



## STATES OF JERSEY ORDER PAPER

Tuesday 2nd February 2016  
CONSOLIDATED

### A. COMMUNICATIONS BY THE PRESIDING OFFICER

### B. TABLING OF SUBORDINATE ENACTMENTS

*(Explanatory note attached)*

- |   |              |
|---|--------------|
| Home Affairs (Fire and Rescue and Petroleum – 2016 Fees) (Jersey) Order 2016.<br><i>Minister for Home Affairs.</i>                    | R&O.4/2016.  |
| Road Traffic (St. Helier) (Amendment No. 31) (Jersey) Order 2016.<br><i>Minister for Infrastructure.</i>                              | R&O.6/2016.  |
| Road Traffic (Disabled Persons) (Parking) (Amendment No. 9) (Jersey) Order 2016.<br><i>Minister for Infrastructure.</i>               | R&O.7/2016.  |
| European Communities Legislation (Bluetongue) (Amendment of Regulations) (Jersey) Order 2016.<br><i>Minister for the Environment.</i> | R&O.8/2016.  |
| Diseases of Animals (Rabies) (Importation of Mammals) (Amendment) (Jersey) Order 2016.<br><i>Minister for the Environment.</i>        | R&O.9/2016.  |
| * Employment and Discrimination Tribunal (Procedure) (Jersey) Order 2016.<br><i>Minister for Social Security.</i>                     | R&O.10/2016. |
| * Road Racing (Hill Climbs and Sprints) (Jersey) Order 2016.<br><i>Minister for Infrastructure.</i>                                   | R&O.11/2016. |
| * Sand Racing (Jersey) Order 2016.<br><i>Minister for Infrastructure.</i>   | R&O.12/2016. |

### C. DOCUMENTS PRESENTED OR LAID

- |   |            |
|---|------------|
| Consultation Paper: Draft Limited Liability Partnerships (Jersey) Law 201- and Draft Limited Liability Partnerships (Dissolution and Winding Up, etc.) (Jersey) Regulations 201-.<br>Presented: 26th January 2016.<br><i>Chief Minister.</i>                            | R.8/2016.  |
| Land Transactions under Standing Order 168(3) –<br>(a) Les Amis Residential Home, Le Geyt Training Centre – lease;<br>(b) Eden House, Les Cloches, Le Squez Road, St. Clement, JE2 6BG – lease.<br>Presented: 26th January 2016.<br><i>Minister for Infrastructure.</i> | R.9/2016.  |
| * Jersey Child Care Trust: re-appointment of Chairman.<br>Presented: 2nd February 2016.<br><i>Minister for Education.</i>   | R.10/2016. |



- \* Jersey Employment and Discrimination Tribunal: re-appointment of Side Members. R.11/2016.  
Presented: 2nd February 2016.  
*Minister for Social Security.*

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

- \* Draft Aircraft (Registration) (Amendment) (Jersey) Law 201-. P.7/2016.  
Lodged: 2nd February 2016.  
*Minister for Economic Development, Tourism, Sport and Culture.*

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

In accordance with Standing Order 34(1), the proposer of the following proposition lodged 'au Greffe' has informed the Greffier of the States that it is to be withdrawn –

- Draft EU Legislation (Consumer Protection – Unfair Practices) (Jersey) Regulations P.134/2015.  
201-.  
Lodged: 26th October 2015.  
*Minister for Economic Development.*

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

- \* Nomination of the Connétable of St. Saviour and the Deputy of St. John as members of the Environment, Housing and Technical Services Scrutiny Panel.

Nomination of the Deputy of St. John 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 Minister for Health and Social Services will table an answer to a question asked by Deputy J.A. Hilton of St. Helier regarding the Children and Vulnerable Adults Policy Group.
2. The Minister for Health and Social Services will table an answer to a question asked by Deputy J.A. Hilton of St. Helier regarding the bi-annual review of the Children's Service.
3. The Minister for Economic Development, Tourism, Sport and Culture will table an answer to a question asked by Deputy J.A. Martin of St. Helier regarding cost-benefit analysis of the 2015 Jersey Island Games.
- \* 4. The Minister for Education will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding students whose first language is not English.
5. The Chief Minister will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the population and immigration.



