

# **STATES OF JERSEY**



## **REGULATORY REFORM: PROGRESS REPORT**

---

**Presented to the States on 20th December 2006  
by the Chief Minister**

---

**STATES GREFFE**

## REPORT

### **Section One: Background**

Following on from the adoption of P.134/2004 “Regulatory Reform” by the States in September 2004 a review of the Island’s legislation was carried out by all States departments in early 2005. Working Groups were established by each department to assess the legislation for which the department was responsible. Groups were asked to see if any examples of unnecessary “red tape” existed and if so to make recommendations for improvement or, if appropriate, repeal.

The Working Groups reported back in the spring of 2005 and a report summarising the results was presented to the States <sup>[1]</sup> in September 2005 (R.C.70/2005). At that time the President of the then Policy and Resources Committee, Senator Frank Walker, asked that all committee presidents report back at the end of July 2006 with a report on progress made by their departments in accordance with the recommendations put forward in the departmental reports.

A summary of the progress made by each department is referred to in Section Two of this report. The results are encouraging for a high proportion of the recommendations put forward last year have been actioned in one way or another. The following paragraphs in this section help put into context the work that departments have done over the last year.

#### ***(a) Change to Ministerial Government***

The transition from a committee-style system of government to a ministerial system took place in December 2005. It was noted in R.C.70/2005 that responsibility for some of the recommendations put forward by departments in their Red Tape reviews would be transferred to other departments once ministerial government became established. The 2006 update reports reflect these changes in departmental responsibilities.

#### ***(b) New States policies***

As mentioned in some of the responses filed at the end of the 2005 review period, a considerable proportion of the legislation for which departments had been responsible was either undergoing or about to undergo a policy review. Some of these policies, such as the Migration Policy and the Income Support Scheme, had not been presented to the States at the time of the Red Tape review. Many have now been adopted, including both of these initiatives and the Waste Strategy, the Cultural Strategy and the Fiscal Strategy.

The departmental updates confirm that much work has been done in connection with these policies since the end of the Red Tape review. However, the final effect of any changes which will arise as a result of these major new policy initiatives will take time and is not yet fully quantifiable.

#### ***(c) The Law Drafting Programme***

In many cases the recommendations that were made by the Working Groups will have required changes to current legislation. To secure law drafting time a department must put forward a bid for a place in the law drafting programme. Such bids are submitted annually and are considered by the States as part of the Annual Business Plan. If unsuccessful a bid has to be re-submitted the following year. Many of the recommendations put forward for change during the Red Tape review are currently included in the law drafting programme, but some bids were not included in the programme due to pressure on law drafting time.

#### ***(d) Departmental Business Plans***

States departments draw up annual business plans, and these currently include recommendations that were put forward as part of the Red Tape review.

### **Section Two: Departmental updates**

A summary of the work carried out by departments during the period June 2005 – June 2006 is provided below. Any changes in responsibility brought about by the move to ministerial government are highlighted.

**(a) Chief Minister's Department (formerly Policy and Resources Department)**

The department has responsibility for only a limited range of legislation. However the department was responsible for the Civil Service Administration (Jersey) Law 1948 and all its subordinate legislation, and it had sponsored proposals to replace this law with the Employment of States of Jersey Employees (Jersey) Law 2005. This new Law came into force in December 2005 with the introduction of the ministerial system of government. The new legal framework is much simpler than that which was previously in place and is designed to ensure that there is a consistent, coherent and harmonised approach to human resource management issues within the civil service.

**(b) Economic Development**

With the change to ministerial government the department took on additional responsibilities including the Harbours and Airport. Work on implementing the States' decision concerning the Migration Policy, which includes a complete review of the Regulation of Undertakings and Development (Jersey) Law 1973, is being continued by the Population Office.

By virtue of its extensive responsibilities the department put forward the longest list of recommendations at the end of the 2005 Red Tape review. A considerable amount of progress has been made in pursuit of these objectives.

Proposals for legislation relating to the financial services industry and gambling are included in the 2007 law drafting programme. Other drafting instructions relating to Intellectual Property matters; Plant Varieties; harbour dues and pilotage legislation; the SOLAS Convention <sup>[2]</sup> and Boat and Surf-riding Regulations are being finalised.

Reviews and/or consultation programmes are being planned in connection with the Places of Refreshment (Jersey) Law 1967; Sunday Trading; Licensing (Jersey) Law 1974 and the new Civil Aviation Law.

Seven pieces of legislation are in the process of being revoked. The intended revocations include the Weights and Measures (Person Weighing Machines) (Jersey) Order 1975; Repeal of the Weights and Measures (Ballast) (Jersey) Order 1968 and the Air Transport Permits (Jersey) Law 1998. Other legislation will be revoked once new legislation is in force to replace it, for example the Fees (Miscellaneous Amendments and Validations) (Jersey) Law 1999 <sup>[3]</sup> and Investors (Prevention of Fraud) (Jersey) Law 1967 <sup>[4]</sup> and the Consumer Protection (Jersey) Law 1964 <sup>[5]</sup>.

