

STATES OF JERSEY ORDER PAPER

Monday 21st September 2009

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Road Traffic (Speed Limits) (Amendment No. 4) (Jersey) Order 2009. R&O.90/2009.
Minister for Transport and Technical Services.

Road Traffic (Prohibition of Waiting) (Clearways) (Amendment No. 9) R&O.91/2009.
(Jersey) Order 2009.
Minister for Transport and Technical Services.

Community Provisions (Restrictive Measures – Burma/Myanmar) R&O.92/2009.
(Amendment No. 2) (Jersey) Order 2009.
Chief Minister.

Employment (Awards) (Jersey) Order 2009. R&O.93/2009.
Minister for Social Security.

Water Resources (Charges) (Jersey) Order 2009. R&O.94/2009.
Minister for Planning and Environment.

Building Bye-laws (Amendment) (Jersey) 2009. R&O.95/2009.
Minister for Planning and Environment.

Planning and Building (Island Plan) (Jersey) Order 2009. R&O.96/2009.
Minister for Planning and Environment.

DOCUMENTS PRESENTED OR LAID

Annual Performance Report 2008. R.103/2009.
Presented: 16th September 2009.
Chief Minister.

Draft Annual Business Plan 2010 (P.117/2009): review. S.R.8/2009.
Presented: 16th September 2009.
Corporate Services Scrutiny Panel.

D. NOTIFICATION OF LODGED PROPOSITIONS

Draft Data Protection (Amendment No. 2) (Jersey) Law 200. P.147/2009.
Lodged: 16th September 2009.
Minister for Treasury and Resources.

Young Offenders: naming by the media. P.148/2009.
Lodged: 17th September 2009.
Deputy T.M. Pitman of St. Helier.

E. WITHDRAWAL OF LODGED PROPOSITIONS

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the proposer of the following proposition lodged 'au Greffe' has informed the Greffier of the States that it is to be withdrawn –

Jersey Police Complaints Authority: appointment of Chairman and members. P.129/2009.
Lodged: 18th August 2009.
Minister for Home Affairs.

F. APPOINTMENT OF MINISTERS, COMMITTEES AND PANELS

Resignation of Deputy Tracey Anne Vallois of St. Saviour from the Public Accounts Committee.

Nomination of Senator James Leslie Perchard as a member of the Public Accounts Committee.

Nomination of Deputy Paul Vincent Francis Le Claire of St. Helier as a member of the Environment Scrutiny Panel.

G. MATTERS OF PRIVILEGE

H. PETITIONS

I. QUESTIONS

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

1. The Chief Minister will table an answer to a question asked by Senator B.E. Shenton regarding standby arrangements for public employees.
2. The Minister for Treasury and Resources will table an answer to a question asked by the Deputy of St. John regarding the supply of bottled water to States Departments.
3. The Minister for Education, Sport and Culture will table an answer to a question asked by the Deputy of St. John regarding the cost of floodlighting Victoria College.
4. The Minister for Education, Sport and Culture will table an answer to a question asked by the Deputy of St. John regarding Cognitive Abilities Test results.
5. The Minister for Home Affairs will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the historic abuse investigation.
6. The Minister for Planning and Environment will table an answer to a question asked by Deputy A.K.F. Green of St. Helier regarding the removal of contaminants from the Castle Quays site.
7. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy A.K.F. Green of St. Helier regarding flooding at a property at L'Etacq.
8. The Minister for Economic Development will table an answer to a question asked by Deputy R.G. Le Hérissier of St. Saviour regarding the annual cost of regulation to Jersey Post.

