

STATES OF JERSEY ORDER PAPER

Tuesday 27th March 2007

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Matrimonial Causes (Amendment) Rules 2007. R&O 43/2007.
Superior Number of the Royal Court.

Royal Court (Amendment No. 5) Rules 2007. R&O 44/2007.
Superior Number of the Royal Court

C. DOCUMENTS PRESENTED OR LAID

Land Transactions under Standing Order 168(3) – R.25/2007.
Le Marais Phase 2 Development – sale of land to Jersey Electricity Company Ltd.
to facilitate the installation of a sub-station and section pillar.
Presented: 15th March 2007.
Minister for Treasury and Resources.

Public Lotteries: report for 2006. R.26/2007.
Presented: 15th March 2007.
Minister for Economic Development.

Jersey Community Relations Trust: strategic plan – 2007 to 2011. R.27/2007.
Presented: 21st March 2007.
Chief Minister.

States' Aggregate Expenditure. R.28/2007.
Presented: 22nd March 2007.
Comptroller and Auditor General.

The Planning Process (S.R.2/2007) – response of the Minister for Planning and S.R.2/2007. Res.
Environment.
Presented: 15th March 2007.
Minister for Planning and Environment.

Electoral Reform (P.4/2007): comment. P.4/2007. Com.
Presented: 19th March 2007.
Privileges and Procedures Committee.

D. NOTIFICATION OF LODGED PROPOSITIONS

E. WITHDRAWAL OF LODGED PROPOSITIONS

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

G. MATTERS OF PRIVILEGE

H. PETITIONS

I. QUESTIONS

(a) – Written Questions

(attached)

- 1 The Minister for Social Security will table an answer to a question asked by Deputy D.W. Mezbourian of St. Lawrence regarding the need to prove one's identity when applying for a social security card.
2. The Minister for Treasury and Resources will table an answer to a question by Senator B.E. Shenton concerning the sale of the Mont Mado quarry.
3. The Minister for Transport and Technical Services will table an answer to a question by Deputy D.W. Mezbourian of St. Lawrence regarding the way in which parking fines can be appealed.
4. The Minister for Housing will table an answer to a question by Deputy S. Pitman of St. Helier regarding the circumstances in which tenants could be evicted from properties identified for sale within the Social Housing Property Plan.
5. The Minister for Housing will table an answer to a question by Deputy S. Pitman of St. Helier regarding the redevelopment of Convent and Caesarea Courts.
6. The Chief Minister will table an answer to a question by Deputy G.P. Southern of St. Helier concerning 'j' category employees.
7. The Minister for Treasury and Resources will table an answer to a question by Deputy G.P. Southern of St. Helier in relation to the sale of Jersey Telecom.
8. The Minister for Economic Development will table an answer to a question by Deputy G.P. Southern of St. Helier in connexion with the subsidy of BMI's Heathrow route.
9. The Minister for Economic Development will table an answer to a question by Deputy G.P. Southern of St. Helier concerning the growth of the job market.
10. The Minister for Economic Development will table an answer to a question by Deputy G.P. Southern of St. Helier concerning the granting of a licence to a third supermarket operator.

(b) – Oral Questions (90 minutes)

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

“Would the Chief Minister inform members whether the findings of the Population Review Officer Group will be released for public consultation and, if so, when?”
2. Deputy J.A. Martin of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Would the Minister inform members how many more people were registered with the Income Tax Department in 2006 under the new ITIS scheme than in 2005 and whether the numbers are crossed referenced with the amount of licences issued under the Regulations of Undertakings and Development Law?”
3. Deputy S. Pitman of St. Helier will ask the following question of the Minister for Planning and

Environment –

“Following the launch of the Eco-Active Initiative, would the Minister inform members, whether his Department will be developing a States policy to reduce the use of paper and envelopes, increase the recycling of such resources, and encourage the use of recycled products?”

4. Deputy K.C. Lewis of St. Saviour will ask the following question of the Minister for Treasury and Resources -

“Would the Minister advise members whether he has been notified by Jersey Post of any plans to close post offices in the Island”

5. The Connétable of St. John will ask the following question of the Minister for Planning and Environment –

“Would the Minister advise members when he or his Department’s officers were first made aware of the proposed development and bypass scheme in St John, how many meetings were held to discuss the proposal, on what dates they were held and who was present?”

6. The Connétable of Grouville will ask the following question of the Minister for Treasury and Resources –

“In his written answer to a question on 13th February 2007 referring to the Drug Trafficking Confiscation Fund, the Minister referred to some applications being turned down because they were not ‘80% for illegal drug misuse’; would the Minister explain to the Assembly what this condition means and also what other conditions are attached to these funds?”

