



# STATES OF JERSEY ORDER PAPER

15th JANUARY 2019

## SUMMARY

The meeting will be preceded by a short service for members at 9.30 a.m.  
at the Parish Church of St. Helier.

- 10.30 a.m.                      Communications by the Presiding Officer and other announcements
- Appointments, matters of privilege, petitions (if any)*
- Approx. 10.40 a.m.              Summary of written questions
- Up to 2 hours                      Oral questions with notice
- Urgent questions (if any)*
- 2.15 p.m.  
Up to 30 minutes,  
divided between the  
two Ministers                      Oral questions without notice:
- Minister for Education
  - Minister for Economic Development, Tourism, Sport and Culture
- Statements
- Minister for External Relations regarding preparations for Brexit
- Approx. 3.00 p.m.              **Draft Financial Regulation (Miscellaneous Provisions No. 5) (Jersey) Law 201-** (P.138/2018)
- Draft Financial Regulation (Miscellaneous Provisions) (Amendment of Laws) (Jersey) Regulations 201-** (P.139/2018)
- Draft Alternative Investment Funds (Amendment) (Jersey) Regulations 201-** (P.140/2018)
- Draft Public Employees (Pension Scheme) (Miscellaneous Amendments) (Jersey) Regulations 201-** (P.141/2018)
- Draft Air Navigation (Rules of the Air) (Amendment) (Jersey) Regulations 201-** (P.142/2018)
- Children (Jersey) Law 2002: repeal of Article 79** (P.144/2018)
- Arrangement of public business at subsequent meetings

*Lunch adjournment likely around 12.45 p.m., until 2.15 p.m.*

*If business is not completed by around 5.30 p.m. the Assembly usually adjourns for the evening and will resume its meeting at 9.30 a.m. on Wednesday 16th and Thursday 17th January 2019 if necessary.*



## STATES OF JERSEY ORDER PAPER

15th JANUARY 2019  
at 10.30 a.m.

### A. COMMUNICATIONS BY THE PRESIDING OFFICER

### B. TABLING OF SUBORDINATE ENACTMENTS

*(Explanatory note attached)*

Long-Term Care Services (Health and Social Services Charges) (Amendment No. 6) (Jersey) Order 2018. <i>Minister for Health and Social Services.</i>	R&O.130/2018.
Motor Vehicles (Wearing of Seat Belts by Adults) (Amendment) (Jersey) Order 2018. <i>Minister for Infrastructure.</i>	R&O.131/2018.
Road Traffic (Periodic Technical Inspections – General Provisions) (Jersey) Order 2018. <i>Minister for Infrastructure.</i>	R&O.132/2018.
Road Traffic (Registration of Trailers – Vienna Convention) (Jersey) Order 2018. <i>Minister for Infrastructure.</i>	R&O.133/2018.
Long-Term Care (Benefits) (Amendment No. 7) (Jersey) Order 2018. <i>Minister for Social Security.</i>	R&O.134/2018.
Road Works (Permit Fees) (Jersey) Order 2018. <i>Minister for Infrastructure.</i>	R&O.135/2018.
Economic Development, Tourism, Sport and Culture (2019 Fees) (No. 2) (Jersey) Order 2018. <i>Minister for Economic Development, Tourism, Sport and Culture.</i>	R&O.136/2018.
Environment (2019 Fees) (Jersey) Order 2018. <i>Minister for the Environment.</i>	R&O.137/2018.
Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 16) (Jersey) Order 2018. <i>Minister for Health and Social Services.</i>	R&O.138/2018.
Home Affairs (Fire and Rescue and Petroleum – 2019 Fees) (Jersey) Order 2018. <i>Minister for Home Affairs.</i>	R&O.139/2018.
Regulation of Care (Fees) (Jersey) Order 2018. <i>Chief Minister.</i>	R&O.140/2018.
States of Jersey (Transfer of Functions – Regulation of Care) (Jersey) Order 2018. <i>Chief Minister.</i>	R&O.141/2018.
EU Legislation (Sanctions – Somalia) (Amendment No. 2) (Jersey) Order 2018. <i>Minister for External Relations.</i>	R&O.142/2018.



Community Provisions (Restrictive Measures – Eritrea) (Revocation) (Jersey) Order 2018. <i>Minister for External Relations.</i>	R&O.143/2018.
Infrastructure (Driver and Vehicle Standards – 2019 Fees) (Jersey) Order 2018. <i>Minister for Infrastructure.</i>	R&O.144/2018.
Road Works (Specified Road Works) (Amendment) (Jersey) Order 2018. <i>Minister for Infrastructure.</i>	R&O.145/2018.
Road Works (Supervisors and Operatives) (Jersey) Order 2018. <i>Minister for Infrastructure.</i>	R&O.146/2018.
Misuse of Drugs (Miscellaneous Amendments) (No. 7) (Jersey) Order 2018. <i>Minister for Health and Social Services.</i>	R&O.147/2018.
EU Legislation (Sanctions – Libya) (Amendment No. 7) (Jersey) Order 2019. <i>Minister for External Relations.</i>	R&O.1/2019.

### C. DOCUMENTS PRESENTED

Rejection of Planning Application relating to Retreat Farm, La Rue de La Frontière, St. Mary and Rue des Varvots, St. Lawrence: rescindment of Ministerial Decision (P.100/2018) and amendment (P.100/2018 Amd.) – comments. Presented: 8th January 2019, <i>Minister for the Environment.</i>	P.100/2018. and P.100/2018. Amd. Com.
States of Jersey Law 2005: delegation of functions – Minister for Health and Social Services – December 2018 – Capacity and Self-Determination (Jersey) Law 2016. Presented: 10th December 2018, <i>Minister for Health and Social Services.</i>	R.150/2018.
States of Jersey Law 2005: delegation of functions – Health and Social Services – December 2018 – Mental Health (Jersey) Law 2016. Presented: 10th December 2018, <i>Minister for Health and Social Services.</i>	R.151/2018.
Land Transactions under Standing Order 168(3) – First Tower Café, Victoria Avenue, St. Helier – surrender and renewal of existing lease. Presented: 13th December 2018, <i>Minister for Infrastructure.</i>	R.152/2018.
Transfers between heads of expenditure under the Public Finances (Jersey) Law 2005: Article 18(1)(c) and (1A) – 7th December 2018. Presented: 13th December 2018, <i>Minister for Treasury and Resources.</i>	R.153/2018.
Land Transactions under Standing Order 168(3) – La Collette sites LC05 and LC06 – proposed sub-letting from Ports of Jersey Ltd. Presented: 17th December 2018, <i>Minister for Infrastructure.</i>	R.154/2018.
Transition Report 2019. Presented: 17th December 2018, <i>Minister for Treasury and Resources.</i>	R.155/2018.
States of Jersey Complaints Board: findings – complaint by Mrs. Elaine Huggett against the Minister for Social Security regarding the way in which her pensions claim was administered. Presented: 20th December 2018, <i>Privileges and Procedures Committee.</i>	R.156/2018.



Review of the circumstances around the Jersey Competition Regulatory Authority's decision on ATF Fuels. R.157/2018.  
Presented: 20th December 2018, *Chief Minister*.

Transfers between Heads of Expenditure under the Public Finances (Jersey) Law 2005: Article 18(1)(c) and (1A) – 8th January 2019. R.1/2019.  
Presented: 10th January 2019, *Minister for Treasury and Resources*.

Response to the Care Inquiry: Update Report Quarter Four 2018. S.R.17/2018.  
Presented: 14th December 2018, *Education and Home Affairs Scrutiny Panel*.

Retail in Jersey. S.R.18/2018.  
Presented: 21st December 2018, *Economic Affairs Scrutiny Panel*.

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

Children (Jersey) Law 2002: repeal of Article 79. P.144/2018.  
Lodged: 13th December 2018, *Deputy M.R. Le Hegarat of St. Helier*.

Credit-related checks. P.145/2018.  
Lodged: 19th December 2018, *Deputy J.M. Maçon of St. Saviour*.