9. The Minister for Economic Development will table an answer to a question asked by Deputy R.G. Le Hérisssier of St. Saviour regarding camping facilities at Jersey Live in 2010.
10. The Minister for Education, Sport and Culture will table an answer to a question asked by Deputy R.G. Le Hérisssier of St. Saviour regarding school league tables.
11. The Minister for Health and Social Services will table an answer to a question asked by Deputy R.G. Le Hérisssier of St. Saviour regarding IT projects.
12. The Minister for Economic Development will table an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding whelk fishing.
13. The Minister for Social Security will table an answer to a question asked by Deputy S. Pitman of St. Helier regarding eligibility for incapacity pension.
14. H.M. Attorney General will table an answer to a question asked by the Deputy of St. Mary regarding actions for damages against States Departments.
15. The President of the Chairmen's Committee will table an answer to a question asked by the Deputy of St. Mary regarding complaints made against the accredited media.
16. The Minister for Home Affairs will table an answer to a question asked by the Deputy of St. Mary regarding the Police Complaints Authority.
17. The Minister for Treasury and Resources will table an answer to a question asked by the Deputy of St. Mary regarding the future use of the former JCG site.
18. The Minister for Transport and Technical Services will table an answer to a question asked by the Deputy of St. Mary regarding accidents in the area of La Rue des Buttes.
19. The Minister for Economic Development will table an answer to a question asked by the Deputy of St. John regarding the re-fit of the fisheries vessel the Norman Le Brocq.
(deferred from 8th September 2009)

(b) – Oral Questions
(120 minutes)

1. The Deputy of St. Martin will ask the following question of the Chief Minister –

“Will the Chief Minister inform members of the action taken to appoint a body to investigate the matters raised in P.131/2009 (relating to the suspension of a Consultant Obstetrician and Gynaecologist) and what personal steps, if any, is the Chief Minister, as Chairman of the States Employment Board, taking to address the lengthy and costly suspensions of States employees?”
2. Deputy D.J. de Sousa of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Would the Minister for Treasury and Resources please inform the Assembly how much revenue is raised annually from GST on domestic fuel?”
3. Deputy K.C. Lewis of St. Saviour will ask the following question of the Minister for Home Affairs –

“Will the Minister be increasing penalties to owners who refuse to keep their dogs under proper

control and allow vicious dog attacks on smaller breeds, and if not, why not?"

4. The Deputy of St. Mary will ask the following question of the Minister for Economic Development –

“Given the latest consumer price figures and the ‘Think Twice Buy Local’ campaign, will the Minister be asking the Jersey Competition Regulatory Authority to launch a full investigation into the anti-competitive practices which may be causing this huge gap in the cost of living between Jersey and the United Kingdom?”

5. Deputy T.M. Pitman of St. Helier will ask the following question of H.M. Attorney General –

“Given the recent successful prosecution and conviction of Mr. Claude Wateridge relating to the historic abuse investigation will H.M. Attorney General advise the Assembly whether he attempted to prevent charges being brought against Mr. Wateridge on the basis of insufficient evidence?”

6. Deputy R.G. Le Hérisier of St. Saviour will ask the following question of the Minister for Home Affairs –

“Does the Minister agree with the comments made by the retiring Senior Investigating Officer upon his departure from Jersey in relation to the historic abuse investigation?”

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

“What agreement, if any, exists between the Education, Sport and Culture and Social Security Departments in assisting recipients of Income Support, Long and Short-Term Incapacity Benefits and Invalidity Benefit to pay for school clothes, shoes, equipment and other necessary items that the school require their pupils to have?”

8. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Transport and Technical Services –

“Given that many Islanders work late hours and others do shift work, will the Minister look into the possibility of keeping Liberation Station open later than 6:30 p.m. on weekdays and after 6 p.m. at weekends so that commuters are not made to sit outside in the bad weather whilst waiting for their bus?”

9. The Deputy of St. John will ask the following question of the Chief Minister –

“Given that following the States approval of P.50/2009, the Chief Minister advised the Assembly on 13th July 2009, that his Department was seeking to appoint a candidate to chair the Committee of Inquiry into Reġs Skips Limited and he would lodge a proposition before the end of the summer recess for debate in September, would he outline the reasons for the delay in taking this matter forward?”

