurfaced and would he explain the rationale in doing so given that some of the new asphalt is being cut away?

Senator P.V.F. Le Claire will ask the following questions of the President of the Policy and Resources Committee -

1. Would the President -
 - (a) inform members of the progress on developing the Migration Policy?
 - (b) inform members who is now responsible for this work for the Committee?
 - (c) give details of the proposals being developed at present?
 - (d) inform members when the Committee will be briefing States members and the public on this matter?
2. Would the President inform the Assembly what timetable is being proposed for the Migration Policy and how will this affect the Island's position with people currently in Jersey once 1st May 2004 deadline has passed?
3. Would the President inform members how changes to the Treaty of Rome that have been made, or are planned to be made, will affect the Island?

Senator P.V.F. Le Claire will ask the following question of H.M. Attorney General --

What is the Island's legal position, particularly in light of human rights considerations, in imposing immigration controls such as work permits on people already established in the Island?

The Deputy of St. John will ask the following question of the President of the Policy and Resources Committee -

Will the President inform members of the current position regarding the review of the Emergency Measures Plan he referred to in response to a question asked on 25th November 2003, and when a new Emergency Plan will be available in view of the concerns expressed about a possible extension to the Flamanville nuclear power plant?

The Deputy of St. John will ask the following question of the President of the Economic Development Committee -

Would the President inform members -

- (a) whether the Committee is aware of any disquiet within the farming community over the possible merger of five larger growers, and, if so, to what extent is the Committee involving itself with the industry in this matter?
- (b) whether the Committee will consider cutting all funding to the agriculture/horticulture industry and review how these funds could be otherwise spent, and, if not, the reasons why?
- (c) whether the Committee has agreed to provide financial support to a group of potato growers seeking to promote a vodka factory, and, if so, can the President identify the land involved?

Deputy G.P. Southern of St. Helier will ask the following questions of the President of the Housing Committee –

- 1. Would the President inform members why the proposals in P.74/2003 relating to the cessation of rental subsidy for tenants with savings over £50,000 were not originally referred to the Law Officers in respect of the powers they gave to the Committee?
- 2. Given that this matter is currently awaiting a legal opinion from the Law Officers on vires, will the Committee agree –
 - (a) not to apply maximum rents to those affected until the ruling is delivered, or
 - (b) to invest the rental income of those affected so that interest can be paid in the event of a negative outcome?

Deputy G.C.L. Baudains of St. Clement will ask the following questions of the President of the Environment and Public Services Committee –

- 1. Given the high potential cost and many possible alternatives for replacing the Bellozanne incinerator, will the President –
 - (a) give an undertaking that he will bring the matter for debate in the States before any commitments are made?
 - (b) advise what point the Committee has reached in the decision making process?
- 2. Several weeks ago as part of the rising main relining at Le Bourg, St. Clement, road openings were made, traffic lights installed and initial activity took place. Will the President –
 - (a) account for the continuing disruption to traffic and pedestrians caused by these road works, when for the last two or three weeks there has been no perceptible activity?
 - (b) advise when the works are due for completion?
- 3. Will the President advise members which, if any, parts of either the Environment or Public Services Departments have been relocated to the Howard Davis Farm at Trinity within the last year?

Senator E.P. Vibert will ask the following questions of the President of the Finance and Economics Committee –

- 1. Would the President advise members whether the Committee will agree to change the stated agenda for the current round of public consultations for the ‘Zero-10’ option and the subsequent tax proposals by splitting the public consultation on these subjects into two parts, namely –
 - (a) the zero-ten option to be debated in July 2004;
 - (b) the tax proposals for filling the revenue gap to be debated not before December 2004.
- 2. In light of the proposals being put forward by the Committee to fill the estimated financial gap caused by the Island going to a ‘Zero-10’ tax rating, would the President advise members what facts, figures

and information the Committee has regarding the likely effect on Jersey's inflation rate which will result from the addition of a goods-and-services tax?