Andium Homes: authorisation of loan to develop the Ann Court site. P.146/2018.  
Lodged: 21st December 2018, *Deputy of St. Martin*.

Jersey Overseas Aid Commission: appointment of non-States Commissioner. P.147/2018.  
Lodged: 27th December 2018, *Minister for International Development*.

Draft European Union (United Kingdom Exit – Miscellaneous Amendments) (Jersey) Regulations 201-. P.148/2018.  
Lodged: 28th December 2018, *Minister for External Relations*.

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

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

## **G. MATTERS OF PRIVILEGE**

## **H. PETITIONS**

## **I. QUESTIONS**

(a) – **Written Questions**  
(attached)

WQ.1/2019 1. The Chief Minister will table an answer to a question asked by Senator S.W. Pallett regarding the States Communications Unit.

WQ.4/2019 2. The Assistant Chief Minister will table an answer to a question asked by Deputy K.F. Morel of St. Lawrence regarding licences granted to off-Island care providers.



- WQ.5/2019 3. The Minister for Treasury and Resources will table an answer to a question asked by Deputy K.F. Morel of St. Lawrence regarding States expenditure on off-Island and on-Island service providers respectively.
- WQ.6/2019 4. The Chief Minister will table an answer to a question asked by Deputy K.F. Morel of St. Lawrence regarding expenditure on the e-Gov project.
- WQ.7/2019 5. The Chief Minister will table an answer to a question asked by Deputy K.F. Morel of St. Lawrence regarding expenditure on the Government's digital transformation programme.
- WQ.8/2019 6. The Minister for Treasury and Resources will table an answer to a question asked by Deputy K.F. Morel of St. Lawrence regarding the tax status of non-resident carers who work in Jersey to provide 'live in' care.
- WQ.9/2019 7. The Chairman of the States Employment Board will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the announcement that 126 members of the Health and Community Services Department had seen their grades and pay wrongly increased.
- WQ.10/2019 8. The Chief Minister will table an answer to a question asked by Deputy L.M.C. Doublet of St. Saviour regarding the lodging of a proposition to require Ministers to assess the impact on children's rights of every law and regulation.
- WQ.11/2019 9. The Chairman of the States Employment Board will table an answer to a question asked by Deputy L.M.C. Doublet of St. Saviour regarding the provision of a copy of the U.N. Convention on the Rights of the Child to every States of Jersey employee.
- WQ.12/2019 10. The Minister for Home Affairs will table an answer to a question asked by the Deputy of St. John regarding the appointment of firefighters.
- WQ.13/2019 11. The Minister for Home Affairs will table an answer to a question asked by Deputy R.J. Ward of St. Helier regarding the development of Pyrotechnic Articles Regulations.
- WQ.14/2019 12. The Minister for Health and Social Services will table an answer to a question asked by Deputy S.M. Ahier of St. Helier regarding the number of hospital consultants who have left Jersey to take up another position in the last 10 years.
- WQ.15/2019 13. The Chairman of the States Employment Board will table an answer to a question asked by Deputy R.J. Ward of St. Helier regarding a review of teachers' terms and conditions of employment.
- WQ.16/2019 14. The Minister for Treasury and Resources will table an answer to a question asked by Deputy R.J. Ward of St. Helier regarding expenditure on Brexit preparations.
- WQ.17/2019 15. The Chairman of the States Employment Board will table an answer to a question asked by Deputy R.J. Ward of St. Helier regarding comparisons between private sector and public sector pay awards.
- WQ.18/2019 16. The Minister for Social Security will table an answer to a question asked by Deputy R.J. Ward of St. Helier regarding the use of zero-hour and short-term contracts in her department.
- WQ.19/2019 17. The Minister for Health and Social Services will table an answer to a question asked by Deputy K.G. Pamplin of St. Saviour regarding the treatment at the General Hospital of people with mental health conditions.
- WQ.20/2019 18. The Minister for Home Affairs will table an answer to a question asked by Deputy K.G. Pamplin of St. Saviour regarding the confinement of children in care to safe places or holding cells.



- WQ.21/2019** 19. The Minister for Children and Housing will table an answer to a question asked by Deputy K.G. Pamplin of St. Saviour regarding the waiting list for Islanders seeking accommodation via the Affordable Housing Gateway.
- WQ.22/2019** 20. The Chief Minister will table an answer to a question asked by Deputy K.G. Pamplin of St. Saviour regarding the organisations which registered as a charity by the end of 2018.
- WQ.23/2019** 21. The Minister for the Environment will table an answer to a question asked by Deputy K.G. Pamplin of St. Saviour regarding incidents of fly-tipping.
- WQ.24/2019** 22. The Minister for Infrastructure will table an answer to a question asked by Deputy C.S. Alves of St. Helier regarding expenditure on renting premises for use by States departments.
- WQ.25/2019** 23. The Minister for Home Affairs will table an answer to a question asked by Deputy C.S. Alves of St. Helier regarding the use of criminality checks in determining applications for settled status.
- WQ.26/2019** 24. The Minister for Children and Housing will table an answer to a question asked by Deputy C.S. Alves of St. Helier regarding the re-establishment of the rent tribunal.
- WQ.27/2019** 25. The Minister for Social Security will table an answer to a question asked by Deputy C.S. Alves of St. Helier regarding the use of reciprocal health agreements.
- WQ.28/2019** 26. The Chairman of the Privileges and Procedures Committee will table an answer to a question asked by Senator S.Y. Mézec regarding States members' declarations of interest.
- WQ.30/2019** 27. H.M. Attorney General will table an answer to a question asked by Senator S.Y. Mézec regarding the Bailiff's role as 'Guardian of the Constitution'.
- WQ.31/2019** 28. The Chief Minister will table an answer to a question asked by Senator S.C. Ferguson regarding the establishment of the new Growth, Housing and Environment Department.
- WQ.32/2019** 29. The Chief Minister will table an answer to a question asked by the Connétable of St. Brelade regarding the level of payments made to interim Directors General.
- WQ.33/2019** 30. The Minister for Economic Development, Tourism, Sport and Culture will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding financial assistance provided to the Jersey Reds Rugby Club.
- WQ.34/2019** 31. The Minister for Health and Social Services will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding policy proposals in respect of the primary care sector.
- WQ.35/2019** 32. The Minister for Treasury and Resources will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the reduction in anticipated fee income from the care sector in 2018.
- WQ.36/2019** 33. The Chief Minister will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the responsibility for enforcement actions undertaken on behalf of the States of Jersey.



**(b) – Oral Questions**

(120 minutes)

- OQ.3/2019 1. Deputy R.J. Ward of St. Helier will ask the following question of the Minister for the Environment –
- “Will the Minister request the Council of Ministers, on behalf of the Government of Jersey, to issue a statement to condemn Japan’s decision to withdraw from the International Whaling Commission and to resume commercial whaling?”
- OQ.12/2019 2. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Treasury and Resources –
- “Will the Minister explain the rationale behind her decision to grant £100,000 to the Jersey College for Girls Foundation for marketing the school to Chinese students and the process by which the bid was made, identifying the Ministers and senior officers involved; and will she state what other bids, if any, were considered at the same time and not prioritised?”
- OQ.2/2019 3. Senator S.Y. Mézec will ask the following question of the Chairman of the Privileges and Procedures Committee –
- “Will the Chairman update the Assembly on the progress made by the working party established to examine the role of the Bailiff; and will he explain when he anticipates this work will culminate in a proposition to be brought before the Assembly?”
- OQ.14/2019 4. The Deputy of St. Mary will ask the following question of the Minister for Treasury and Resources –
- “Following the Assembly’s decision on 19th July 2017 to move to the next item and to leave the debate on the proposition to introduce waste charges, so as to allow for further consultation and with the debate to resume the following autumn, will the Minister advise what steps, if any, have since been taken to progress matters?”
- OQ.1/2019 5. Deputy L.M.C. Doublet of St. Saviour will ask the following question of the Chief Minister –
- “What progress has the Chief Minister made in implementing ‘United Nations Convention on the Rights of the Child: compliance of draft Laws and training of States of Jersey employees’ (P.63/2017), which was adopted by the States on 26th September 2017?”
- OQ.8/2019 6. The Deputy of St. Martin will ask the following question of the Minister for the Environment –
- “Following his receipt of the report from the Independent Planning Inspector on the second hospital application, why is the Minister yet to issue his decision?”
- OQ.10/2019 7. The Connétable of St. Brelade will ask the following question of the Minister for Treasury and Resources –
- “Will the Minister explain to members why domiciliary care costs were not exempted from G.S.T. prior to 1st January 2019?”
- OQ.5/2019 8. Deputy K.G. Pamplin of St. Saviour will ask the following question of the Minister for Health and Social Services –
- “Further to the appointment of the new Director General of Health and Community Services, will the Minister provide an update on the appointment of a Director of Community and Adult Services and a Head of Health Modernisation following the end of the six-month interim contracts of the current postholders?”