10. Deputy T.M. Pitman of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Given the forthcoming new Island Plan, will the Minister explain what progress, if any, has been made towards the taxing of windfall profits which arise when land is rezoned for housing?”

11. Deputy S. Pitman of St. Helier will ask the following question of the Minister for Health and Social Services –

“What role, if any, will the Minister take in discussions with the pay groups representing Health and Social Services staff regarding the public sector pay freeze?”

12. The Deputy of St. Mary will ask the following question of the Minister for Economic Development –

“Can the Minister explain briefly the purpose of the Plant Varieties Law he is considering lodging and advise whether he has plans for Jersey to become a new centre for people developing new plant varieties, and if not, outline who will be using this new law, why they would use this law, and how it fits into their business model?”

13. The Deputy of St. Martin will ask the following question of the Minister for Economic Development –

“Will the Minister inform Members of the full details of the proposed Gambling Commission’s budget, including fees to the Commissioners and other proposed expenses; whether the proposed above RPI increase in licence fees is intended only to cover the Commission’s regulatory role or will it finance the development of the online industry, and advise whether a figure of approximately £30,000 will meet the foreseen needs of any social responsibility levy?”

14. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Economic Development –

“Who is responsible within the Economic Development Department for taking forward the commitment in priority 2 of the Strategic Plan for “laying the foundations of a genuinely diverse economy” and what work, if any, has been done so far?”

15. The Deputy of St. John will ask the following question of the Minister for Treasury and Resources –

“Given that over £40 million is to be spent on the economic stimulus package, will the Minister give serious consideration to putting some of this funding into mains drain and water extensions in the countryside, particularly in areas where there are currently road excavations for Jersey Electricity Company works, such as Les Chenolles in St John, or Sorel?”

16. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Home Affairs –

“Will the Minister indicate when an independent Police Complaints Authority for Jersey is likely to be fully operational?”

17. Deputy K.C. Lewis of St. Saviour will ask the following question of the Minister for Economic Development –

“Will the Minister consider leasing the warehouse currently occupied by the Maritime Museum to Jersey Heritage on a peppercorn rent to enable the Tapestry and Maritime Museum to remain open?”

18. Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the Minister for Home Affairs –

“Would the Minister confirm whether or not the principles embodied in P.46/2009 (‘Suspension of States employees and States of Jersey Police Officers: revised procedures’ adopted by the States on 30th April 2009) are an integral part of suspension and discipline procedures in the

States of Jersey Police?”

19. Senator B.E. Shenton will ask the following question of the Minister for Education, Sport and Culture –

“Does the Minister consider that parents have the right to know the performance of individual schools and, if so, does he believe that the current policy of not publishing performance statistics, not having regular independent inspections, and not publishing inspection reports, is appropriate?”

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

1st question period – Minister for Home Affairs

2nd question period – Chief Minister

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

L. PUBLIC BUSINESS

Draft Annual Business Plan 2010. P.117/2009.
Lodged: 21st July 2009.
Chief Minister.

Draft Annual Business Plan 2010 (P.117/2009): amendment. P.117/2009.
Lodged: 24th August 2009. Amd.
Deputy G.P. Southern of St. Helier.

Draft Annual Business Plan 2010 (P.117/2009): amendment P.117/2009.
(P.117/2009 Amd.)– amendment. Amd.Amd.
Lodged: 8th September 2009.
Deputy S. Pitman of St. Helier.

Draft Annual Business Plan 2010 (P.117/2009): second amendment. P.117/2009.
Lodged: 7th September 2009. Amd.(2)
Senator A. Breckon.

Draft Annual Business Plan 2010 (P.117/2009): third amendment. P.117/2009.
Lodged: 7th September 2009. Amd.(3)
Senator B.E. Shenton.

Draft Annual Business Plan 2010 (P.117/2009): fourth amendment. P.117/2009.
Lodged: 7th September 2009. Amd.(4)
Senator S.C. Ferguson.

