



STATES OF JERSEY ORDER PAPER

Tuesday 22nd November 2011

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Shops (Regulation of Opening) (Fête dé Noué 2011) (Jersey) Order 2011. <i>Minister for Economic Development.</i>	R&O.148/2011.
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C. DOCUMENTS PRESENTED OR LAID

Reform of Jersey law relating to security interest in movable property – Stage 2: extension to tangible movables – White Paper. Presented: 16th November 2011. <i>Minister for Economic Development.</i>	R.137/2011.
Succession Planning within the States of Jersey Police (S.R.7/2011): response of the Minister for Home Affairs. Presented: 17th November 2011. <i>Minister for Home Affairs.</i>	S.R.7/2011. Res.
Issues surrounding the review of financial management of Operation Rectangle. Presented: 9th November 2011. <i>Education and Home Affairs Scrutiny Panel.</i>	S.R.16/2011.
Report on the Accounts of the States of Jersey for the year ended 31st December 2010. Presented: 11th November 2011. <i>Public Accounts Committee.</i>	P.A.C.3/2011.

D. NOTIFICATION OF LODGED PROPOSITIONS

Draft Criminal Justice (International Co-operation) (Amendment No. 2) (Jersey) Law 201-. Lodged: 15th November 2011. <i>Minister for Home Affairs.</i>	P.181/2011.
Draft States of Jersey Police Force Law 201-. Lodged: 16th November 2011. <i>Minister for Home Affairs.</i>	P.182/2011.

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

- (i) Appointment of President of the Chairmen's Committee
- (ii) Appointment of the Members of the Privileges and Procedures Committee.
- (iii) Appointment of the Members of the Public Accounts Committee.
- (iv) Appointment of the Members of the Scrutiny Panels in the following order -
 - (a) Corporate Services
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- (v) Appointment of Members of the Jersey Overseas Aid Commission.
- (vii) Appointment of two Members of the States Employment Board



M. ARRANGEMENT OF PUBLIC BUSINESS

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Clos des Sables: further development – petition. Lodged: 6th July 2011. <i>Deputy M. Tadier of St. Brelade.</i>	P.121/2011.
Clos des Sables: further development – petition (P.121/2011) – report of the Minister for Treasury and Resources. Presented: 31st August 2011. <i>Minister for Treasury and Resources.</i>	P.121/2011. Rpt.
Jersey Business Venture: future role. Lodged: 5th September 2011. <i>Senator A. Breckon.</i>	P.150/2011.
Homebuy or Shared Equity Scheme: approval by the States. Lodged: 30th September 2011. <i>Senator A. Breckon.</i>	P.163/2011.
Old Age Pension: method for increase. Lodged: 3rd October 2011. <i>Senator A. Breckon.</i>	P.164/2011.
<i>Ex gratia</i> payment: Mr. D. Turner. Lodged: 4th October 2011. <i>Deputy M.R. Higgins of St. Helier.</i>	P.166/2011.
Mobile dental service funded from the Health Insurance Fund. Lodged: 13th October 2011. <i>Senator A. Breckon.</i>	P.170/2011.
Draft Endangered Species (CITES) (Jersey) Law 201-. Lodged: 17th October 2011. <i>Minister for Planning and Environment.</i>	P.171/2011.
Draft Shipping (MARPOL) (Jersey) Regulations 201-. Lodged: 18th October 2011. <i>Minister for Economic Development.</i>	P.172/2011.
Draft Criminal Justice (Miscellaneous Provisions) (No. 3) (Jersey) Law 201-. Lodged: 20th October 2011. <i>Chief Minister.</i>	P.173/2011.
Election campaign period: restrictions. Lodged: 21st October 2011. <i>Deputy R.G. Le Hérissier of St. Saviour.</i>	P.174/2011.
St. Helier Waterfront: development. Lodged: 21st October 2011. <i>Connétable of St. Helier.</i>	P.175/2011.
Medium Term Financial Plan: minimum lodging period. Lodged: 21st October 2011. <i>Deputy G.P. Southern of St. Helier.</i>	P.176/2011.