- OQ.15/2019 9. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Health and Social Services –
- “Further to comments made to the media by a leading Pain Consultant, reported on 19th November 2018, regarding the use of medicinal cannabis, is it the Minister’s assessment that consultants who indicate they will not act in accordance with the decisions of the Assembly should remain in the employment of the States of Jersey?”
- OQ.7/2019 10. Deputy S.M. Ahier of St. Helier will ask the following question of the Minister for Health and Social Services –
- “Will the Minister advise the Assembly whether hospital prescriptions issued by the Accident and Emergency Department, when filed outside the hospital at local pharmacies (due to the hospital pharmacy being closed), are treated as private prescriptions and incur a charge; and if so, will the Minister explain why, given that G.P. prescription items are free of charge?”
- OQ.4/2019 11. Deputy R.J. Ward of St. Helier will ask the following question of the Minister for Economic Development, Tourism, Sport and Culture –
- “Given that the Island’s vehicle, passenger and ‘roll-on, roll-off’ freight ferry service provider is reportedly for sale this year, will the Minister undertake any investigation into the States nationalising, or taking a controlling interest in, the service in order to ensure a secure and reliable ferry service for the Island?”
- OQ.11/2019 12. The Connétable of St. Brelade will ask the following question of the Minister for Home Affairs –
- “Will the Minister advise members what contingency plans, if any, are in place in the event of drones being sighted in positions to compromise safety at Jersey Airport?”
- OQ.9/2019 13. Senator S.Y. Mézec will ask the following question of the Chairman of the Privileges and Procedures Committee –
- “Will the Chairman explain what consideration, if any, his Committee has given to the provisions of Standing Orders which govern how questions from elected States members are either approved or disallowed; and will he undertake to consider an amendment to Standing Orders that would explicitly allow members a right of appeal when they believe Standing Orders have been wrongly enforced in disallowing a question?”
- OQ.6/2019 14. Deputy K.G. Pamplin of St. Saviour will ask the following question of the Minister for Health and Social Services –
- “Will the Minister advise what plans, if any, are in place to support Islanders’ medical needs, including the delivery of medical supplies to the Island and the transfer of patients and their families in and out of the Island, in the event of a ‘No Deal Brexit’ on 29th March 2019?”
- OQ.13/2019 15. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Economic Development, Tourism, Sport and Culture –
- “Will the Minister advise whether any additional funding is planned to be provided to the Jersey Reds Rugby Club, other than the additional funds already announced, and whether there are any plans to have a full States-sponsored rugby team; and if so, under what terms?”



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

1st question period – Minister for Education

2nd question period – Minister for Economic Development, Tourism, Sport and Culture

**J. PERSONAL STATEMENTS**

**K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY**

The Minister for External Relations will make a statement regarding preparations for Brexit.

**L. PUBLIC BUSINESS**

**Draft Financial Regulation (Miscellaneous Provisions No. 5) (Jersey) Law 201-** P.138/2018.

Lodged: 19th November 2018, *Chief Minister*.

**Draft Financial Regulation (Miscellaneous Provisions) (Amendment of Laws) (Jersey) Regulations 201-** P.139/2018.

Lodged: 19th November 2018, *Chief Minister*.

**Draft Alternative Investment Funds (Amendment) (Jersey) Regulations 201-** P.140/2018.

Lodged: 19th November 2018, *Chief Minister*.

**Draft Public Employees (Pension Scheme) (Miscellaneous Amendments) (Jersey) Regulations 201-** P.141/2018.

Lodged: 30th November 2018, *States Employment Board*.

**Draft Air Navigation (Rules of the Air) (Amendment) (Jersey) Regulations 201-** P.142/2018.

Lodged: 4th December 2018, *Minister for External Relations*.

**Children (Jersey) Law 2002: repeal of Article 79.** P.144/2018.

Lodged: 13th December 2018, *Deputy M.R. Le Hegarat of St. Helier*.

**M. ARRANGEMENT OF PUBLIC BUSINESS**

**29th January 2019**

**Rejection of Planning Application relating to Retreat Farm, La Rue de La Frontière, St. Mary and Rue des Varvots, St. Lawrence: rescindment of Ministerial Decision.** P.100/2018.

Lodged: 20th August 2018, *Deputy S.M. Wickenden of St. Helier*.

**Rejection of Planning Application relating to Retreat Farm, La Rue de La Frontière, St. Mary and Rue des Varvots, St. Lawrence: rescindment of Ministerial Decision (P.100/2018) – amendment.** P.100/2018.  
Amd.

Lodged: 15th November 2018, *Deputy S.M. Wickenden of St. Helier*.

Rejection of Planning Application relating to Retreat Farm, La Rue de La Frontière, St. Mary and Rue des Varvots, St. Lawrence: rescindment of Ministerial Decision (P.100/2018) and amendment (P.100/2018 Amd.) – comments. P.100/2018.  
and  
P.100/2018.

Presented: 8th January 2019, *Minister for the Environment*.

Amd.  
Com.



<b>Draft Amendment (No. 37) of the Standing Orders of the States of Jersey.</b> Lodged: 18th September 2018, <i>Privileges and Procedures Committee.</i>	P.103/2018.
<b>Draft Revenue Administration (Jersey) Law 201-.</b> Lodged: 23rd October 2018, <i>Minister for Treasury and Resources.</i>	P.122/2018.
<b>Draft Damages (Jersey) Law 201-.</b> Lodged: 24th October 2018, <i>Chief Minister.</i>	P.131/2018.
<b>Draft Cybercrime (Jersey) Law 201-.</b> Lodged: 29th October 2018, <i>Minister for Home Affairs.</i>	P.134/2018.
<b>Jèrriais: promotion by the Public Sector.</b> Lodged: 6th December 2018, <i>Deputy J.M. Maçon of St. Saviour.</i>	P.143/2018.
<b>Credit-related checks.</b> Lodged: 19th December 2018, <i>Deputy J.M. Maçon of St. Saviour.</i>	P.145/2018.
<b>Andium Homes: authorisation of loan to develop the Ann Court site.</b> Lodged: 21st December 2018, <i>Deputy of St. Martin.</i>	P.146/2018.
<b>Jersey Overseas Aid Commission: appointment of non-States Commissioner.</b> Lodged: 27th December 2018, <i>Minister for International Development.</i>	P.147/2018.
<b><u>12th February 2019</u></b>	
<b>States Assembly Diversity Forum: establishment.</b> Lodged: 5th November 2018, <i>Deputy L.M.C. Doublet of St. Saviour.</i>	P.135/2018.
<b>Draft European Union (United Kingdom Exit – Miscellaneous Amendments) (Jersey) Regulations 201-.</b> Lodged: 28th December 2018, <i>Minister for External Relations.</i>	P.148/2018.

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

10th January 2019

**Note –**

**In accordance with the meeting dates fixed for 2019 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 16th and Thursday 17th January 2019.**



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

(See Item B)

### **R&O.130/2018.**

Long-Term Care Services (Health and Social Services Charges) (Amendment No. 6) (Jersey) Order 2018.