Draft Annual Business Plan 2010 (P.117/2009): fifth amendment. P.117/2009.
Lodged: 7th September 2009. Amd.(5)
Deputy of Grouville.

Draft Annual Business Plan 2010 (P.117/2009): sixth amendment. P.117/2009.
Lodged: 8th September 2009. Amd.(6)

Senator A. Breckon.

Draft Annual Business Plan 2010 (P.117/2009): seventh amendment.
Lodged: 8th September 2009.
Connétable of St. Helier. P.117/2009.
Amd.(7)

Draft Annual Business Plan 2010 (P.117/2009): ninth amendment.
Lodged: 8th September 2009.
Deputy J.B. Fox of St. Helier. P.117/2009.
Amd.(9)

Draft Annual Business Plan 2010 (P.117/2009): tenth amendment.
Lodged: 8th September 2009.
Deputy S. Pitman of St. Helier. P.117/2009.
Amd.(10)

Draft Annual Business Plan 2010 (P.117/2009): eleventh amendment.
Lodged: 8th September 2009.
Deputy T.M. Pitman of St. Helier. P.117/2009.
Amd.(11)

Draft Annual Business Plan 2010 (P.117/2009): twelfth amendment.
Lodged: 8th September 2009.
Minister for Education, Sport and Culture. P.117/2009.
Amd.(12)

Draft Annual Business Plan 2010 (P.117/2009): thirteenth amendment.
Lodged: 8th September 2009.
Deputy M. Tadier of St. Brelade. P.117/2009.
Amd.(13)

Draft Annual Business Plan 2010 (P.117/2009): sixteenth amendment.
Lodged: 8th September 2009.
Education and Home Affairs Scrutiny Panel. P.117/2009.
Amd.(16)

Draft Annual Business Plan 2010 (P.117/2009): seventeenth amendment.
Lodged: 8th September 2009.
Deputy of St. Mary. P.117/2009.
Amd.(17)

Draft Annual Business Plan 2010 (P.117/2009): eighteenth amendment.
Lodged: 8th September 2009.
Deputy M. Tadier of St. Brelade. P.117/2009.
Amd.(18)

M. ARRANGEMENT OF PUBLIC BUSINESS

6th October 2009

Vote of No Confidence: States Employment Board.
Lodged: 8th September 2009.
Deputy G.P. Southern of St. Helier. P.142/2009.

Child abuse compensation claims: freedom of expression for survivors.
Lodged: 6th April 2009.
Senator S. Syvret. P.49/2009.

Child abuse compensation claims: freedom of expression for survivors
(P.49/2009) – comments.
Presented: 11th May 2009.
Council of Ministers. P.49/2009.
Com.