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

“Would the Minister inform members whether all the patients from Leoville and McKinstry wards at Overdale have now moved and if not, how many are still in the wards and what plans are in place as to when and where they will be moved?”

8. Deputy R.G. Le Hérisier of St. Saviour will ask the following question of the Minister for Treasury and Resources -

“Are there any plans in the near future to extend the opening hours of the Central Market?”

9. Deputy R.G. Le Hérisier of St. Saviour will ask the following question of the Minister for Housing –

“Will the Minister advise members how his Department estimated the number of units of sheltered housing which will be required in the immediate future and would he further advise what will happen to the properties vacated by tenants moving to such sheltered accommodation?”

10. The Connétable of Grouville will ask the following question of the Minister for Planning and Environment –

“Would the Minister update the Assembly on the publication date for the new Energy Policy report?”

11. Deputy K.C. Lewis of St. Saviour will ask the following question of the Chief Minister–

“Would the Chief Minister advise members whether he has been notified of any plans to revise Protocol 3 under the new draft treaty for the European constitution, and, if so, will he also advise whether any pressure has been brought to bear in relation to any changes which specifically affect Crown Dependencies including the Channel Islands?”

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

“What consideration, if any, has the Chief Minister given to the possibility of submitting a complaint to the European Union, possibly in conjunction with his counterpart in Guernsey, concerning the United Kingdom government’s favourable treatment of the Isle of Man’s Value Added Tax revenues?”

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

“Would the Minister inform members how much progress has been made in developing the new Health Register for all Islanders, whether there have been any data protection issues and, if so, what these are?”

14. The Deputy of St. Martin will ask the following question of the Minister for Home Affairs –

“Would the Minister advise members what advice she received to enable her to make the statement in P.18/2007 that the Draft Prison (Amendment No 6) Jersey Law 200- P.18/2007 is compatible with the Convention Rights of the Human Rights (Jersey) Law 2000?”

15. Deputy S. Pitman of St. Helier will ask the following question of the Minister for Social Security –

“Would the Minister inform members how many people have contacted the Department to request assistance in completing the new Income Support forms, how many have still not returned the forms and what will happen to those who do not return them by the Department’s stated deadline?”

16. Senator B.E. Shenton will ask the following question of the Minister for Treasury and Resources –

“Would the Minister inform members why he proceeded with significant asset disposals before addressing the requirement for additional commercial expertise within Property Holdings, which had been identified within the Public Accounts Committee’s Report on the States’ Property Plan and would he advise the extent of the relevant Accounting Officer’s responsibilities in this area, and confirm the number of employees and estimated total cost of running Property Holdings for 2007?”

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

1st question period – Minister for Health and Social Services.

2nd question period – Minister for Education, Sport and Culture

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

The Chairman of the Education and Home Affairs Scrutiny Panel will make a statement about the Panel’s review of Higher Education funding.

L. PUBLIC BUSINESS

- President of Chairmen's Committee: vote of no confidence. P.40/2007.
Lodged: 12th March 2007.
Deputy S.C. Ferguson of St. Brelade.
- Senator S. Syvret: expression of disapproval for conduct. P.43/2007.
Lodged: 13th March 2007.
Deputy G.C.L. Baudains of St. Clement.
- Draft Employment (Minimum Wage) (Amendment No. 2) (Jersey) Regulations P.14/2007.
200-(*Third Reading*)
Lodged: 30th January 2007.
Minister for Social Security.
(*The Regulations were adopted in the Second Reading on 13th March 2007.*)
- Former Jersey College for Girls: proposed sale. P.30/2007.
Lodged: 27th February 2007.
Deputy R.C. Duhamel of St. Saviour.
- Draft Road Traffic (No. 57) (Jersey) Regulations 200. P.161/2006.
Lodged: 1st December 2006.
Minister for Transport and Technical Services.
- Draft Road Traffic (No. 57) (Jersey) Regulations 200 (P.161/2006): amendment. P.161/2006.
Lodged: 23rd January 2007. Amd.
Minister for Transport and Technical Services.
- Electoral Reform. P.4/2007.
Lodged: 11th January 2007.
Deputy G.P. Southern of St. Helier.
- Electoral Reform (P.4/2007): comment. P.4/2007. Com.
Presented: 19th March 2007.
Privileges and Procedures Committee.
- Draft Sea Fisheries (Licensing of Fishing Boats) (Amendment No. 3) (Jersey) P.15/2007.
Regulations 200-.
Lodged: 2nd February 2007.
Minister for Economic Development.
- Draft Regulation of Investigatory Powers (Amendment) (Jersey) Law 200-. P.19/2007.
Lodged: 6th February 2007.
Minister for Home Affairs.
- Draft Centeniers (Terms of Office) (Jersey) Law 200-. P.20/2007.
Lodged: 6th February 2007.
Comité des Connétables.
- Draft Règlements (200-) sur le tarif des honoraires des Jurés-Justiciers. P.21/2007.
Lodged: 8th February 2007.
Chief Minister.