Medium Term Financial Plan: minimum lodging period (P.176/2011) – amendment. Lodged: 1st November 2011. <i>Minister for Treasury and Resources.</i>	P.176/2011. Amd.
Standing Orders: Answers to Questions. Lodged: 21st October 2011. <i>Deputy G.P. Southern of St. Helier.</i>	P.177/2011.
Draft Pet Travel Scheme (Jersey) Regulations 201-. Lodged: 25th October 2011. <i>Minister for Planning and Environment.</i>	P.178/2011.
Draft Telecommunications (Amendment No. 2) (Jersey) Law 201-. Lodged: 26th October 2011. <i>Minister for Economic Development.</i> (Cannot be debated before 7th December 2011)	P.179/2011.
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Price control: investigation. Lodged: 3rd October 2011. <i>Deputy G.P. Southern of St. Helier.</i>	P.165/2011.
Price control: investigation (P.165/2011) – comments. Presented: 31st October 2011. <i>Minister for Economic Development.</i>	P.165/2011. Com.
Draft Employment (Minimum Wage) (Amendment No. 8) (Jersey) Regulations 201-. Lodged: 28th October 2011. <i>Minister for Social Security.</i>	P.180/2011.
Draft Criminal Justice (International Co-operation) (Amendment No. 2) (Jersey) Law 201-. Lodged: 15th November 2011. <i>Minister for Home Affairs.</i>	P.181/2011.
Draft States of Jersey Police Force Law 201-. Lodged: 16th November 2011. <i>Minister for Home Affairs.</i>	P.182/2011.

M.N. DE LA HAYE
Greffier of the States

17th November 2011



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.148/2011.

This Order designates the 4 Sundays in and around the Fête dé Noué 2011 (that is 27th November, 4th December, 11th December and 18th December) as special occasions for the purposes of the Shops (Regulation of Opening) (Jersey) Regulations 2011. This means that, under the Regulations, the Connétable of a parish may, by notice published in the Jersey Gazette, grant a blanket permit in relation to the opening of the types of shops specified in the notice on any such special occasion.

The Order was made on 8th November 2011 and came into force on 9th November 2011.

R&O.149/2011.

This Order substitutes the form of manpower return required to be made twice a year by a person carrying on an undertaking.

The Order was made on 8th November 2011 and came into force on 15th November 2011.

R&O.150/2011.

This Order revokes the Community Provisions (Implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia) (Jersey) Order 2007. The Order implements in Jersey the Council Regulation (EU) No. 1048/2011 of 20th October 2011 (OJ No. L 276, 21.10.2011, p.1) repealing Regulation (EC) No. 1763/2004 imposing certain restrictive measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY).

The Order was made on 10th November 2011 and came into force forthwith.

R&O.151/2011.

This Order applies and implements the following European Council Regulations in the Jersey context – Council Regulation (EC) No. 889/2005 of 13 June 2005 imposing certain specific restrictive measures in respect of the Democratic Republic of Congo (OJ No. L 152/1, 15.6.2005), as amended up to 16 July 2008; and

Council Regulation (EC) No. 1183/2005 of 18 July 2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo (OJ No. L 193/1, 23.7.2005), as amended up to 1 November 2011.

The first of those Regulations imposes restrictions on providing technical or financial assistance to persons in the Democratic Republic of the Congo and the second of those Regulations freezes funds of certain persons of the Democratic Republic of the Congo.

The Order was made on 10th November 2011 and came into force on 11th November 2011.

R&O.152/2011.

Article 119 of the Extradition (Jersey) Law 2004 allows Orders to be made to extend to customs officers provisions of that Law that concern the police, and to extend to persons arrested by customs officers provisions of that Law that apply to persons arrested by police.