<p>Child abuse compensation claims: freedom of expression for survivors (P.49/2009) – amendment. Lodged: 29th April 2009. <i>Council of Ministers.</i></p>	<p>P.49/2009. Amd.</p>
<p>Property and Infrastructure Regeneration: the States of Jersey Development Company Limited. Lodged: 2nd June 2009. <i>Council of Ministers.</i></p>	<p>P.79/2009.</p>
<p>Property and Infrastructure Regeneration: the States of Jersey Development Company Limited (P.79/2009) – amendment. Lodged: 8th June 2009. <i>Connétable of St. Helier.</i></p>	<p>P.79/2009. Amd.</p>
<p>Draft Honorary Police (Repeals) (Jersey) Law 200-. Lodged: 13th July 2009. <i>Comité des Connétables.</i></p>	<p>P.114/2009.</p>
<p>Draft Honorary Police (Amendment) (Jersey) Regulations 200-. Lodged: 13th July 2009. <i>Comité des Connétables.</i></p>	<p>P.115/2009.</p>
<p>Wheel clamping: introduction of legislation. Lodged: 28th July 2009. <i>Deputy P.V.F. Le Claire of St. Helier.</i></p>	<p>P.119/2009.</p>
<p>Draft Marriage and Civil Status (Amendment No. 3) (Jersey) Law 200. Lodged: 5th August 2009. <i>Minister for Home Affairs.</i></p>	<p>P.123/2009.</p>
<p>Draft Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 10) (Jersey) Regulations 200. Lodged: 11th August 2009. <i>Chief Minister.</i></p>	<p>P.126/2009.</p>
<p>Draft Road Traffic (No. 59) (Jersey) Regulations 200. Lodged: 18th August 2009. <i>Minister for Home Affairs.</i></p>	<p>P.128/2009.</p>
<p>Rental Deposit Scheme to protect tenants' deposits. Lodged: 18th August 2009. <i>Deputy G.P. Southern of St. Helier.</i></p>	<p>P.130/2009.</p>
<p>Draft Sex Offenders (Jersey) Law 200-. Lodged: 19th August 2009. <i>Minister for Home Affairs.</i></p>	<p>P.132/2009.</p>
<p>Draft Amendment (No. 12) of the Standing Orders of the States of Jersey. Lodged: 19th August 2009. <i>Privileges and Procedures Committee.</i></p>	<p>P.133/2009.</p>
<p>Draft Protection of Children (Cigarette Lighter Refill) (Jersey) Regulations 200-. Lodged: 24th August 2009. <i>Minister for Economic Development.</i></p>	<p>P.134/2009.</p>

Millennium Town Park: funding from the Stabilisation Fund. P.135/2009.
Lodged: 24th August 2009.
Deputy G.P. Southern of St. Helier.

Composition and election of the States: abolition of 6 Senatorial positions in 2011. P.138/2009.
Lodged: 7th September 2009.
Deputy A.E. Jeune of St. Brelade.

Annual Business Plan 2009: variation in respect of pay freeze – rescindment. P.143/2009.
Lodged: 9th September 2009.
Deputy S. Pitman of St. Helier.

20th October 2009

Draft Banking Business (Depositors Compensation) (Jersey) Regulations 200- P.86/2009.
second reading.
Lodged: 2nd June 2009.
Minister for Economic Development.
(principles approved 15th July 2009)

Draft Banking (Depositors Compensation) (Jersey) Regulations 200. P.87/2009.
Lodged: 2nd June 2009.
Minister for Economic Development.

Strategic Reserve Fund: use for Bank Depositors' Compensation Scheme. P.84/2009.
Lodged: 2nd June 2009.
Minister for Treasury and Resources.

Draft Public Finances (Depositors Compensation) (Jersey) Regulations 200-. P.85/2009.
Lodged: 2nd June 2009.
Minister for Treasury and Resources.

Draft Income Tax (Amendment No. 32) (Jersey) Law 200. P.81/2009.
Lodged: 2nd June 2009.
Minister for Treasury and Resources.

Committee of Inquiry: confidential files held by States of Jersey Police on P.104/2009.
States Members and others.
Lodged: 23rd June 2009.
Deputy M.R. Higgins of St. Helier.

Ann Court housing site, St. Helier: temporary use. P.108/2009.
Lodged: 30th June 2009.
Connétable of St. Helier.

Ann Court housing site, St. Helier: temporary use (P.108/2009)– comments. P.108/2009.
Presented: 8th July 2009. Com.
Minister for Housing.

Draft Shops (Regulation of Opening and Deliveries) (Jersey) Law 200. P.111/2009.
Lodged: 1st July 2009.
Minister for Economic Development.