Draft Employment (Amendment No. 3) (Jersey) Law 200. P.24/2007.
Lodged: 13th February 2007.
Minister for Social Security.

M. ARRANGEMENT OF PUBLIC BUSINESS FOR FUTURE MEETINGS

17th April 2007

Draft Telecommunications (Public Pensions) (Jersey) Regulations 200-. P.27/2007.
Lodged: 20th February 2007.
Minister for Treasury and Resources.

Draft Housing (General Provisions) (Amendment No. 25) (Jersey) Regulations P.31/2007.
200-.
Lodged: 27th February 2007.
Minister for Housing.

Draft Customs and Excise (Amendment No. 4) (Jersey) Law 200. P.32/2007.
Lodged: 2nd March 2007.
Minister for Home Affairs.

Tevielka, La Rue de la Haye du Puits, Grouville: proposed deed of arrangement. P.33/2007.
Lodged: 5th March 2007.
Minister for Treasury and Resources.

Annual Business Plan 2007: Property Plan. P.34/2007.
Lodged: 5th March 2007.
Chief Minister.

Draft Financial Services Commission (Amendment No. 4) (Jersey) Law 200. P.35/2007
Lodged: 6th March 2007.
Minister for Economic Development.

Le Squez Redevelopment Phase 1b: redefinition of boundaries. P.36/2007.
Lodged: 6th March 2007.
Minister for Housing.

Draft Goods and Services Tax (Jersey) Law 200-. P.37/2007
Lodged: 6th March 2007.
Minister for Treasury and Resources.

1st May 2007

Composition and Election of the States Assembly: proposed reform. P.145/2006.
Lodged: 3rd November 2006.
Senator B.E. Shenton.

Composition and Election of the States Assembly: proposed reform (P.145/2006): P.145/2006.
amendments. Amd.
Lodged: 28th December 2006.
Deputy G.P. Southern of St. Helier.

Draft Prison (Amendment No. 6) (Jersey) Law 200. P.18/2007.
Lodged: 5th February 2007.
Minister for Home Affairs.

JT Group Limited (“Jersey Telecom”): proposed sale. P.28/2007.
Lodged: 20th February 2007.
Minister for Treasury and Resources.

Draft Sea Fisheries (Les Minquiers) (Jersey) Regulations 200-. P.38/2007.
Lodged: 9th March 2007.
Minister for Economic Development.

Draft Sea Fisheries (Trawling, Netting and Dredging) (Amendment No. 2) (Jersey) P.39/2007.
Regulations 200-.
Lodged: 9th March 2007.
Minister for Economic Development.

Draft Public Employees (Contributory Retirement Scheme) (General) (Amendment P.42/2007.
No. 9) (Jersey) Regulations 200.
Lodged: 12th March 2007.
Chief Minister.

15th May 2007

5th June 2007

Draft Water Resources (Jersey) Law 200- . P.26/2007.
Lodged: 19th February 2007.
Minister for Planning and Environment.

19th June 2007

Social Housing Property Plan 2007–2016. P.6/2007.
Lodged: 16th January 2007.
Minister for Housing.

M.N. DE LA HAYE
Greffier of the States

22nd March 2007

Note –

In accordance with the meeting dates fixed for 2007 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 28th and Thursday 29th March 2007.

Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.43/2007.

Two small defects in the Matrimonial Causes Rules 2005 have recently come to light.

The first concerns Rule 6 which requires that a person with whom adultery is alleged to have been committed be made a co-respondent in the cause unless the Court otherwise directs "pursuant to Article 15" of the Matrimonial Causes (Jersey) 1949. The reference to Article 15 is in fact wrong. It should be a reference to Article 17 of the Law.

The other defect concerns Rule 42(1) which provides that an application by a spouse for a decree nisi, pronounced against the spouse, to be made absolute may be made after the expiration of 6 weeks from the date of the decree nisi. This provision is in fact at odds with Article 20(3) of the 1949 Law which provides that the party against whom the decree has been granted is at liberty to apply for a decree absolute only after the expiration of 3 months from the earliest date on which the party who obtained the decree nisi could have made such an application. Rule 42(1) therefore requires amendment to render it consistent with Article 20(3) of the Law.