This Order prescribes certain police powers under that Law that customs officers may exercise, as long as they do so in relation to “assigned matters”, that is, matters assigned to customs and excise under the Customs and Excise (Jersey) Law 1999 or any other enactment.



At the same time, this Order applies the safeguards under the Extradition (Jersey) Law 2004 to persons arrested by customs officers under that Law.

Article 1 sets out definitions relating to customs and excise.

Article 2 makes it clear that a person detained under the Extradition (Jersey) Law 2004 may be transferred from customs detention to police detention and *vice versa*.

Article 3 prescribes that the provisions of the Extradition (Jersey) Law 2004 specified in Schedule 1 to this Order apply (subject to the modifications set out in Schedule 2 to this Order) to –

- (a) customs officers; and
- (b) persons arrested by customs officers.

Article 4 enables customs officers to seize things during lawful searches that the customs officers carry out under the Extradition (Jersey) Law 2004, being searches for the purposes of an assigned matter – even if the things seized do not relate to an assigned matter.

Article 5 names the Order and provides for it to commence a week after it is made.

Schedule 1 specifies 3 classes of provisions of the Extradition (Jersey) Law 2004 that are to apply to customs officers and persons arrested by customs officers –

- (a) certain provisions (specified by number) setting out powers of police officers and rights of persons arrested by police officers;
- (b) most of the other provisions (specified generically) to the extent that the provisions are capable of application to customs officers; and
- (c) provisions (specified generically) to the extent that the provisions are capable of application to persons arrested by customs officers.

Schedule 2 adapts some of the provisions specified in Schedule 1 in their application to customs officers.

The Order was made on 10th November 2011 and came into force on 17th November 2011.

R&O.153/2011.

This Order replaces the Firearms (General Provisions) (Jersey) Order 2001. It makes administrative arrangements in respect of applications for and the issue of firearm certificates, permits, approvals for shooting clubs and certificates of registration as a firearms dealer.

The Order was made on 10th November 2011 and came into force on 17th November 2011.

R&O.154/2011.

This Order amends the Police Procedures and Criminal Evidence (Application to Customs and Excise) (Jersey) Order 2004 in order further to extend to customs officers certain police powers under the Police Procedures and Criminal Evidence (Jersey) Law 2003. Those powers are accompanied by certain safeguards for persons in relation to whom the police or customs officers exercise those powers.

Article 1 specifies that that Order is to be referred to here as the principal Order.

Article 2 rewords Article 2 of the principal Order. The reworded Article is not different in substance, but is more in line with the corresponding Article (Article 3) under the proposed Extradition (Application to Customs and Excise) (Jersey) Order 2011-.

Article 3 omits Article 6 of the principal Order because this Article is now spent.

Article 4 amends the list (in Schedule 1) of certain Articles of the Police Procedures and Criminal Evidence (Jersey) Law 2003 whose application is to extend to customs officers –

- (a) by adding several of the interpretation provisions from Part 1;
- (b) by adding Article 30(1) on bail conditions and Article 31 on bail on arrest (both brought into force in 2010); and



- (c) by adding Article 44 conferring a power of arrest where a person breaches bail conditions and Article 45(1) on re-arrest of a person on bail when new evidence comes to light (both brought into force in 2010).

Schedule 2 of the principal Order contains adaptations of the wording of the Police Procedures and Criminal Evidence (Jersey) Law 2003. These modifications apply only in relation to the exercise by customs officers of powers under that Law.

Article 5 of the amendment Order amends Schedule 2 in order to adapt some of the recently commenced provisions referred to above (Articles 30, 31 and 44) as well as generally to fine-tune the application of the Articles listed in Schedule 1 in their application to customs officers.

Article 6 names the Order and provides for it to commence a week after it is made.

The Order was made on 10th November 2011 and came into force on 17th November 2011.

R&O.155/2011.

This Order prescribes the requirement for registration as an architect in Jersey and the particulars to be provided by an applicant for registration.