**(c) Education, Sport and Culture**

This department is responsible for relatively little legislation and the review prompted few recommendations for change. One area highlighted for consideration was the Public Library (Jersey) Regulations and Rules 2003. Work is currently under way to draft a new law relating to the public library which will remove any requirement to place library rules and regulations before the States for approval.

The other major area put forward for consideration was the Education (Discretionary Grants) (Jersey) Order 2001. The issue of funding for future student grants has received considerable attention this year. The consultation period on this subject has recently closed, and proposals are currently under consideration.

**(d) Health and Social Services**

Health and Social Services had recommended that legislation should be amended to enable changes to the level of fees to be set administratively rather than by Order. However it is recognised that this has implications for other departments who currently arrange for fees to be set by Order, and it is therefore proposed that this issue should

be considered as part of the forthcoming review of the first 12 months of ministerial government.

**(e) Home Affairs**

The divisions of the Home Affairs Department include Customs and Immigration, the Fire and Rescue Service, H.M. Prison, the Office of the Superintendent Registrar, and the States of Jersey Police. At the time of the Red Tape review the department also had responsibility for Driver and Vehicle Standards but this passed to Transport and Technical Services shortly after the change to ministerial government.

Two minor changes were put forward by the Customs and Immigration division. One of these changes related to the proposed repeal of the Immigration (Hotel Records) (Jersey) Order 1999, but this has not proceeded as in retrospect it was felt that further red tape would result, i.e. because additional mechanisms would have to be put in place to allow immigration officers to view records gathered by the tourism industry. The other change, which would amend the Customs and Excise (Jersey) Law 1999 so as to abolish the requirement for customs officers to swear an oath before the Royal Court, is currently being prepared.

The Fire and Rescue Section recommended updating the Fire Service legislation and bids to achieve this have been included in the 2006 law drafting programme. The other recommendation, relating to the changing of fee levels under the Petroleum (Jersey) Law 1984, has been adopted.

Home Affairs also considered the legislation relating to explosives, and drafting instructions for a new explosives law have now been prepared and forwarded to the Law Draftsman. A review of the whole process relating to firearms has been ongoing throughout the year, and a report on this review was published on 6th December 2006 ('Review of the Firearms (Jersey) Law 2000, and relevant processes', R.96/2006).

**(f) Housing**

Since the end of the review period the Housing Control section of the Housing Department has become part of the Population Office which reports to the Chief Minister's Department. However, for ease of reference, the work carried out by the Population Office has been included under this section for Housing.

Many of the recommendations contained in R.C.70/2005 relate to matters that are now administered by the Population Office, and these are being incorporated into the Migration Policy as it is developing.

In the course of developing the Migration Policy the Population Office is very mindful of issues surrounding red tape, and whilst the new proposals of individual and property registration will inevitably require administration, the clear objective is to keep that to a minimum, and to provide a more effective, less onerous system.

Specific progress has been made with regard to some Housing Law matters, such as the simplification of the procedures relating to the issue of "J" contracts. Moves are also being made to rationalise and simplify property classifications.

Other proposals are being worked through as part of the Migration Policy, perhaps most importantly, the Population Register, which will simplify procedures by combining Regulation of Undertakings Manpower Returns with Social Security returns.

The Draft Residential Tenancies (Jersey) Law 200- which deals with security of tenure is to be presented to the States for approval in 2007.

Housing association legislation is also due for change. Since this legislation must apply to the Housing Department (as a social housing landlord) just as much as to Housing Trusts, this is being dealt with as part of the overall review of social housing in the Island. This review is currently in progress and will be completed by the end of 2006.

**(g) Planning and Environment (formerly the 'Environment' element (including Planning) of the Environment and Public Services Department)**

The majority of changes recommended by Environment and Public Services related to utilities legislation, and responsibility for this area now lies with the Transport and Technical Services Department.

With regard to planning issues, the Working Group recommended that the Public Health (Control of Building) (Jersey) Law 1956 and the Island Planning (Jersey) Law 1964 be repealed. This recommendation has been effected as both were repealed when the new Planning and Building (Jersey) Law 2002 came into effect on 1st July 2006. Benefits arising from the introduction of the new Law include the new process for meetings of the Planning Applications Panel (i.e. open to the public); better publicity for applications; statutory Environmental Impact procedures; simpler procedures for designating listed buildings and protected trees; and more effective procedures for enforcement and for dealing with dangerous structures and demolition.

**(h) Social Security** (formerly *Employment and Social Security*)

The department is responsible for legislation in 5 areas: social security; health insurance; non-contributory benefits; employment and health and safety at work.