*Article 1* of this Order further amends the Long-Term Care Services (Health and Social Services Charges) (Jersey) Order 2014, to increase by approximately 1.5% the charges payable for the provision of long-term care services in a care home or group home.

*Article 2* gives the title by which this Order may be cited and provides for it to come into force on 1st January 2019.

The Order was made on 7th December 2018 and came into force on 1st January 2019.

### **R&O.131/2018.**

Motor Vehicles (Wearing of Seat Belts by Adults) (Amendment) (Jersey) Order 2018.

The Motor Vehicles (Wearing of Seat Belts by Adults) (Jersey) Order 2009 requires anyone aged 14 or over to wear a seat belt when driving or riding in certain vehicles. This Order extends the requirement so that it applies to medium-sized and large goods vehicles (it already also applies to small goods vehicles, small passenger vehicles and minibuses).

The Order was made on 10th December 2018 and comes into force on 1st February 2019.

### **R&O.132/2018.**

Road Traffic (Periodic Technical Inspections – General Provisions) (Jersey) Order 2018.

This Order makes general provision for a scheme for the periodic technical inspection of motor vehicles, under Article 78A of the Road Traffic (Jersey) Law 1956 (the “Law”), for compliance with the Motor Vehicles (Construction and Use) (Jersey) Order 1998 (the “Construction and Use Order”).

It is an offence under Article 78A(3) of the Law, carrying a fine of up to level 2 on the standard scale (currently £1,000), to use on a road a vehicle to which this inspection scheme applies (or, as the owner, to cause or permit that use), if no certificate of satisfaction was issued under this scheme for the vehicle during the prior interval period (see note on *Article 2* below). Under Articles 78A(7) and 79 of the Law there are also offences, carrying the same maximum penalty, of making false statements or representations or issuing false certificates, and an offence of forging a certificate, which carries imprisonment for up to 2 years, an unlimited fine or both.

*Article 1* provides for interpretation of the Order.

*Article 2* provides for the application of the inspection scheme, which depends on the age of the motor vehicle. A vehicle’s age is determined by the anniversaries of its “first use”, which is when it was registered in Jersey (or when it was manufactured, if it was first used or registered outside Jersey or is not required to be registered in Jersey).

The inspection scheme does not apply to a minibus until it is one year old, to a motor cycle or moped until it is 3 years old, or to any other motor vehicle until it is 5 years old. Inspections must be annual for a minibus, biennial for a motor cycle or moped, and triennial for any other motor vehicle (that is not exempt), in each case starting from the youngest age at which the scheme applies to that type of vehicle. The dates on which the inspections fall due are referred to as “relevant anniversaries” of the vehicle. The scheme does not apply to a vehicle once it is 40 years old.



An inspection will fall within the “prior interval period”, for the purpose of the offence in Article 78A(3)(b) of the Law, if it is carried out at any time after the date that is 2 months before one of the motor vehicle’s relevant anniversaries, in relation to its use until the subsequent relevant anniversary.

At the start of the scheme its application to individual motor vehicles is phased in. So even if an individual vehicle is old enough to enter the scheme, that vehicle is not required to be inspected under the scheme until it reaches the first of its relevant anniversaries that falls on or after 30th March 2019, in the case of minibuses, light motor cycles and mopeds, or on or after 30th March 2021, in the case of other motor vehicles. This phasing in will therefore cease to apply from 30th March 2024.

*Article 3* provides for the operation of the inspection scheme. The Minister may designate persons as examiners for the purpose of inspections (these examiners can also be examiners for other purposes under the Law, and they can be employees of the States or other persons, such as private garages). Only designated examiners can issue certificates of satisfaction for inspections. The Inspector of Motor Traffic must issue written instructions to examiners regarding the standards of compliance and the manner in which those standards are to be tested, including the locations and equipment that must be used (and whether the locations and equipment are to be provided by the Minister or the examiner). Examiners can be notified that they are to cease carrying out inspections, if they fail to carry out their functions to the Minister’s satisfaction, but they can appeal to the Royal Court if aggrieved (matching provision for examiners designated for other purposes under the Law).

The examiner must inspect the vehicle for compliance with the relevant requirements of the Construction and Use Order, in accordance with the instructions of the Inspector of Motor Traffic. If the vehicle passes the inspection, and the fee (to be set under a later separate Order) is paid, the examiner must issue a certificate of satisfaction, give it to the Inspector, and give a copy to the registered owner (at the owner’s registered address, or by electronic communication) or to the person who collects the vehicle. On any refusal of a certificate of satisfaction, the examiner must issue a notification of the refusal and grounds (and provide a copy to the Inspector), and an aggrieved person can appeal to the Minister to carry out a further inspection (matching provision for related inspections under the Law). The Inspector must keep a record and make it available to traffic officers and to relevant police officers. The Inspector may do so using a shared computer system (and notices and other information under this Order may be given electronically under the Electronic Communications (Jersey) Law 2000). If the vehicle fails the test a police or traffic officer can also, in appropriate cases, issue a defect notice or impound it, as can be done following a test under the Construction and Use Order.

*Article 4* provides for exemptions from the scheme.

The Order does not apply to vehicles, such as trailers, that are not motor vehicles. It only applies to motor vehicles that are registered in Jersey under the Motor Vehicle Registration (Jersey) Law 1993.

The Order does not apply to motor tractors, track laying vehicles, pedestrian controlled vehicles, mowing machines, agricultural motor vehicles, works trucks, engineering plant or refuse vehicles limited to 20 mph (these terms all have the same meanings as in the Law, except the last 4 which are defined in the Construction and Use Order).

Nor does the Order apply to vehicles being used as public service vehicles, to certain goods vehicles and trailers that are required to have annual certificates of compliance, to vehicles that have a licence under Article 78 of the Law authorising their use despite non-compliance with the Construction and Use Order, or to vehicles that are exempt from registration because they are only temporarily in the island or because they are used by the armed forces. The Order does not apply to ambulances, or fire or police vehicles, as long as they are owned by the States (or by a Parish in the case of Honorary Police vehicles) and maintained under an arrangement approved by the Minister.

The inspection scheme does not apply to a registered vehicle for the first 2 weeks after its registration, or while it is being tested by a holder of a trade licence before submission for an inspection. Nor does it apply to a vehicle seized or detained by a customs officer, police officer or Traffic Officer, when used by one of those officers in connection with the seizure or detention.

If a vehicle does not obtain its inspection certificate in time (whether because it failed an inspection, or merely because it was kept off road and not inspected), the offence of using it on a road does not apply when it is subsequently driven to an appointment for an inspection, or when it is driven during the inspection (but the scheme does apply for the purpose of carrying out the inspection). If a vehicle fails its inspection, the offence does not apply while the vehicle is driven from the inspection to be kept off road till it is re-submitted, or while it is towed to where it will be scrapped.



*Article 5* provides for the citation of the Order and brings it into force on 1st February 2019. The Order was made on 10th December 2018 and comes into force on 1st February 2019.

### **R&O.133/2018.**

Road Traffic (Registration of Trailers – Vienna Convention) (Jersey) Order 2018.

This Order makes provision relating to the registration of certain trailers drawn by motor vehicles, when used on a road in Jersey on a journey that involves entering a country that is a party to the Vienna Convention (the Convention on Road Traffic, done at Vienna on 8th November 1968).

Under Article 80A of the Road Traffic (Jersey) Law 1956, it is an offence to use an unregistered motor-drawn trailer on such a journey, and certain provisions of the registration scheme for motor vehicles are applied to trailers. This Order provides for exemptions, further adapts the motor vehicle registration scheme, allows non-exempt trailers to be registered in advance, and provides for voluntary registration of exempt trailers.

*Article 1* provides for interpretation of the Order.