A person may register as an architect in Jersey if the person is registered in Part 1 of the Register of Architects regulated by the Architects Registration Board in the United Kingdom.

The Order was made on 10th November 2011 and came into force on 21st November 2011.

R&O.156/2011.

This Order is made under Article 8 of the Sex Offenders (Jersey) Law 2010 (“the Law”) to require persons subject to the notification requirements of that Law to give notification of their travel outside Jersey. Under Article 8(5) of the Law it is an offence to fail to comply with the notification requirements of the Law and this Order, unless the person has a reasonable excuse for the non-compliance. It is also an offence knowingly to provide false or misleading information (no excuse can be offered for doing so).

Article 1 is the interpretation provision. A departure notification is the notification that must be given before a person leaves Jersey, and a return notification is the notification that must be given after the person returns. “Point of arrival” in a county or territory is defined to mean a station, port or airport in certain cases, instead of the point where the train, ship or airplane crosses the boundary of the county or territory. Paragraphs (3) and (4) ensure that it is not sufficient for a person to claim that their notification was accurate as to their intentions at the time of giving it, even though those intentions or external circumstances later changed so that the actual travel did not tally with the notification. Instead the notification is not properly given unless the travel does then occur as set out in the notification.

Article 2 requires a person subject to the notification requirements of the Law (a “notifier”) to give a notification before leaving Jersey (a supplementary departure notification may also be required – see *Article 4*), and after any return. It also specifies to whom the notification must be given and where, and how the person giving it must identify himself or herself.

Article 3 specifies part of the content of a departure notification, and the latest time by which it must be given before the departure. Under Article 8(2)(a) and (b) of the Law, a departure notification must disclose the date of departure and the first destination (and the point of arrival in that country). Under this Order the departure notification must also disclose as much information as the person holds, at the time of giving the notification, about: any carrier used on departure (and any used to arrive in any further countries); the accommodation used for the first night (and for the second night, if in a different country); any carrier used to arrive in any other country after the first; and the date, point of arrival and carrier for any return journey to Jersey.

The departure notification must be given at least 7 days before departure. There is an exception, allowing the notification to be given at least 24 hours before departure, where the person can prove an exceptional need to leave Jersey urgently (of which they became aware less than 7 days before needing to leave, and which was not caused with a view to avoiding the 7 day requirement).



Article 4 requires a supplementary departure notification to be given (no later than 24 hours before departure), if the original departure notification was given before the person held all the information prescribed by Article 3(1). The supplementary departure notification must disclose the missing information, or as much of it as the person holds by 24 hours before departure (giving the reason why any is still not held by that point).

Article 5 requires a return notification to disclose the date, point of arrival and carrier in relation to the person's return to Jersey. It requires the return notification to be given by the end of the day after the person's return. But it allows that period to be extended if the person is in custody or hospital (in a similar fashion to extension of the period for the original notification under the Law).

Article 6 gives transitional provisions to deal with cases following commencement of the Order. The requirement to give a departure notification (which must be given at least 7 days before departure) only applies to a departure after the first 14 days from commencement of the Order. A person who returns to Jersey after commencement of the Order, having left Jersey before or within 14 days after the commencement (so without being required to give a departure notification), is nevertheless required to give a return notification, but is given an extended period of 14 days after return in which to do so.

Article 7 gives the name of the Order and brings it into force 7 days after it is made.

The Order was made on 14th November 2011 and came into force on 21st November 2011.

R&O.157/2011.

This Order prescribes certain notification requirements and types of court order from the jurisdictions within the United Kingdom as equivalent to provisions in the Sex Offenders (Jersey) Law 2010. The equivalent provisions under that Law are notification requirements under Article 3, restraining orders under Article 10 and child protection orders under Article 11. The effect is that their prescribed United Kingdom equivalents can be enforced in Jersey if an offender travels to Jersey.

The Order was made on 14th November 2011 and came into force on 21st November 2011.

R&O.158/2011.