Code of Practice for Scrutiny Panels and the Public Accounts Committee: amendments. Lodged: 6th July 2009. <i>Chairmen's Committee.</i>	P.112/2009.
Civil Partnerships. Lodged: 4th September 2009. <i>Chief Minister.</i>	P.136/2009.
Draft Companies (Amendment No. 4) (Jersey) Regulations 200. Lodged: 4th September 2009. <i>Minister for Economic Development.</i>	P.137/2009.
Draft Gambling Commission (Jersey) Law 200-. Lodged: 8th September 2009. <i>Minister for Economic Development.</i>	P.139/2009.
Draft Gambling (Gaming and Lotteries) (Amendment No. 15) (Jersey) Regulations 200-. Lodged: 8th September 2009. <i>Minister for Economic Development.</i>	P.140/2009.
Draft Gambling (2010 Fees) (Jersey) Regulations 200-. Lodged: 8th September 2009. <i>Minister for Economic Development.</i>	P.141/2009.
<u>3rd November 2009</u>	
Pension Schemes: dealing with the past service liability. Lodged: 1st July 2009. <i>Senator B.E. Shenton.</i>	P.110/2009.
Plémont Holiday Village: acquisition by the Public. Lodged: 9th September 2009. <i>Connétable of St. Ouen.</i>	P.144/2009.
Committee of Inquiry into the management of the Health and Social Services Department. Lodged: 9th September 2009. <i>Health, Social Security and Housing Scrutiny Panel.</i>	P.145/2009.
Referendum: position of the Connétables in the States. Lodged: 10th September 2009. <i>Deputy M. Tadier of St. Brelade.</i>	P.146/2009.
Draft Data Protection (Amendment No. 2) (Jersey) Law 200. Lodged: 16th September 2009. <i>Minister for Treasury and Resources.</i>	P.147/2009.
Young Offenders: naming by the media. Lodged: 17th September 2009. <i>Deputy T.M. Pitman of St. Helier.</i>	P.148/2009.

Greffier of the States

16th September 2009

Note –

In accordance with the meeting dates fixed for 2009 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Tuesday 22nd, Wednesday 23rd, Thursday 24th and Friday 25th September 2009.

Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.90/2009.

This Order amends Schedule 1 to the Road Traffic (Speed Limits) (Jersey) Order 2003, which specifies roads subject to a 30 m.p.h. speed limit. It extends the limit on La Grande Route de St. Laurent from La Rue du Vard to a point 35 yards north of La Rue Millbraie, and up La Rue des Corvées to Mont de la Chesnaie. It also removes the limit on La Route de la Trinité outside Trinity Primary School.

The Order was made on 8th September 2009 and came into force on 15th September 2009.

R&O.91/2009.

This Order amends the Schedule to the Road Traffic (Prohibition of Waiting) (Clearways) (Jersey) Order 1963 to correct and update the designation of clearways near the airport, so as to cover the full lengths of both L' Avenue de la Reine Elizabeth II and L' Avenue de la Commune.

The Order was made on 8th September 2009 and came into force on 15th September 2009.

R&O.92/2009.

This Order replaces the list of members of the Government of Burma/Myanmar and associated persons and entities whose funds and economic resources are frozen and the list of enterprises owned or controlled by the Government, its members or associated persons which must not be given financial support.

The Order was made on 10th September 2009 and came into force on 17th September 2009.

R&O.93/2009.

This Order replaces, with amendments, the Employment (Awards) (Jersey) Order 2005 to take account of amendments to the Employment (Jersey) Law 2003 ("Law") that give the Employment Tribunal additional powers in respect of compensation awards.

Article 1 is an interpretation provision.

Article 2 sets out how weekly pay shall be calculated for the purposes of the Order.

Article 3 and the Schedule specify the scale of compensation that the Tribunal may award in respect of unfair dismissal cases. If a complaint for unfair dismissal is well-founded the Tribunal must make a compensation award under Article 77(2) of the Law if it does not make a direction for continued employment. Under Article 77E(3)(a) of the Law, the Tribunal must make an award of compensation if a complainant is not reinstated or re-engaged following a direction by the Tribunal for continued employment.

Article 4 sets out the maximum award that the Tribunal can make in any proceedings.

Article 5 revokes the Employment (Awards) (Jersey) Order 2005.

Article 6 is a citation provision and provides that the Order will come into force on 1st October 2009.

The Order was made on 14th September 2009 and comes into force on 1st October 2009.