3. Would the President inform members whether a 2% target growth in our economy, through which the Committee hopes to raise £20 million will, in fact, require a larger growth rate, once inflation has been taken into account.
4. In view of the Island's inability to control interest rates independently, would the President advise members how Jersey will be able to stop inflation rising sharply as a result of this considerable increase in economic activity?

The Deputy of St. John will ask the following question of the President of the Finance and Economics Committee –

It has been reported that the Jersey Electricity Company wishes to purchase the Jersey New Waterworks Company. Would the President inform members what involvement, if any, the Committee has had in this respect to date, or is intending to have in the future?

Senator P.V.F. Le Claire will ask the following question of the President of the Finance and Economics Committee –

Given the proposals to introduce a new fiscal policy which relate to the possible implications arising from the adoption of measures outlined in the Code of Conduct group findings which examined potentially harmful tax measures in EU member States, would the President inform members –

- (a) how many exempt companies there are in Jersey, how their taxes are calculated and on the basis of income from which sources (e.g. Jersey source income), and the tax collected last year in total from these companies?
- (b) the amount of monies held on deposit in Jersey by exempt companies, and, if unknown, the reasons why?
- (c) how many international treasury operations there are in Jersey, how their taxes are calculated and on the basis of income from which sources, and the tax collected last year in total from these companies?
- (d) the amount of monies held on deposit in Jersey by international treasury operations, and, if unknown, the reasons why?
- (e) how many international business companies there are in Jersey, how their taxes are calculated and on the basis of income from which sources, and the tax collected last year in total from these companies?
- (f) the amount of monies held on deposit in Jersey by international business companies, and, if unknown, the reasons why?
- (g) how many captive insurance companies there are in Jersey, how their taxes are calculated and on the basis of income from which sources, and the tax collected last year in total from these companies?
- (h) the amount of monies held on deposit in Jersey by captive insurance companies, and, if unknown, the reasons why? and,
- (i) an approximation of the numbers of people employed in Jersey directly with the previously mentioned companies and financial services?

Deputy G.P. Southern of St. Helier will ask the following questions of the President of the Finance and Economics Committee –

1. In response to a question on 2nd March 2004, on the phasing out of allowances for households with high earnings, the President stated that the level of proportional reductions in allowances for single-person households had not been decided. Would the President inform members –

- (a) why, in the Committee's paper 'Facing the Future', the table on page 6 indicates clearly that extra income tax for a single person would start at £40,000 p.a., producing an additional £345 of tax payable on an income of £50,000?
 - (b) whether these reductions in allowances will totally remove all mortgage interest relief on those single person households with income over £75,000 and couples with joint incomes of £150,000?
 - (c) whether he considers these measures on mortgage interest relief will effectively negate the measures adopted by the Assembly in the Budget 2004 on capping mortgage interest relief at £300,000.
2. Will the President produce for members a table showing for gross household income over the range £40,000 to £150,000, in £10,000 intervals, the additional tax that would be paid by a single person, a couple with no children and a couple with two children with, in each case –
- no mortgage;
 - a mortgage of £120,000;
 - a mortgage of £200,000; and,
 - a mortgage of £300,000.
3. Would the President give an estimate of what proportion of mortgage interest relief will be affected by these measures at the levels suggested by the Committee?

Senator E.P. Vibert will ask the following question of the President of the Economic Development Committee –

Would the President inform members –

- (a) whether the Committee is aware of any disquiet amongst senior executives working in many of the smaller local Trust companies regarding the way in which the Jersey Financial Services Commission (JFSC) is handling the administration of the legislation under which Trusts operate?
- (b) how many smaller Jersey based Trust companies have re-located out of Jersey in the last two years and how many jobs have been lost in this area in the same period? and,
- (c) whether the Committee has confirmed that the Financial Services (Jersey) Law 1998, and the Trusts (Jersey) Law 1984, which are administered by the JFSC are human rights compliant?