Article 1 defines "principal Order" to mean the Income Tax (Superannuation Funds) (Jersey) Order 1972.

Article 2 amends the principal Order so as to specify, for the purposes of Article 131 of the Income Tax (Jersey) Law 1961 ("Law"), the circumstances in which the Comptroller of Taxes may approve a scheme or fund under Article 131 notwithstanding that the rules of scheme or fund allow for the payment of a lump sum representing the accrued rights of an employee. The circumstances are that sums not exceeding £5,000 representing an employee's accrued rights under the scheme or fund may be paid to such a person in the event that the employee's employment ceases (other than by reason of retirement) or the scheme or fund is wound up or closed.

Article 3 amends the principal Order by specifying the circumstances in which an individual may commute the whole of a fund in the event of serious ill health. Under the existing provisions, the definition of serious ill health is left to be defined in the rules of the scheme or fund. Under the new provisions, such a commutation can only be made when a registered medical practitioner, as defined in the Law, has given evidence to the trustees or other person having management of the fund or scheme that the individual is expected to live for less than one year.

Article 4 sets out the title of the Order and provides that it will come into force 7 days after it is made.

The Order was made on 15th November 2011 and came into force on 22nd November 2011.

R&O.159/2011.

This Order amends the Social Security (Collection of Contributions) (Jersey) Order 2011 (the "principal Order").

Article 1 is the interpretation provision.



Article 2 amends Article 3 of the principal Order. A person who, formerly, was liable to pay contributions in Jersey, but whose liability ceased during a period of absence from Jersey, is required by Article 3 to inform the Social Security Department if he or she returns to Jersey. This amendment narrows that requirement so that it applies only if the returning person becomes ordinarily resident in Jersey.

Article 3 deletes Articles 9 and 10 of the principal Order. Articles 9 and 10 contained rules regarding the determination of the earnings of a Class 1 insured person. The rules are, by another Order, relocated to the Social Security (Contributions) (Jersey) Order 1975.

Article 4 amends Article 11 of the principal Order. The amendment revises the procedures for making Class 2 contributions. It also deletes provisions regarding the eligibility of a Class 2 insured person to make reduced rate contributions. The provisions are, by another Order, relocated to the Social Security (Contributions) (Jersey) Order 1975.

Article 5 inserts Article 15A in the principal Order. Article 15A imposes new obligations on employers to notify the Minister of certain events. These are –

- a person becoming or ceasing to be an employer,
- an employer ceasing trading or becoming insolvent,
- a change of address of an employer, or
- a change in shareholdings in or control of an employer, if the change causes, or the employer suspects it may cause, an insured person's classification to change by virtue of the Social Security (Classification) (Jersey) Order 1974 – for example, the rule in that Order which requires certain employees to be classified as Class 2 insured persons.

Article 6 provides for the citation of the Order and its commencement.

The Order was made on 16th November 2011 and comes into force on 1st January 2012.

R&O.160/2011.

This Order amends the Social Security (Contributions) (Jersey) Order 1975 (the “principal Order”).

Article 1 defines the principal Order.

Article 2 inserts Part A1 in the principal Order. Part A1 contains interpretation provisions for the purposes of the Order.

Article 3 amends Article 6 of the principal Order. The amendment merely renumbers a reference to the existing Schedule to the principal Order, consequentially upon the insertion, by this Order, of 2 new Schedules, described below.

Article 4 amends Article 8 of the principal Order. Article 8 excepts a person from liability to pay contributions whilst the person is in prison or otherwise lawfully detained. The amendment provides that, notwithstanding the exception, a prisoner or other person lawfully detained will be liable to pay contributions if the person is undertaking paid work outside the prison or place of detention as part of a programme of rehabilitation, for more than 8 hours a week.

Article 5 amends Article 9 of the principal Order. Article 9 excepts a person who is in receipt of survivor's benefit from liability to pay contributions. The amendment revises the rule so as to apply to a person who is in receipt of survivor's allowance.