R&O.94/2009.

This Order prescribes the annual charge to be paid by a licensee under a water resources licence.

The Order was made on 14th September 2009 and comes into force on 21st September 2009.

R&O.95/2009.

These bye-laws amend the Building Bye-laws (Jersey) 2007 to introduce higher standards of energy efficiency for new constructions as well as for certain existing buildings that undergo changes that may impinge on their thermal efficiency. These bye-laws also update certain other provisions.

New and revised definitions are inserted in existing bye-law 1 of the Building Byelaws (Jersey) 2007, and the concept of material change of use is expanded in existing bye-law 2. New byelaw 2A explains the concept of a thermal element of a building in detail.

In a case where building work is only necessary for the purposes of meeting certain energy efficiency requirements, and does not constitute a material alteration, there is generally no need for that work to meet all the requirements of Schedule 2 (see new paragraph (4) of existing byelaw 5).

New bye-law 5A requires thermal elements to meet new energy performance standards (set out in Part 11 of Schedule 2) when the thermal elements are renovated or replaced. New byelaw 5B requires a building (or part of a building) whose energy status is changed to comply with the new energy performance standards in Part 11 of Schedule 2.

Existing bye-law 10 is amended to require a building permit to be applied for in the case of the renovation or replacement of thermal elements or changes to a building's energy status.

Existing bye-law 13 is amended to require that when notice of the start of building work is given to the Minister in relation to covering foundation concrete, the positions of planned walls are set out on that concrete.

A new Part 3A (byelaws 17A to 17H) is inserted setting out new energy performance requirements for new buildings and buildings that undergo certain work. Energy audits are required to be carried out on certain new structures and notices about energy performance to be given.

A new bye-law 17I is inserted to provide that changes to the Building Byelaws (Jersey) 2007 do not apply to anything done on the basis of building permission that was granted before the changes took effect.

Existing Schedule 1 is amended to require that if a conservatory is to be generally exempt from the operation of the Building Bye-laws (Jersey) 2007, it must now also meet certain basic thermal performance requirements.

A new Part 11 ("Conservation of Fuel and Power") replaces the existing Part 11 of Schedule 2 to the Building Bye-laws (Jersey) 2007.

The Bye-laws were made on 15th September 2009 and come into force on 1st January 2010.

R&O.96/2009.

This Order prescribes the manner in which the Minister's proposals in respect of a new or revised Island Plan are to be publicized, and in which representations may be provided by members of the public and then heard in public (*Article 2*). *Articles 3 and 4* make general provision as to publicity and representations.

Under the Order the Minister publishes a draft Plan (*Article 5*), invites and considers written representations from the public (*Articles 5, 6 and 8*), appoints an inspector (*Article 7*), submits a report to the inspector with the Minister's views on the representations, and publishes the report (*Article 8*). The inspector (whose general functions are set out in *Article 9*) consults on and publishes a timetable for an examination in public (*Articles 10 and 11*), invites further written representations from the public (*Articles 11 and 12*), and holds hearings which may be on particular topics or on the Plan in general (*Articles 14 to 17*), supported by any ancillary sessions (*Article 13*). The inspector produces a report on the examination in public (*Article 18*). After considering the report (and after any re-opening of the examination under *Article 19*), the Minister revises the Plan for presentation to the States and publishes it along with the report and a justification of any departures from the report or from the original draft Plan (*Article 20*).

The Order was made on 15th September 2009 and comes into force on 22nd September 2009.

WRITTEN QUESTIONS

(See Item I(a))

1. The Chief Minister will table an answer to the following question asked by Senator B.E. Shenton –

“Would the Chief Minister give details of all standby payment arrangements that are in place for public employees setting out in each case the job title of the employee concerned and a brief description of his or her main duties, the employee's grade, details of the standby payment arrangements and the reasons for them and the amount of the standby payment?”