The review of construction legislation has been included in the 2007 law drafting programme. The review and changes to the Employers' Liability Compulsory Insurance legislation referred to in the earlier report submitted by the Social Security Department have been completed.

Social Security legislation was not considered in the Red Tape exercise as the work of the Department was focussed on the introduction of the Income Support Scheme. The review of Social Security legislation will commence in 2007 as soon as the Income Support Scheme has been implemented.

The proposals for the introduction of the new Income Support Scheme have been adopted by the States, and as a consequence a number of laws relating to benefits are being repealed. The implementation of the Scheme will result in a comprehensive overhaul of the manner in which individuals receive benefits, and provide for a single administration for both welfare and income-related benefits.

**(i) Transport and Technical Services** (formerly the *'Public Services' element of the Environment and Public Services Department*)

The department has yet to review the Island's utilities legislation, as recommended by the Environment and Public Services Working Group. However since the time of the Red Tape review the department has focussed on issues arising from the new Waste Strategy adopted by the States in 2005. In addition, several major road improvement schemes have been carried out on the Island's roads (e.g. at Havre des Pas; Queen's Road; Charing Cross and currently Springfield and St. Saviour's Hill). Considerable effort has been made to lessen any inconvenience to islanders and to save on costs whilst these projects have been implemented and the department has achieved a degree of success in both areas.

**(j) Treasury and Resources** (formerly *Finance and Economics*)

There have been no changes to report as only income tax legislation was considered last year during the Regulatory Reform exercise, and this is constantly under review<sup>[6]</sup> (other legislation was reviewed separately as part of the fiscal reform programme). However the new "ITIS" system of collecting income tax payments has been monitored by the department and changes are being considered to simplify some of the forms that require completion.

**(k) Change Team**

During the Red Tape review the Change Team dealt with issues centring on departmental working practices. Reference was made to their work in R.C.70/2005 and work has been ongoing throughout the last year.

Some comments received by the Change Team were dealt with at the time of the Red Tape review. For example,

changes to registration requirements for surfboards were promoted, the Airport information screens were revised, and changes were made by Social Security in response to comments about earnings related contributions procedures.

The ongoing drive to reduce internal bureaucracy continues. For example, recruitment advertising is now co-ordinated in a standard way that is both efficient and saving money.

The Customer Service Centre opened as a “one stop shop” in Cyril Le Marquand House in April 2006. The new telephone system being installed in all States departments will save the States almost £1/2 million per year, and this has both improved efficiency and facilitated the introduction of new services, such as the Customer Service Centre.

### **Section Three: Conclusion**

The commitment to reduce “red tape” is not being taken lightly.

As can be seen from the above updates, States departments have endeavoured to implement the recommendations made during the Red Tape review. They have done this at a time when major changes have been made to the way in which the Island’s government is administered and a number of major new policies have been adopted by the States. It may some time before the full impact of these new States policies becomes apparent. Nonetheless, the drive to reduce ‘red tape’ will be a continuing priority, and this is reflected in the statement in the Strategic Plan that we must promote a ‘reduction in unnecessary red tape’ (7).

Whilst it is accepted that a significant quantity of new legislation is still being introduced, it should be emphasised that this legislation is not generally regarded as being superfluous, nor is it generally perceived as introducing unnecessary “red tape”.

In this connection it is worth noting that new States-approved policies such as the Migration Policy and Income Support Scheme will need a legislative framework for their implementation. The finance industry legislation also needs constant review and updating in order to keep up with the industry needs and regulatory requirements.

The work undertaken by departments on Regulatory Reform will be taken into account during the forthcoming review of Regulatory Services that was agreed by the States in July 2006 during the debate on the Strategic Plan.

Under heading 2.4 of the Strategic Plan<sup>[7]</sup> it was agreed that proposals would be brought forward in 2006/7 “to ensure that such regulatory functions as are carried out by the States are appropriate and impartial”<sup>[8]</sup>. The Chief Minister’s Department has been charged with carrying out this review, and this will commence early in 2007.

## **COUNCIL OF MINISTERS**

### **14th December 2006**

---

<sup>[1]</sup> *Regulatory Reform: Report on the Review Findings R.C.70/2005.*

<sup>[2]</sup> *Safety of Life at Sea Convention 1974.*

<sup>[3]</sup> *The Law will become redundant when the Financial Services (Jersey) Law 1998 amendment allowing the Commission to raise its own fees is passed (scheduled for 2006).*

<sup>[4]</sup> *Will be repealed once the offence it covers is incorporated in the Financial Services (Jersey) Law 1998.*

[5] *To be repealed as soon as the new Consumer Protection (Jersey) Law 2006 receives Royal Assent.*

[6] *Regulatory Reform: Report on the Review Findings – R.C.70/2005, p.18.*

[7] *P.40/2006.*

[8] *States Strategic Plan 2006 – 2011, 2.4.1.*