6. The Chief Minister will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the impact of base erosion and profit sharing proposals on Jersey's economy.
7. The Chief Minister will table an answer to Deputy M.R. Higgins of St. Helier regarding the likely effects of a fourth industrial revolution on the Island's economy.
8. H.M. Attorney General will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the employment of barristers
9. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding single pensioner Income Support claims.
10. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding occupational pension schemes.
11. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the inspection of care agencies.
12. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the single parent component of Income Support.
13. The Minister for Housing will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the supply of social rental homes.
14. The Minister for Social Security will table an answer to a question asked by the Deputy of St. John regarding the Social Security, Health Insurance and Long Term Care funds.
15. The Minister for Home Affairs will table an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding the incitement of racial and religious hatred.
16. The Minister for Treasury and Resources will table an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding High Value Residents.
17. The Minister for Treasury and Resources will table an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding the payment of Parish Rates.

**(b) – Oral Questions**

(120 minutes)

1. Deputy J.A. Hilton of St. Helier will ask the following question of the Chief Minister –  
  
“What steps, if any, will the Chief Minister be taking to ensure that unmarried fathers have increased rights in relation to their children and that, when named on a birth certificate, they automatically have parental responsibility?”
2. Senator Z.A. Cameron will ask the following question of the Minister for Health and Social Services –  
  
“Could the Minister explain what human resources policies and procedures are in place to ensure the safe recruitment and retention of competent and skilled staff in the Health and Social Services Department?”
3. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Social Security –  
  
“Can the Minister explain why she has taken steps to cut the living standards of the 30% of pensioners in receipt of the States pension alone and who rely on Income Support?”



4. The Connétable of St. Helier will ask the following question of the Minister for Treasury and Resources –  
  
“Would the Minister advise what progress, if any, has been made in arranging for the payment of rates by the States for the rate year 2017?”
5. Deputy L.M.C. Doublet of St. Saviour will ask the following question of the Minister for Social Security –  
  
“Given the Assembly’s commitment to the 1,001 Days Initiative, will the Minister be exploring an extension to maternity leave as part of the planned review of family-friendly legislation, and furthermore will she consider designating at least a significant portion of maternity leave as ‘parental leave’ available to either parent?”
6. Deputy S.Y. Mézec of St. Helier will ask the following question of the Minister for Health and Social Services –  
  
“Will the Minister agree to remove People’s Park from the list of potential sites in advance of the debate on P.3/2016?”
7. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Housing –  
  
“Does the Minister intend to review the present position whereby properties in the private sector can be advertised as ‘no children’, and what action, if any, does she intend to take to remedy this?”
8. Deputy J.M. Maçon of St. Saviour will ask the following question of the Chief Minister –  
  
“When will the Council of Ministers be producing its migration and population policy and how will it ensure that it meets the timetable it sets?”
9. Deputy R. Labey of St. Helier will ask the following question of the Chief Minister –  
  
“Will the Minister explain to the Assembly why he is considering the creation of a £120,000 per annum senior officer post at External Relations?”
10. The Connétable of St. John will ask the following question of the Minister for Treasury and Resources –  
  
“Following the adoption by the States of P.78/2015 ‘La Collette Low Rise: protection of open space’, can the Minister confirm how and when he instructed Andium Homes of the decision of the Assembly and whether he did so in writing?”
11. The Deputy of St. John will ask the following question of the Chief Minister –  
  
“Could the Minister explain the origin of the annual additional income received by the States of Jersey from the Office of Communications (Ofcom) and state whether this funding could be used to assist Social Security to provide free television licences for all persons over the age of 75 and if not, why not?”
12. Senator Z.A. Cameron will ask the following question of the Minister for Treasury and Resources –  
  
“What assessment has been made of whether the proposed chairman of the States of Jersey Development Company has enough capacity to properly oversee the activities of the company, sufficient to justify a salary of £40,000 for 24 days, the equivalent of £420,000 per annum?”