The Rules remedy both of these defects.

The Rules were made by the Superior Number of the Royal Court on 22nd March 2007 and come into force on 29th March 2007.

R&O.44/2007

These Rules amend further the Royal Court Rules 2004 ("the principal Rules") insofar as they relate to the procedure on appeals under the Planning and Building (Jersey) Law 2002. The Rules are concerned in particular with the procedure on appeals under Article 114 of the Law which provides for so called 'third party appeals'. These are appeals by persons who have an interest in land, or are resident on land, any part of which is within 50 metres of any part of the site to which a planning permission relates.

The Rules consist of 5 *Rules* and 1 *Schedule*.

Rule 1 merely define the principal Rules.

Rule 2 inserts a new *Rule 15/3D* relating to planning appeals by third parties under Article 114 of the Law.

The new *Rule* requires a third party appellant, at the same time as serving his or her notice of appeal on the Minister, to cause a copy of the notice also to be served on the person to whom planning permission was granted ('the applicant'). It similarly requires the Minister to serve a copy of the Minister's affidavit (in reply to the notice of appeal) on the applicant as well as on the third party appellant.

The applicant then has 14 days within which to inform the Greffier whether or not he or she wishes to be heard at the appeal. An applicant who wishes to be heard may, within those 14 days, lodge with the Greffier and serve on the third party appellant and on the Minister an affidavit setting out anything relevant to the determination of the appeal not contained in the Minister's affidavit. An applicant who wishes to be heard is automatically joined as a party to the appeal with the attendant rights of pleading and audience.

Rules 3 and *4*, respectively, amend Schedule 4 and substitute Schedule 4A to the principal Rules. Schedule contains the form of Notice of Appeal against an administrative decision and Schedule 4A contains the form of Notice of Appeal under the Planning and Building Law.

In both forms of notice, the appellant will be required to specify not only the date on which, but the time at which, the appellant intends to apply to the Bailiff's Secretary to fix a day for the hearing of the appeal.

In the form of notice for a planning appeal, there is a consequential adjustment regarding the requirement to serve the notice, in the case of a third party appeal, on the person to whom the planning permission had been granted (i.e. on the applicant).

Rule 5 is the usual citation provision and provides for the Rules to come into force on 1st April 2007 (which is when Article 114 of the Planning and Building Law comes into force).

The Rules were made by the Superior Number of the Royal Court on 22nd March 2007 and come into force on

1st April 2007.

WRITTEN QUESTIONS

(See Item I(a))

The Minister for Social Security will table an answer to the following question asked by Deputy D.W. Mezbourain of St. Lawrence –

In the absence of a statutory requirement to provide evidence of identity in order to be issued with a Social Security card, has the Minister given consideration to introducing a policy whereby such proof of identity is required and if so, when will this be introduced, what document will be considered acceptable as proof of identity and for what reason?

The Minister for Treasury and Resources will table an answer to the following question asked by Senator B.E. Shenton –

Would the Minister explain in detail the rationale behind his original decision to offer for sale the Mont Mado quarry exclusively to three neighbours rather than place the property on the open market to achieve the best price for the Jersey taxpayer?

The Minister for Transport and Technical Services will table an answer to the following question asked by Deputy D.W. Mezbourian of St. Lawrence –

Would the Minister advise Members whether there is an appeals system in place for parking tickets issued by his Department and, if so, will he please describe the appeals process. Additionally, would the Minister advise whether, if a genuine mistake can be proven to have been made, the whole of the fine or only a partial amount can be waived and if so, who is responsible for making that decision?

Would the Minister provide details of the number of appeals which were made in 2006, 2005 and 2004 and also advise the number of successful applications in each year, identifying whether that was for a complete or partial waiver?

The Minister for Housing will table an answer to the following question asked by Deputy S. Pitman of St. Helier –

Would the Minister inform members whether there are any circumstances in which those States Tenants whose homes are designated for sale under the Social Housing Property Plan will be evicted?