Article 6 amends Article 10 of the principal Order. Article 10 excepts a person from liability to pay Class 2 contributions if the person is in full-time education or training. The amendment limits the exception so that it no longer applies to a person in training.

Article 7 deletes Article 11 of the principal Order consequentially upon the re-enactment of the provisions contained in it, in Article 14A described below.

Article 8 substitutes Articles 12 and 13 of the principal Order and introduces new provisions regarding liability to pay Class 2 contributions. The existing Articles 12 and 13, together, created a rule for the exception from liability to pay Class 2 contributions in the case of a person with a small income. That rule is re-enacted in the substituted Article 12.



The substituted Article 13 and the new Articles 13A to 13C re-enact and expand 3 further rules which are relocated from the Social Security (Collection of Contributions) (Jersey) Order 2001 (the “2001 Order”).

The substituted Article 13, which must be read with Article 13B, replaces the exception from liability to pay Class 2 contributions that was formerly in Article 11(12) of the 2001 Order.

Article 13A replaces and expands the rule for entitlement to pay reduced rate Class 2 contributions, formerly in Article 11(7) to (10) of the 2001 Order. Paragraphs (1) to (4) describe different cases in which a person may apply to make reduced rate contributions, according to the relative values of, firstly, the person’s income from self-employment and Class 1 earnings, if any, for the second complete year preceding the current year, and, secondly, the person’s total income for that preceding year. In each case, different rules apply to determine the amount of the person’s earnings by reference to which the reduced rate contributions are calculated.

Article 13B contains interpretative material that supplements Articles 13 and 13A.

Article 13C re-enacts Article 11(6) of the 2001 Order. It applies in the case of an employed person with earnings below the lower monthly earnings limit. Such a person is reclassified as a Class 2 insured person by the Social Security (Classification) (Jersey) Order 1974. This provision has the effect that any Class 2 contributions payable by the person are reduced by the amount of any Class 1 contributions paid in respect of the person.

Article 13D is a new concession for a person commencing a business or joining or taking over a business, if the person, prior to doing so, was a Class 1 insured person, or was unemployed or in full-time education.

The general concession is to pay, during the opening years of the business, Class 2 contributions which are only 1/3 of the contributions that would be payable in respect of earnings equal to the standard monthly earnings limit. However, if the new business is that of a provider of child day care accommodation or child day carer whose registration under the Day Care of Children (Jersey) Law 2002 only authorizes the person to provide care for one child, or that of a share fisherman, the concession is to pay, during the opening years, Class 2 contributions in respect of earnings equal to the lower monthly earnings limit.

The standard monthly earnings limit and the lower monthly earnings limit are specified in Schedule 1B to the Social Security (Jersey) Law 1974.

The opening years of a business are defined as follows. If the person commences, joins or takes over the business in January, the concession is available for that year and the following year. If the person commences, joins or takes over the business after the end of January, the concession is available for the remainder of that year and the following 2 years.

Although the concession may be available for more than 2 years, the person must apply for it each year, within certain time limits. For example, if the application for the concession is made before 15th June, the concession is granted for the whole of the year, but if the application is made after 15th June but on or before 15th September, the concession would only be granted with effect from 1st April.

A person who has been granted a concession in respect of a business commencement will not be granted a further concession for another business commencement within 5 years.

Article 13E provides for a person’s liability to pay contributions for an opening year of a new business to be reassessed once his or her tax assessment for the year for which the concession is given is available.

If the person would not have been liable to make any contributions for the opening year, the person can elect whether or not to receive a refund of contributions. If the person receives a refund, any benefits paid are deducted from the amount refunded, and the person’s contribution credits are recalculated to take account of the refund. If the person chooses not to have a refund, there is no recalculation but, if the person has received benefits in excess of the contributions paid, the person is liable to pay the excess.