*Article 2* provides for exemptions from the requirement to register. A motor-drawn trailer is exempt if its maximum gross weight does not exceed 750 kg, or if that weight does not exceed 3.5 tonnes and the trailer is not used primarily to carry goods in the course of a business on its overseas journey. A motor-drawn trailer is also exempt if it is used by the armed forces and is drawn by a vehicle that is exempt from registration because of that use, or if it would otherwise be exempt from registration if it was a motor vehicle.

*Article 3* further modifies the application to motor-drawn trailers of the provisions, of the Motor Vehicle Registration (Jersey) Law 1993 and the Motor Vehicle Registration (General Provisions) (Jersey) Order 1993, that are applied by Article 80A(5) and (6) of the Road Traffic (Jersey) Law 1956, to make them suitable for trailers. Trailers will be given registration marks with the prefix “JT” instead of “J”. Hired trailers will not be given different registration marks, and trailer registration marks will not be able to be bought and sold. The trailer registration mark must be displayed (but need not be lit) so as to be easily distinguishable from that of the motor vehicle drawing the trailer (the motor vehicle registration scheme requires the motor vehicle’s mark to be displayed on the rearmost trailer). Trailers do not have to be insured, so provisions on insurance write offs do not apply. The trailer must be inspected (but with no separate fee charged), to ensure the details given are correct, but not as to fitness (which is covered under other powers). The Inspector of Motor Traffic must publish forms, compliant with the Vienna Convention, for applications for registration and for certificates of registration. The fee of £29 for an application for registration is applied to applications in respect of trailers (but the fees for inspection and certificates of approval do not apply).

*Article 4* allows an exempt trailer to be registered at the option of its owner (if the owner intends to take the trailer on a journey for which a non-exempt trailer would have to be registered).

*Article 5* exempts all trailers from the requirement to be registered in the period up to 30th March 2019. But it allows a trailer to be registered in advance during that period, if it will not remain exempt on 30th March 2019.

*Article 6* gives the citation for the Order, and brings it into force on 1st February 2019.

The Order was made on 10th December 2018 and comes into force on 1st February 2019.

### **R&O.134/2018.**

Long-Term Care (Benefits) (Amendment No. 7) (Jersey) Order 2018.

This Order further amends (by *Article 1*) the Long-Term Care (Benefits) (Jersey) Order 2014, to increase by approximately 1.5% the value of a loan that may be provided to an eligible person for the purpose of



making payments for long-term care. *Article 2* gives the title by which this Order may be cited and provides for it to come into force on 1st January 2019.

The Order was made on 13th December 2018 and came into force on 1st January 2019.

### **R&O.135/2018.**

Road Works (Permit Fees) (Jersey) Order 2018.

This Order sets out fees for permits to carry out road works under the Road Works and Events (Jersey) Law 2016.

*Article 1* is an interpretation provision.

*Article 2* specifies 2 sets of fees depending on whether the road works authorized by the permit for which an application is made include the placing and removal of scaffolding. The amount of fee is also dependent on the length of time that the road works are likely to take or, where applicable, the scaffolding is expected to be in place and on the extent to which the road works are likely to impact on normal traffic movement. Additional fees are added to the permit fee if the road works involve breaking up the road and if the relevant highway authority incurs additional costs administering a system for monitoring the placement, use and removal of scaffolding.

*Article 3* specifies a fixed fee of £35 for an application to vary a permit.

*Article 4* sets out the title of the Order and provides that it will come into force on 1st January 2019.

The Order was made on 14th January 2018 and came into force on 1st January 2019.

### **R&O.136/2018.**

Economic Development, Tourism, Sport and Culture (2019 Fees) (No. 2) (Jersey) Order 2018.

This Order increases certain fees under the Shipping (Fees) (Jersey) Order 2013 by an average of approximately 9.4% in most cases. The increases apply to some fees under the Shipping (Registration) (Jersey) Regulations 2004 and the Shipping (Local Small Ships Registration) (Jersey) Regulations 2004. These fees were last increased with effect from January 2016. This Order comes into force on 1st January 2019.

The Order was made on 14th December 2018 and came into force on 1st January 2019.

### **R&O.137/2018.**

Environment (2019 Fees) (Jersey) Order 2018.

This Order increases (by an average of 2.50%) certain fees chargeable under various enactments relating to the environment.

*Article 1* amends the Animal Health (Animal By-Products) (Jersey) Order 2018 so as to increase (by between 2.50% and 2.55%) various licence fees prescribed by that Order. Those fees were set by that order on 19th July 2018.

*Article 2* amends the Animal Health (Waste Food) (Jersey) Order 2018 so as to increase (by between 2.53% and 2.55%) various application fees prescribed by that Order. Those fees were set by that Order on 19th July 2018.

*Article 3* amends the Animal Welfare (Licence Fee) (Jersey) Order 2008 so as to increase (by between 2.22% and 2.46%) various licence fees prescribed by that Order. Those fees were last increased on 1st January 2018.



*Article 4* amends the Artificial Insemination of Domestic Animals (Bovine Semen) (Jersey) Order 2008 so as to increase (by between 2.13% and 2.54%) various approval, inspection and licence fees prescribed by that Order. Those fees were last increased on 1st January 2018.

*Article 5* amends the Community Provisions (Bovine Embryos) (Fees) (Jersey) Order 2011 so as to increase (by between 2.00% and 2.43%) fees prescribed by that Order for approvals, certificates and inspections. Those fees were last increased on 1st January 2018.

*Article 6* amends the Community Provisions (Welfare of Animals during Transport) (Fees) (Jersey) Order 2014 so as to increase (by between 1.41% and 2.50%) fees prescribed by that Order for authorizations, issuance of certificates of competence and certificates of approvals. Those fees were last increased on 1st January 2018.

*Article 7* amends the Dangerous Wild Animals (Jersey) Law 1999 so as to increase (by 2.48%) the fee chargeable for a licence under that Law. That fee was last increased on 1st January 2018.

*Article 8* amends the Endangered Species (CITIES) (Fees) (Jersey) Order 2012 so as to increase (by between 2.33% and 2.51%) fees prescribed by that Order in respect of permits, certificates commercial licences. Those fees were last increased on 1st January 2018.

*Article 9* amends the EU Legislation (Aquatic Animal Health – Fees) (Jersey) Order 2016 so as to increase (by between 2.06% and 2.53%) fees prescribed by that Order for authorizations, inspections and registrations. Those fees were last increased on 1st January 2018.

*Article 10* amends the EU Legislation (Veterinary and Zootechnical Checks – Trade with Member States) (Fees and Expenses) (Jersey) Order 2016 so as to increase (by between 2.04% and 2.46%) fees and expenses prescribed by that Order for certificates and inspections. Those fees were last increase on 1st January 2018.

*Article 11* amends the High Hedges (Application Fee) (Jersey) Order 2008 so as to decrease (by 50%) the application fee chargeable to assess the impact of a high hedge. That fee was last increased on 1st January 2018.

*Article 12* amends the Pet Travel Scheme (Fees) (Jersey) Order 2015 so as to increase (by between 2.08% and 2.54%) fees prescribed by that Order for approvals and authorizations. Those fees were last increased on 1st January 2018.

*Article 13* –

- (a) amends Article 2 of the Planning and Building (Fees) (Jersey) Order 2008 (the “Development Fees Order”) so as to increase (by 2.50%) the maximum aggregate fee payable in respect of multiple applications for planning permission;
- (b) amends Article 2A to increase (by 2.56%) the fee prescribed by that Order for each application to remove or vary a condition of planning permission. If there are more than 6 such applications, the fee is the equivalent of the total fees payable in respect of 6 applications. This fee does not apply in respect of an application to remove or vary a condition of planning permission granted under a Development Order (as defined in Article 1(1) of the Planning and Building (Jersey) Law 2002) or where the permission is subject to a condition that the development, to which the permission relates, must be begun before the expiration of a specified period;
- (c) amends Article 3 of the Development Fees Order so as to increase (by 2.52%) the fee payable for a completion certificate;
- (d) amends the table in Schedule 1 to the Development Fees Order relating to the application fees for planning permission so as to increase those fees (by between 2.48% and 2.50%);
- (e) amends the table in Schedule 2 to the Development Fees Order in respect of the application fees for building permission so as to increase those fees (by between 1.42% and 2.50%), apart from the fee in respect of pre-fabricated dwelling units, which has not increased; and
- (f) amends the table in Schedule 3 to the Development Fees Order in respect of appeals against refusal or deemed refusal of application for planning permission so as to increase those fees (by between 2.50% and 2.54%).