The Minister for Housing will table answers to the following questions asked by Deputy S. Pitman of St. Helier –

1. Would the Minister inform members how many new units will replace Convent Court and Caesarea Court (high rise), once they are demolished? Furthermore, would he also confirm the number and type of these units i.e. 1, 2, 3 bedroom and sheltered housing accommodation?
2. Following the Minister's statement on 27th February 2007 that each individual resident of Convent and Caesarea Court would be visited 'this year' to assess their need and requirements with regard to the newly built units, would the Minister inform members how soon these visits will take place?
3. Would the Minister inform Members when the concrete degradation of Caesarea and Convent Courts was identified as a serious concern by his Department?
4. In an answer on 27th February 2007, regarding the elderly residents of Caesarea Court, the Minister informed members that he will be 'working very closely with the Planning Minister to try to identify land that we desperately need to produce more sheltered homes for the elderly'. Would the Minister clarify for

Members whether he was only referring to the elderly residents currently living at Caesarea Court and, if not, would he explain to which 'elderly' people he was actually referring?

The Chief Minister will table answers to the following questions asked by Deputy G.P. Southern of St. Helier—

Question 1

- (a) Will the Chief Minister advise whether the ratio of 1.8 dependants per immigrant worker arising from the 2001 census is still applicable to new 'j' category employees today, and if not will he inform members what the correct figure is?
- (b) Will he further inform members –
 - (i) what overall change occurred in 'j' category consent activity between the first half of 2006 (to June 1st) and the second half in real and percentage terms?
 - (ii) what change occurred in the proportions of time-limited and unlimited consents over this period?
- (c) Does the Chief Minister consider that there is a link between the 77% rise (from 84 to 149) in 'j' category purchase consents between 2005 and 2006, the increase in permanent 'j' category licences and the change in policy to allow private sector 'j' categories to purchase in their own names? Is the trend in increased 'j' category numbers and 'j' category purchase consents predicted to continue?
- (d) Given that the 2% of the working population who are 'j' categories were responsible for 7.3% of house purchase consents in 2006, does the Chief Minister still maintain that 'j' category activity has no effect on house-price inflation which we have witnessed in the latter half of 2006 and into 2007?
- (e) Does the Minister anticipate that the rate at which 'j' category approvals become converted into 'j' category housing consents will increase now that most 'j' categories will be permanent appointments?

Question 2

Will the Minister reveal to members what figures are projected for possible net annual inward migration to achieve the 2% economic growth called for in the economic growth plan and whether this figure refers to heads of households only or includes dependants?

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

- (a) Would the Minister advise members whether he initially considered that a global telecoms operator would be the best and most likely purchaser of JT, and, if so, does he remain of that view or has some form of private equity now become more likely, and if so, does this eliminate the possible benefit from economies of scale predicted and increase the risks of major asset-stripping or job losses following privatisation?
- (b) Does the Minister now accept that statements from the Jersey Competition Regulatory Authority's own report to the Economic Development Minister, and reproduced on page 69 of S.R.5/2007 that both the Competition (Jersey) Law 2005 and the Telecommunications (Jersey) Law 2002 are "*not optimal*" do provide evidence that the powers of the JCRA do require review, contrary to his answers of the 13th March 2007?
- (c) Is the Minister able to assure members that he would make every effort, as Minister for Treasury and Resources, to ensure that the Jersey Competition Regulatory Authority has sufficient funds to enable it to enforce its decisions under the Competition (Jersey) Law 2005?

The Minister for Economic Development will table an answer to the following question asked by Deputy G.P.

Southern of St. Helier –

Would the Minister agreed to publish the advice he received from the JCRA over the subsidy to BMI for the Heathrow link?

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

What information on the growth of the job market, particularly any rise in the number of low paid jobs, through the Regulations of Undertaking and Development Law or other means, does the Minister have to add to the investigation conducted by Social Security, Treasury and Resources and the Economic Advisor into the increase in levels of Supplementation?

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

Would the Minister agree to bring any decision to grant a licence to a third supermarket operator to the States for approval? Will he further inform the Assembly what talks, if any, have taken place with possible operators and in particular with respect to the Waterfront, whether any understandings or agreements have been reached?

ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

1st Session –

	First 15 minute period	Second 15 minute period
	Minister	Minister
17th April	Planning and Environment	Chief Minister
1st May	Social Security	Housing
15th May	Treasury and Resources	Chief Minister
5th June	Home Affairs	Economic Development
19th June	Transport and Technical Services	Chief Minister
3rd July	Health and Social Services	Education, Sport and Culture
17th July	Planning and Environment	Chief Minister

2nd Session –

	First 15 minute period	Second 15 minute period
	Minister	Minister
11th September	Social Security	Chief Minister
25th September	Housing	Treasury and Resources
9th October	Home Affairs	Chief Minister
23rd October	Economic Development	Transport & Technical Services
6th November	Health and Social Services	Chief Minister
20th November	Education, Sport and Culture	Planning and Environment
4th December	Social Security	Chief Minister