If the reduced rate contributions that the person would have been liable to pay for the year are less than the contributions that the person actually paid at the concessionary rate, the difference is refunded to the person and the person’s contribution credits are recalculated. If the reduced rate contributions that the person would have been liable to pay for the year are more than the contributions that the person paid at the concessionary rate, the person is required to pay the shortfall, within 28 days and, when the payment is made, the person’s contribution credits are recalculated.



This rule for recalculation depends upon the person complying with a requirement to submit his or her tax assessment for the year. If the person does not submit the assessment once it is available, the person is guilty of an offence under Article 26, as substituted below. In addition, the person shall be liable to pay the difference between the contributions he or she has paid under the concession and the full rate Class 2 contributions that were payable for the year.

Article 9 inserts Article 14A in the principal Order. Article 14A replaces the rule for production of evidence that was formerly in Article 11 of the principal Order and also limits the Minister's discretion to extend the period for provision of evidence, so that it may not be extended by more than 13 weeks. New rules are added for the time by which evidence must be provided by persons in education and persons entitled to home responsibilities credit.

Article 10 amends Article 15 of the principal Order. Article 15 contains rules about the amount of contributions to be credited under the principal Order. The amendment provides for contribution credits to be calculated daily, rather than monthly.

Article 11 amends Article 16 of the principal Order. Article 16 enables a person over 60 but under 65 to apply for an exception from liability to pay contributions, if the person leaves employment or otherwise ceases to be gainfully occupied. The amendment has the effect that the exception will end if the person recommences employment or other gainful occupation. The person is required to inform the Minister and, if the person commences employment, his or her employer, that the exception has ended.

Article 12 amends Article 22 of the principal Order. Article 22 describes how late payments of contributions are treated for the purposes of entitlement to survivor's benefit, incapacity pension or old age pension. If the late payment is made more than one calendar year after the year in which the contribution period fell, the amount required to make the payment may be adjusted. If the contribution was to pay full rate Class 2 contributions, the person is required to pay the amount of full rate Class 2 contributions applicable for the month in which the payment is made (if that amount is greater than the contribution originally due). If the contribution was to pay reduced rate Class 2 contributions, and the standard monthly earnings limit has increased since the contribution was originally due, the contribution payment is uplifted by a percentage equal to the increase in the standard monthly earnings limit.

Article 13 substitutes Article 26 of the Law so as to make it an offence to fail to comply with the requirement to produce a tax assessment, in Article 13E(1), or to produce evidence as required by Article 14A, both described above.

Article 14 gives effect to the Schedule.

Article 15 renames the existing Schedule to the principal Order, consequentially upon the insertion of the new Schedules 1 and 2, described below.

Article 16 provides for the citation of this Order and its commencement on 1st January 2012.

The Schedule contains Schedules 1 and 2, being inserted in the principal Order. Schedule 1 modifies what constitutes the earnings of a Class 1 insured person. Schedule 2 defines what constitutes the income from self-employment of a Class 2 insured person and the total income of a Class 2 insured person. These definitions are, in particular, relevant to Articles 13 and 13A, described above. Schedule 2 also modifies what constitutes the earnings of a Class 2 insured person, in the cases described in the said Article 13A.

The Order was made on 16th November 2011 and comes into force on 1st January 2012.

R&O.161/2011.

This Order revokes Article 3 of the Social Security (General Benefit) (Jersey) Order 1975. That Article contained rules for computation of earnings for the purposes of determining amounts of benefit. The rules are obsolete, as the benefits currently payable are not dependent upon the recipient's earnings.

The Order was made on 16th November 2011 and comes into force on 1st January 2012.



Note regarding the appointment process

(See Item F)

President of the Chairmen's Committee

Standing Order 121(1) provides that the President of the Chairmen's Committee shall be appointed from amongst the persons who are members of the Committee.

The Presiding Officer will invite nominations for the position. Only the 6 Chairmen (the Chairman of PAC and 5 scrutiny panel chairmen) are eligible for nomination. If there is more than one nomination each candidate will speak for up to 10 minutes with a 20 minute question period. The candidates will speak and be questioned in the order in which they have been nominated. Other candidates must withdraw from the Chamber during the speeches and question period.