- \* 13. Deputy L.M.C. Doublet of St. Saviour will ask the following question of the Minister for Home Affairs –

“Can the Minister provide an update on the progress the Council of Ministers have made in relation to the 1,001 Days Initiative, including details of any changes to the funding of current projects and/or the creation of any new projects?”

- \* 14. The Deputy of St. John will ask the following question of the Minister for Education –

“Given that changes to the UK curriculum now require more of students at a younger age, could the Minister advise whether teachers or parents have voiced any concerns regarding the effect of additional pressure on children to meet the new standards expected of them and, if so, how does he propose to alleviate such concerns?”

- \* 15. Deputy J.M. Maçon of St. Saviour will ask the following question of the Minister for Education –

“Given the undertaking of the Chief Minister to come forward with higher education funding proposals by the end of the first quarter of this year, can the Minister provide any indication of what these proposals will include and whether this timetable will be met?”

16. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Social Security –

“Will the Minister agree to a wide-ranging examination of working terms and conditions for domestic care workers to examine whether some means of regulation of these conditions should be introduced?”

17. Deputy J.A. Hilton of St. Helier will ask the following question of the Minister for Health and Social Services –

“Given that the Minister has not responded to emails dated 21st and 24th January, which were copied to the Chief Minister and the Minister for Treasury and Resources, inviting them to participate in a public meeting on 11th February at 7.30 p.m. in the Town Hall to discuss People’s Park as a possible new location for the hospital, can the Minister advise whether he intends to attend the meeting?”

18. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Social Security –

“What provisions are in place to protect workers from exploitation, particularly in relation to maximum working hours, break entitlements and rest times between shifts?”

19. Deputy S.Y. Mézec of St. Helier will ask the following question of the Minister for Infrastructure –

“Following indications from Unite the Union that a ballot is imminently to be taken by employees at his Department on strike action, what actions, if any, is the Minister taking to find a resolution to this dispute?”

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

1st question period – Minister for Infrastructure

2nd question period – Minister for the Environment



## J. PERSONAL STATEMENTS

## K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

## L. PUBLIC BUSINESS

Draft Debt Remission (Individuals) (Jersey) Law 201-. P.153/2015.  
Lodged: 9th December 2015.  
*Chief Minister.*

Draft Children's Property and Tuteurs (Jersey) Law 201-. P.156/2015.  
Lodged: 15th December 2015.  
*Chief Minister.*

Draft Dogs (Amendment No. 4) (Jersey) Law 201-. P.157/2015.  
Lodged: 15th December 2015.  
*Chief Minister.*

Jersey Police Complaints Authority: re-appointment of Chairman. P.158/2015.  
Lodged: 21st December 2015.  
*Minister for Home Affairs.*

Draft Health and Safety (Management in Construction) (Jersey) Regulations 201-. P.159/2015.  
Lodged: 22nd December 2015.  
*Minister for Social Security.*

Jersey Bank Depositors Compensation Board: appointment of members. P.163/2015.  
Lodged: 24th December 2015.  
*Chief Minister.*

States of Jersey Development Company Limited: appointment of Chairman. P.1/2016.  
Lodged: 5th January 2016.  
*Minister for Treasury and Resources.*

## M. ARRANGEMENT OF PUBLIC BUSINESS

### 23rd February 2016

Concessionary bus fares for the disabled: discussions with LibertyBus. P.140/2015.  
Lodged: 10th November 2015.  
*Deputy M. Tadier of St. Brelade.*

Concessionary bus fares for the disabled: discussions with LibertyBus P.140/2015.  
(P.140/2015) – comments. Com.  
Presented: 14th December 2015.  
*Council of Ministers.*

Draft Taxation (Implementation) (International Tax Compliance) (United States of P.160/2015.  
America) (Amendment) (Jersey) Regulations 201-.  
Lodged: 24th December 2015.  
*Minister for External Relations.*