The fees were last increased on 1st January 2018.



*Article 14* amends Plant Health (Field Inspections – Fees) (Jersey) Order 2014 so as to increase (by 2.33%) the fee per vergée for inspecting *Narcissus* bulbs for infestation by stem and bulb eelworm. That fee was last increased on 1st January 2018.

*Article 15* amends the Sea Fisheries (General Fees) (Jersey) Order 2010 so as to increase (by between 2.42% and 2.49%) the fee prescribed by that Order for licences and permits. Those fees were last increased on 1st January 2018.

*Article 16* amends the Veterinary Surgeons (Fees) (Jersey) Order 2016 so as to increase (by 2.46%) the fee for approval to carry out certain activities described in the Schedule to that Order. Those fees were last increased on 1st January 2017.

*Article 17* amends the table in Schedule 1 to the Waste Management (Fees) (Jersey) Order 2008 so as to increase (by between 1.75% and 2.50%) various licence fee consignment note and registration fees. Those fees were last increased on 1st January 2018.

*Article 18* amends the Water Resources (Charges) (Jersey) Order 2009 so as to increase (by between 2.27 and 2.50%) licence fees described in the Schedule to that Order. Those fees were last increased on 1st January 2015.

*Article 19* provides for the title of this Order and for it to come into force on 1st January 2019.

The Order was made on 19th December 2018 and came into force on 1st January 2019.

#### **R&O.138/2018.**

Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 16) (Jersey) Order 2018.

This Order reduces the requirement for inspection of nursing homes from not less than twice a year to not less than once a year. This means that the nursing homes that will remain regulated by the Nursing and Residential Homes (Jersey) Law 1994 will in future have the same inspection requirement that will apply to the homes that will be regulated under the Regulation of Care (Jersey) Law 2014 from 1st January 2019.

The Order was made on 20th December 2018 and came into force on 1st January 2019.

#### **R&O.139/2018.**

Home Affairs (Fire and Rescue and Petroleum – 2019 Fees) (Jersey) Order 2018.

This Order increases, with effect from 1st January 2019, various fees and charges associated with the Fire and Rescue Service and licensing fees under the Petroleum (Jersey) Law 1984. The fees and charges were last increased on 1st January 2018, and the increases range from 1.8% for certain training provided by the Fire and Rescue Service, to 57% in respect of the issue and amendment of fire certificates and of inspection of commercial or public premises for the provision of a fire safety report.

The Order was made on 20th December 2018 and came into force on 1st January 2019.

#### **R&O.140/2018.**

Regulation of Care (Fees) (Jersey) Order 2018.

This Order sets out the fees payable for applications for registration under the Regulation of Care (Jersey) Law 2014 (*Article 1*). *Article 2* sets out the annual fees payable for various categories of regulated activity under that Law. *Article 3* sets out the smaller fees payable for various miscellaneous matters.

The Order was made on 20th December 2018 and came into force on 1st January 2019.

**R&O.141/2018.**

States of Jersey (Transfer of Functions – Regulation of Care) (Jersey) Order 2018.

This Order transfers the functions of the Minister of Health and Social Security to the Chief Minister with respect to the making of Orders relating to the regulation of the medical and associated professions and skin piercing and tattooing. The enactments referring to the transferred functions are consequentially amended.

The Order was made on 20th December 2018 and came into force on 1st January 2019.

**R&O.142/2018.**

EU Legislation (Sanctions – Somalia) (Amendment No. 2) (Jersey) Order 2018.

*Article 1* of this Order amends the EU Legislation (Sanctions – Somalia) (Jersey) Order 2014 so as to give effect in Jersey to Council Regulation (EU) 2018/1933 of 10 December 2018 (OJ L 314/9, 11.12.2018) amending Regulation (EU) No 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia.

The effect of the amendment is to provide for the list of natural or legal persons, entities or bodies listed in Annex 1 of Regulation (EU) 356/2010 whose funds and economic resources are to be frozen to include natural or legal persons, entities or bodies who are engaging in or providing support for the planning, directing or committing acts involving sexual or gender-based violence.

*Article 2* gives the title by which this Order may be cited and provides for it to come into force on the day after it is made.

The Order was made on 21st December 2018 and came into force on 22nd December 2018.

**R&O.143/2018.**

Community Provisions (Restrictive Measures – Eritrea) (Revocation) (Jersey) Order 2018.

This Order revokes the Community Provisions (Restrictive Measures – Eritrea) (Jersey) Order 2012.

The Order was made on 21st December 2018 and came into force forthwith.

**R&O.144/2018.**

Infrastructure (Driver and Vehicle Standards – 2019 Fees) (Jersey) Order 2018.

This Order increases the fees charged by Driver and Vehicle Standards (part of the Department for Infrastructure) from 1st January 2019 by an average of 2.5% (the fee increases being rounded to the nearest pound).

The Order was made on 21st December 2018 and came into force on 1st January 2019.



### **R&O.145/2018.**

Road Works (Specified Road Works) (Amendment) (Jersey) Order 2018.

This Order amends the Road Works (Specified Road Works) (Jersey) Order 2018 (“2018 Order”) setting out the types of road works which are “specified road works”. Article 11 of the Road Works and Events (Jersey) Law 2016 prohibits specified road works from being undertaken without a permit. Under the 2018 Order, “specified road works” include such things as crane operations and placing, using or unloading scaffolding. Certain activities are “specified road works” only if they require some form of traffic control (for example temporary traffic lights, road narrowing or closure of a footway). Road works carried out by a highway authority or utility undertaker are excluded.

*Article 1* amends the current list of specified road works by setting out the circumstances in which mobile scaffolding and similar structures are included in the list. Amendments are also made so that certain activities relating to scaffolding are “specified road works” only if they require some form of temporary traffic control.

*Article 2* sets out the title of this Order and provides for it to come into force 7 days after the day it is made. The Order was made on 21st December 2018 and came into force on 28th December 2018.

### **R&O.146/2018.**

Road Works (Supervisors and Operatives) (Jersey) Order 2018.

This Order sets out the qualifications required for supervisors and operatives who must be available whilst certain kinds of road works are carried out. Under Article 26 of the Road Works and Events (Jersey) Law 2016, a qualified supervisor must be available to give assistance at all times whilst certain road works are carried out and a trained operative must be present on site at all times.

*Article 1* is an interpretation provision.

Under *Article 2*, where the road works involve certain undertaker works and highway authority works (that is, road works, which, broadly speaking, involve breaking up the road, constructing or disturbing the surface of a road) a supervisor and operative must each hold a street works identity card showing that the holder is registered on the Street Works Qualification Register under the New Roads and Street Works Act 1991 of the United Kingdom. Where the road works involve other kinds of undertaker works or highway authority works or certain other specified road works, a supervisor and operative may, instead, hold a Jersey road works safety identity card issued by a body approved by the Minister for Infrastructure which shows that the body has registered the person as a supervisor or operative. Alternatively, an operative may hold a Lantra skills registration card showing that he or she is a registered lead traffic management operative or registered traffic management operative.

*Article 3* sets out a separate requirement in the case of road works requiring the use of portable traffic lights. In such cases, a supervisor must hold a Jersey portable traffic lights identity card issued by a body approved by the Minister which shows that the holder of the card is registered by that body as a supervisor in respect of the operation of portable traffic lights.

*Article 4* sets out the title of the Order and provides that it comes into force on 1st August 2019.

The Order was made on 21st December 2018 and comes into force on 1st August 2019.