Following the speeches and question periods a secret ballot or ballots will be held until one candidate receives an overall majority of votes cast.

Members of the Privileges and Procedures Committee

Standing Order 122 provides that the Chairman of the Privileges and Procedures Committee shall nominate 3 elected members, who are neither Ministers nor Assistant Ministers, as members of the Committee. The Chairman, after consultation with the Chief Minister, will also nominate 2 elected members who are each a Minister or an Assistant Minister as members and he or she will also nominate one member of the Chairmen's Committee.

After the Chairman has made his or her nominations the Presiding Officer will invite alternative nominations within each of the 3 categories. Only members who meet the relevant criteria are eligible for membership in each category. If alternative nominations are made there will be a secret ballot for membership of the category concerned. In the ballot(s) members have the same number of votes as the number of places to be filled but do not have to use all their votes. The candidate(s) with the largest numbers of votes will be elected.

Elected members of the Public Accounts Committee

Standing Order 123(1) provides that the Chairman of the Public Accounts Committee shall indicate the number of elected members (being not less than 2) that he or she wishes to have as members of the Committee and should then nominate that number of elected members (who are neither Ministers nor Assistant Ministers) as candidates for appointment. Standing Order 131(b) provides that there must be an even number of members (but not less than 4) and half must be persons who are not members of the States. Only the elected members will be nominated at this meeting.

After the Chairman has made his or her nominations the Presiding Officer will invite alternative nominations. If alternative nominations are made a secret ballot will be held.

Members of the 5 scrutiny panels

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 of each panel (in the order shown in the Order Paper) 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.

2 States Commissioners of the Jersey Overseas Aid Commission

Under the Constitution in Schedule 1 to the Jersey Overseas Aid Commission Law 2005, the nominations of the 5 members of the Commission are made on the recommendation of the Chairman and therefore alternative nominations cannot be made by the Assembly. 2 of the Commissioners will be elected



members whilst the other 3 non-States Commissioners will be persons who are not members of the States (only the elected members are to be appointed at this meeting). Election as a States Commissioner is open to all members.

The Chairman of the Commission will make his or her 2 nominations and members will be asked to accept or reject the nominations.

2 members of the States Employment Board

The States Employment Board is chaired by the Chief Minister and consists of 2 Ministers or Assistant Ministers appointed by the Chief Minister and 2 States members who are not Ministers or Assistant Ministers appointed by the States. The Chief Minister will nominate 2 members who are not Ministers or Assistant Ministers for these 2 positions. The Presiding Officer will invite alternative nominations and, if alternative nominations are made, a secret ballot will be held.



ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

	First 15 minute period Minister	Second 15 minute period Minister
December 6th 2011	Treasury and Resources	Chief Minister
<u>First session 2012</u>		
January 17th	Education, Sport and Culture	Health and Social Services
January 31st	Home Affairs	Chief Minister
February 21st	Housing	Planning and Environment
March 6th	Social Security	Chief Minister
March 20th	Transport and Technical Services	Economic Development
April 17th	Treasury and Resources	Chief Minister
May 1st	Education, Sport and Culture	Health and Social Services
May 15th	Home Affairs	Chief Minister
May 29th	Housing	Planning and Environment
June 12th	Social Security	Chief Minister
June 26th	Transport and Technical Services	Economic Development
July 10th	Treasury and Resources	Chief Minister
July 17th	Education, Sport and Culture	Health and Social Services
<u>2nd session 2012</u>		
September 11th	Home Affairs	Chief Minister
September 25th	Housing	Planning and Environment
October 9th	Social Security	Chief Minister
October 23rd	Transport and Technical Services	Economic Development
November 6th	Treasury and Resources	Chief Minister
November 20th	Education, Sport and Culture	Health and Social Services
December 4th	Home Affairs	Chief Minister
December 11th	Housing	Planning and Environment