- Draft Taxation (Implementation) (International Tax Compliance) (United Kingdom) (Amendment) (Jersey) Regulations 201-. P.161/2015.  
Lodged: 24th December 2015.  
*Minister for External Relations.*
- Draft Financial Regulation (Miscellaneous Provisions No. 3) (Jersey) Law 201-. P.162/2015.  
Lodged: 24th December 2015.  
*Chief Minister.*
- Draft Dentistry (Jersey) Law 2015 (Appointed Day) Act 201-. P.2/2016.  
Lodged: 12th January 2016.  
*Minister for Health and Social Services.*
- People's Park: removal from list of sites under consideration for future new hospital. P.3/2016.  
Lodged: 19th January 2016.  
*Connétable of St. Helier.*
- 8th March 2016**
- Draft Act annulling the Planning and Environment (2016 Fees) (Jersey) Order 2015. P.4/2016.  
Lodged: 19th January 2016.  
*Deputy S.M. Wickenden of St. Helier.*
- 22nd March 2016**
- Draft Commissioner for Standards (Jersey) Law 201-. P.120/2015.  
Lodged: 15th October 2015.  
*Privileges and Procedures Committee.*
- La Collette Low Rise Development: direction to Andium Homes Ltd. P.139/2015.  
Lodged: 9th November 2015.  
*Deputy R. Labey of St. Helier.*
- \* Draft Aircraft (Registration) (Amendment) (Jersey) Law 201-. P.7/2016.  
Lodged: 2nd February 2016.  
*Minister for Economic Development, Tourism, Sport and Culture.*

**DR. M. EGAN**  
**Greffier of the States**

1st February 2016

**Note –**

An asterisk \* in the left-hand margin denotes either a new item added to this Order Paper since the principal Order Paper was published on 28th January 2016, or an item which has been altered or moved.



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

(See Item B)

### **R&O.10/2016.**

This Order provides for the conduct of proceedings in the Employment and Discrimination Tribunal (the “Tribunal”).

#### *Part 1 – Introductory and general*

*Article 1* sets out the interpretative provisions.

*Article 2* provides that the overriding objective of the Order is to enable the Tribunal to deal with cases fairly and justly.

*Article 3* contains provisions on the calculation of time and extending and shortening time limits.

#### *Part 2 – Starting a claim*

*Article 4* sets out the requirements for the presentation of a claim in the Tribunal and *Article 5* provides that a claim must be rejected by the Secretary of the Tribunal if there is material deviation from the form supplied or it doesn’t contain the name and address of all parties, or by the Chairman or a Deputy Chairman of the Tribunal if there is no jurisdiction to consider the claim or it is in a form that cannot be sensibly responded to or is otherwise an abuse of the process.

*Article 6* provides for the reconsideration of a rejection made under *Article 5*.

#### *Part 3 – Response to claim*

*Article 7* provides for the Tribunal to send the respondent a copy of the claim and further information within 5 days. *Article 8* provides that a respondent has 21 days from the date that the copy of the claim was sent in which to present a response.

*Article 9* provides that a response must be rejected if there is material deviation from the form supplied, certain information is not contained in the response or if it is presented late.

*Article 10* provides for the reconsideration of a rejection made under *Article 9*.

*Article 11* allows a respondent to make an application for an extension of time for presenting the response to a claim.

*Article 12* sets out how a Tribunal will determine a claim if no valid response is presented or the respondent does not contest a claim.

*Article 13* requires the Tribunal to send a copy of the accepted response to the other parties.

#### *Part 4 – Counterclaim*

*Articles 14 to 16* set out the process for presenting, and responding to, a counterclaim.

#### *Part 5 – Matters preliminary to hearing*

*Article 17* provides for an initial consideration of the claim and response. *Articles 18 and 19* set out the process for the dismissal of all, or part, of the claim or response, if at this stage the Chairman or a Deputy Chairman considers that the claim, response, or the part in question, has no reasonable prospect of success.

*Articles 20 to 25* set out the Tribunal’s case management and other powers and the procedure for making applications for case management orders.