### **R&O.147/2018.**

Misuse of Drugs (Miscellaneous Amendments) (No. 7) (Jersey) Order 2018.

This Order makes lawful the use of certain medicines containing cannabis (and certain drugs related to cannabis), despite cannabis and those other drugs otherwise being Schedule 1 drugs for the purpose of the Misuse of Drugs (General Provisions) (Jersey) Order 2009.



The Order does so by amending the Misuse of Drugs (Designation) (Jersey) Order 1989 and the Misuse of Drugs (General Provisions) (Jersey) Order 2009. The amended regime applies only if the cannabis (or the related drug) is in a medicinal product manufactured under the European Union's principles of good manufacturing practice. Despite the fact that the medicinal product consists of or contains cannabis (or a related drug), that cannabis (or related drug) is then treated as a Schedule 2 drug. The medicinal product must not be taken or administered by smoking.

The Order was made on 21st December 2018 and came into force on 1st January 2019.

### **R&O.1/2019.**

EU Legislation (Sanctions – Libya) (Amendment No. 7) (Jersey) Order 2019.

This Order gives effect to Council Regulation (EU) 2018/2004 of 17 December 2018 (OJ L 322, 18.12.2018, p. 12), which amends Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya (the “principal Regulation”). Council Regulation (EU) 2018/2004 amends the description in Annex II to the principal Regulation of the persons, entities and bodies whose assets are frozen.

*Article 1* of this Order updates the definition of the principal Regulation in the EU Legislation (Sanctions – Libya) (Jersey) Order 2014 to refer to the date that the principal Regulation was amended by Council Regulation (EU) 2018/2004.

As provided for in *Article 2*, this Order comes into force on the day after the day it is made.

The Order was made on 8th January 2019 and came into force on 9th January 2019.



## WRITTEN QUESTIONS

(See Item I(a))

1. The Chief Minister will table an answer to the following question asked by Senator S.W. Pallett –

“Will the Chief Minister provide the following information?”

(a) The total number of staff employed within the States Communications Unit –

- (i) on 16th May 2018; and
- (ii) on 16th November 2018;

(b) The number of vacancies within the States Communications Unit –

- (i) on 16th May 2018; and
- (ii) on 16th November 2018;

(c) The cost of all interim staff employed in the States Communication Unit –

- (i) between 16th November 2017 and 16th May 2018; and
- (ii) between 16th May 2018 and 16th November 2018;

(d) The total cost of the States Communications Unit –

- (i) between 16th November 2017 and 16th May 2018; and
- (ii) between 16th May 2018 and 16th November 2018;

(e) The budget for the States Communications Unit for –

- (i) 2018; and
- (ii) 2019;

and will the Chief Minister also provide a breakdown of remuneration for all staff employed within the States Communications Unit from the lowest to the highest in bands of £10,000 (starting with less than £30,000 and then between £30,000 and £40,000 and so on)?”

2. The Assistant Chief Minister will table an answer to the following question asked by Deputy K.F. Morel of St. Lawrence –

“Will the Assistant Chief Minister, as Chairman of the Housing and Work Advisory Group, advise how many licences to work in the Island are currently in use by off-Island care providers in respect of ‘live-in care’ and, of these licences, how many are in use by self-employed carers and how many by corporate entities?”

3. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy K.F. Morel of St. Lawrence –

“Will the Minister provide details of the amounts spent in each of 2017 and 2018 by States departments on on-Island service providers (i.e. corporate entities or sole traders incorporated or tax-resident in Jersey) as well as the amount spent during the same period on off-Island service providers?”



4. The Chief Minister will table an answer to the following question asked by Deputy K.F. Morel of St. Lawrence –

“Further to statements from the Assistant Chief Minister in response to Oral Question 185/2018 that £10 million had been spent on the e-Gov project to date, will the Chief Minister provide a breakdown of that spending alongside the original expenditure forecast for each item?”

5. The Chief Minister will table an answer to the following question asked by Deputy K.F. Morel of St. Lawrence –

“Will the Chief Minister provide a breakdown of spending to date on the Government’s digital transformation programme, alongside the original expenditure forecast for each item?”

6. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy K.F. Morel of St. Lawrence –

“Will the Minister advise whether non-resident self-employed and employed carers who work in the Island to provide ‘live-in care’ are required to pay Income Tax and / or Social Security in Jersey; and, if so, will the Minister provide details of the legal structure under which they are required to do so and, if not, will the Minister explain why that is not the case?”

7. The Chairman of the States Employment Board will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Further to the announcement that 126 members of the Health and Community Services Department had seen their grades and pay wrongly increased, will the Chairman –

- (a) provide a detailed chronology of how these grade and pay increases came to be made;
- (b) set out the procedures and processes that should have been followed in these circumstances;
- (c) state the titles of who was responsible for the increases being made outside of recognised procedures;
- (d) advise what action, if any, has been taken against those responsible, when, and by whom any such action was taken;
- (e) state whether any consideration was given to dismissing those responsible for gross misconduct or incompetence and, if so, why such action was not pursued;
- (f) state which civil servants were informed of the actions of the Department, when, what action they took and when;
- (g) state which Ministers and Assistant Ministers were informed of the actions of the Department, when, what action they took and when; and
- (h) state when the States Employment Board was informed of the actions of the Department?”

8. The Chief Minister will table an answer to the following question asked by Deputy L.M.C. Doublet of St. Saviour –

“Further to the statement made by the then Chief Minister on 9th April 2018, what progress, if any, has been made in planning for full incorporation of the United Nations Convention on the Rights of the Child into Jersey law; and when does the Chief Minister expect to lodge the “*proposition requiring Ministers to assess the impact on children’s rights of every law and regulation*”, referred to by the previous Chief Minister and arising from the Assembly’s adoption of ‘United Nations Convention on the Rights of the Child: Compliance of Draft Laws and Training of States of Jersey Employees’ (P.63/2017)?”



9. The Chairman of the States Employment Board will table an answer to the following question asked by Deputy L.M.C. Doublet of St. Saviour –

“In view of the Assembly’s adoption of ‘United Nations Convention on the Rights of the Child: compliance of draft Laws and training of States of Jersey employees’ (P.63/2017) on 26th September 2017, on what date was every States of Jersey employee provided with a copy of the U.N. Convention on the Rights of the Child (UNCRC) and what provision, if any, has been made to train staff on the provisions of the UNCRC?”

10. The Minister for Home Affairs will table an answer to the following question asked by the Deputy of St. John –

“Will the Minister advise –

- (a) how many retained firefighters have applied for full-time firefighter roles over the last 5 years and, if any, how many of the applicants were successful; and
- (b) how many firefighters were appointed from outside the Island, and how many new entrants were resident in Jersey prior to their appointment, over the last five years?”

11. The Minister for Home Affairs will table an answer to the following question asked by Deputy R.J. Ward of St. Helier –

“Further to the Minister’s response to an e-petition calling for fireworks to be sold or supplied only for licensed displays, will he explain what consideration, if any, has been given to the following policy positions in the development of Pyrotechnic Articles Regulations?

- (a) Allowing the sale of ‘Quiet fireworks’ only;
- (b) Limiting the size of fireworks available for sale to the general public to a maximum of Category 2;
- (c) Allowing only professional fireworks displays to be permitted and policed; and
- (d) Allowing only fixed dates on which fireworks displays can be carried out.”

12. The Minister for Health and Social Services will table an answer to the following question asked by Deputy S.M. Ahier of St. Helier –

“Will the Minister advise the Assembly how many hospital consultants, if any, have left Jersey to take up another position in the last 10 years?”

13. The Chairman of the States Employment Board will table an answer to the following question asked by Deputy R.J. Ward of St. Helier –

“Can the Minister update the Assembly on plans for reviewing teachers’ terms and conditions of employment and advise –

- (a) whether the Chief Executive is directly involved in the review;
- (b) whether the March 2019 deadline for completion of the process is adequate for full engagement of all stakeholders and union representatives;
- (c) how the roles of teachers will be evaluated;
- (d) the education model the evaluation will be based upon (exam outcomes, for example);
- (e) whether there will be job losses following the evaluation and, if so, at what tier(s);
- (f) what savings are planned from the revaluation of these roles?”



14. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy R.J. Ward of St. Helier –

“Further to the answer to WQ.279/2018 tabled on 3rd December 2018, can the Minister confirm that the estimated underspend relating to Brexit preparation provision was accurate, and further confirm the exact level of underspend for 2018 now that the end of year has been reached?”

15. The Chairman of the States Employment Board will table an answer to the following question asked by Deputy R.J. Ward of St. Helier –

“Further to statements made by the Vice Chairman of the States Employment Board in the media that civil service pay is higher than private sector equivalents, can the Chairman provide details of the process being used to make direct comparisons between work roles and pay awards between civil service posts and the private sector?”

16. The Minister for Social Security will table an answer to the following question asked by Deputy R.J. Ward of St. Helier –

“As the remodelling of the delivery of services in Social Security continues, how many zero hour and short term contracts will be held by the Social Security Department in order to staff the provision of services in 2019?

Can the Minister advise how zero hour and short term contracts enable the service to be developed in the long term and outline what measures are being taken in this regard?”

17. The Minister for Health and Social Services will table an answer to the following question asked by Deputy K.G. Pamplin of St. Saviour –

“How many people were treated for mental health conditions at the General Hospital in the last six months of 2018?

Can the Minister provide a breakdown of the time spent in hospital by patients with mental health conditions and advise where the patients were referred to on discharge?”

18. The Minister for Home Affairs will table an answer to the following question asked by Deputy K.G. Pamplin of St. Saviour –

“What proportion of children in care were confined to either a safe place or holding cell for more than 18 hours a day in each of the past four years?”

19. The Minister for Children and Housing will table an answer to the following question asked by Deputy K.G. Pamplin of St. Saviour –

“Can the Minister provide details of the latest waiting lists for Islanders who are seeking accommodation via the Affordable Housing Gateway with a breakdown of time spent waiting and family demographics?”



20. The Chief Minister will table an answer to the following question asked by Deputy K.G. Pamplin of St. Saviour –

“Can the Chief Minister provide a list of all registered charities and a breakdown of organisations and bodies that started the process of registering as a charity by the end of 2018?”

21. The Minister for the Environment will table an answer to the following question asked by Deputy K.G. Pamplin of St. Saviour –

“Can the Minister provide a breakdown of the number of incidents of fly tipping reported to the department during 2018, including the location of the items, the types of items and the cost of disposing of them?”

22. The Minister for Infrastructure will table an answer to the following question asked by Deputy C.S. Alves of St. Helier –

“Will the Minister state how much was spent annually during the last 5 years on renting premises from which departments have worked?”

23. The Minister for Home Affairs will table an answer to the following question asked by Deputy C.S. Alves of St. Helier –

“Further to the statement in information recently published on [www.gov.je](http://www.gov.je) regarding applications for settled status, that an applicant family of E.U. nationals who “have been living in Jersey for over 5 years [...] qualify for settled status, subject to criminality checks”, will the Minister advise –

(a) what causes someone, who has been a resident for over 5 years, to fail such a criminality check; and

(b) what happens if someone does not pass such a criminality check?”

24. The Minister for Children and Housing will table an answer to the following question asked by Deputy C.S. Alves of St. Helier –

“Does the Minister have any plan, or intention, to re-establish a rent tribunal to allow tenants (in all sectors) to challenge rent increases and, if so, will he provide details of any such plan or intentions?”

25. The Minister for Social Security will table an answer to the following question asked by Deputy C.S. Alves of St. Helier –

“Will the Minister state, for each of the last 5 years, on how many occasions individuals have used the reciprocal health agreements that her department has in place with different countries (not including the U.K.)?”

26. The Chairman of the Privileges and Procedures Committee will table an answer to the following question asked by Senator S.Y. Mézec –

“Will the Chairman state what consideration, if any, has been given by his Committee to ensuring that States members’ declarations of interests are made as transparent as possible, including requiring any members who own a holding company to reveal what is contained within that holding company?”



27. H.M. Attorney General will table an answer to the following question asked by Senator S.Y. Mézec –

“Will H.M. Attorney General provide an explanation as to what the role of ‘Guardian of the Constitution’ means in a Jersey context, including what practical powers and responsibilities the Bailiff of Jersey is required to exercise in accordance with this role?”

28. The Chief Minister will table an answer to the following question asked by Senator S.C. Ferguson –

“Further to the publication of the One Government organisation chart, can the Minister advise what safeguards are in place to avoid conflicts in the new Growth, Housing and Environment Department, which is able to make and determine its own planning applications, for example, and state what permanent changes, if any, are proposed to eliminate conflicts in future?”

What measures are in place under the new structure to establish clear accountability for the Island Plan given that Article 3 of the Planning and Building Law 2002 confers a statutory duty for the Plan upon the Minister for the Environment, but the departmental structure places responsibility for the Plan on the Director of Future Island Strategy in the Strategic Policy Performance and Population Department?

In addition, what safeguards and procedures have been put in place under the new structure to ensure the independence of Statistics Jersey, given that the organisation chart indicates that Statistics Jersey reports into the Director General of Performance, Information and Statistics?”

29. The Chief Minister will table an answer to the following question asked by the Connétable of St. Brelade –

“Further to the answer of the Chairman of the States Employment Board to WQ.273/2018, can the Chief Minister advise how the level of payments made to interim Director Generals align with the strategic priority to reduce income inequality as set out in the Common Strategic Policy 2018 – 2022?”

30. The Minister for Economic Development, Tourism, Sport and Culture will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Will the Minister set out in detail all aid which has been given to the Jersey Reds Rugby Club from the time assistance was first provided to the present time, including any conditions that were attached to such assistance; and will he state whether any future assistance has been discussed and, if so, what cost has been attached to it?”

31. The Minister for Health and Social Services will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Will the Minister set out for members where changes to the primary care sector agreed within ‘Health and Social Services: A New Way Forward’ (P.82/2018) currently stand; will he advise what further proposals in respect of primary care, if any, beyond P.82/2012 are currently in development; and will he detail all the meetings that have taken place with the sector over the last two years, setting out what has been agreed and the timetable for implementation of any such agreements?”



32. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Will the Minister explain why anticipated fee income from the care sector did not materialise in 2018, which has resulted in her approval to provide £200,000 in funding to support implementation of regulation of care legislation?”

33. The Chief Minister will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Will the Minister explain whether responsibility for enforcement actions undertaken on behalf of States of Jersey departments has been centralised and, if so, what the staffing of this centralised section is; what procedures and timescales for enforcement actions have been adopted; and what system of checks and balances has been established?”



## ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

<b>Questions without notice 2019</b>		
<b><u>1st Session 2019</u></b>		
<b>January 29th</b>	Environment	Chief Minister
<b>February 12th</b>	Treasury and Resources	Children and Housing
<b>February 26th</b>	External Relations	Chief Minister
<b>March 12th</b>	Social Security	Home Affairs
<b>March 26th</b>	International Development	Chief Minister
<b>April 30th</b>	Infrastructure	Health and Social Services
<b>May 21st</b>	Education	Chief Minister
<b>June 4th</b>	Economic Development, Tourism, Sport and Culture	Environment
<b>June 18th</b>	Treasury and Resources	Chief Minister
<b>July 2nd</b>	Children and Housing	External Relations
<b>July 16th</b>	Social Security	Chief Minister
<b><u>2nd Session 2019</u></b>		
<b>September 10th</b>	Home Affairs	International Development
<b>September 24th</b>	Health and Social Services	Chief Minister
<b>October 8th</b>	Education	Economic Development, Tourism, Sport and Culture
<b>October 22nd</b>	Environment	Chief Minister
<b>November 12th</b>	Treasury and Resources	Children and Housing
<b>November 26th</b>	External Relations	Chief Minister
<b>December 10th</b>	Social Security	Home Affairs