*Article 20* sets out the Tribunal’s general power to manage proceedings. *Article 21* sets out the procedure for making applications for case management orders.

*Article 22* provides for the Tribunal to add, substitute or remove parties.

*Article 23* introduces a lead case mechanism, which enables the Tribunal to identify claims giving rise to common or related issues of fact and law, specify one or more of those claims as a lead claim, and stay the other claims. The related cases are bound by decisions in the lead case on the related issues, although a party may apply for such a decision not to apply to a related case.

*Article 24* provides the Tribunal with the power to strike out all or part of a claim or response if one of the specified grounds applies.





*Article 25* provides that an unless order may specify that all or part of a claim or response must be struck out if the order is not complied with by a specified date.

#### *Part 6 – Hearings*

*Articles 26 to 31* set out the rules common to all kinds of hearings, including rules on written representations (*Article 27*), witnesses (*Article 28*), timetabling (*Article 29*) hearings by electronic communication (*Article 30*) and what happens in the case of non-attendance of a party (*Article 31*). *Article 32* enables the Tribunal to make an order preventing or restricting public disclosure of proceedings if necessary in the interests of justice, to protect a person's rights under the European Convention on Human Rights where disclosure is prohibited by an enactment, where the information was communicated in confidence, would cause substantial injury to the relevant business or to Jersey or relates to a child or is of a sexual nature. Paragraph (3) lists examples of orders which may be made under this rule. Any person with a legitimate interest may, if he or she did not have opportunity to make representations before the order was made, apply for such an order to be revoked or discharged.

*Article 33* sets out the procedure for withdrawal of a claim.

*Article 34* sets out the scope of, and procedure for, interim hearings and *Article 35* does the same for final hearings. *Article 36* provides for the conversion from interim hearing to final hearing and vice versa.

#### *Part 7 – Judgments*

*Article 37* provides for the announcement, recording and the giving of reasons for making orders. *Article 38* is concerned with the delivery of decisions and reasons for them.

*Article 39* provides for the matters the Tribunal may take into consideration in determining amounts of compensation for hurt and distress in discrimination cases.

*Article 40* covers certain matters ancillary to judgments, including when a judgment takes effect and the time for compliance with a judgment that requires the payment of money.

*Article 41* requires the Judicial Greffier to maintain a register of judgments.

#### *Part 8 – Delivery of documents*

*Articles 42 to 45* concern the requirements on delivery of documents. *Article 46* requires parties to copy all communications that they sent to the Tribunal to all other parties.

#### *Part 9 – Miscellaneous*

*Article 47* contains provisions about conciliation and mediation and *Article 48* provides that where proceedings are referred to the Tribunal by a court the Order applies as if they were presented by the complainant.

*Article 49* provides for the title of the Order and for it to come into force on 1st April 2016.

The Order was made on 29th January 2016 and comes into force on 1st April 2016.

### **R&O.11/2016.**

This Order specifies the dates and times in 2016 when the Jersey Motor Cycle and Light Car Club may close the Bouley Bay Hill and Five Mile Road courses to normal traffic and use them for the purposes of motor races and practices.

The Order was made on 1st February 2016 and came into force forthwith on being made.

### **R&O.12/2016.**

This Order permits the Jersey Motor Cycle and Light Car Club to hold sand races and practices on various parts of the beaches at Millbrook, St. Ouen's Bay and West Park on various dates in 2016.

The Order was made on 1st February 2016 and came into force forthwith on being made.



## **Explanatory note regarding appointments of Scrutiny Panels**

(See Item F)

Standing Order 135(2)(b) provides that each Scrutiny Panel shall consist of a number of members determined by the Chairman of the Panel, but not more than 4, who must be elected members who are not Ministers or Assistant Ministers. Standing Order 135(3) provides that an elected member of a Scrutiny Panel cannot be a member of more than 2 Scrutiny Panels and can only be Chairman of one.

After announcing the number of members that he or she wants, the Chairman will make his or her nominations. The Presiding Officer will invite alternative nominations and, if alternative nominations are made, a secret ballot will be held.