2. The Minister for Treasury and Resources will table an answer to the following question asked by the Deputy of St. John –

“Following my request on 6th July 2009, would the Minister advise the Assembly of the amount spent over the last 3 years to supply all States departments with bottled water (still/carbonated) and drinking fountains?

Would the Minister consider implementing a sanction on those Departments where tap water is available, but bottled water is still used and, if so, would he outline what form such sanctions will take?”

3. The Minister for Education, Sport and Culture will table an answer to the following question asked by the Deputy of St. John –

“Further to his response to my question of 10th March 2009, would the Minister advise what action, if any, he has taken to review the floodlighting of Victoria College and indicate what savings, if any, could be made to the school's annual electricity bill, should this practice be curtailed, for use by Victoria College towards the cost of other school resources?”

4. The Minister for Education, Sport and Culture will table an answer to the following question asked by the Deputy of St. John –

“Given the recent examination results from Island schools, could members be told how the Cognitive Abilities Test (CAT) examination results in Years 5, 7 and 9 compare with the equivalent schools across the British Isles?

On any league table of performing schools, can members be told whether Jersey schools performances were better or worse than average?

Did any schools, junior or senior, fall in the bottom three ranking league tables, and, if so, which schools?”

5. The Minister for Home Affairs will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier –

“Would the Minister explain to the Assembly why there appears to be such significant discrepancies between the facts of the historic abuse case outlined by the former Deputy Chief Officer of the States of Jersey Police and recent statements made to the media by his retiring successor and would the Minister clarify whether or not it is correct that the contentious 'skull fragment' has somehow been lost by the authorities?”

6. The Minister for Planning and Environment will table an answer to the following question asked by Deputy A.K.F. Green of St. Helier –

“Could the Minister confirm :

- (a) whether Dandara removed all containments contaminants from the Castle Quays site before starting work;
- (b) that he is satisfied that Dandara ensured that there was no contact between contaminants in the side walls and floor of the excavation pit and the seawater as it flooded in and out of the site
- (c) the precise chemical makeup of the contaminants
- (d) where and how this contaminated material was disposed of

Will the Minister also –

- (i) confirm what monitoring of water quality, if any, has taken place in the adjacent marina, St. Aubin’s Bay and on/in the development site?
- (ii) advise who has carried out this monitoring and what independent verification has taken place?
- (iii) provide the full data as supplied from the States laboratory or from any other source to Harbours and the Department for Planning and Environment?”

7. The Minister for Transport and Technical Services will table an answer to the following question asked by Deputy A.K.F. Green of St. Helier –

“Following a site visit by the Minister and officers, would he outline what measures, if any, will be taken to prevent a fifth instance of flooding at the propriety known as La Maison de L’Etacq, St Ouen from water which is discharged from a Transport and Technical Services’ culvert on La Route de L’Etacq and also indicate time scales for any proposed work?”

8. The Minister for Economic Development will table an answer to the following question asked by Deputy R.G. Le Hérisssier of St. Saviour –

“What is the total annual itemised cost of regulation by the Jersey Competition Regulatory Authority borne by Jersey Post?”

9. The Minister for Economic Development will table an answer to the following question asked by Deputy R.G. Le Hérisssier of St. Saviour –

“Will the Minister be working with the relevant authorities to ensure that camping facilities can be made available at Jersey Live next year?”

10. The Minister for Education, Sport and Culture will table an answer to the following question asked by Deputy R.G. Le Hérisssier of St. Saviour –

“Given the Minister’s response to a written question on 8th September 2009, regarding ‘League Tables’, would he outline how parents can obtain objective information on the performance of States Schools?”

11. The Minister for Health and Social Services will table an answer to the following question asked by Deputy R.G. Le Hérisssier of St. Saviour –

“How does the Minister ensure that monies allocated to IT projects in her Department achieve Value for Money?”

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

S.S.P.A. Power of St. Brelade –

“Can the Minister inform members whether, after the last joint management meeting between the French and Jersey Committee on fish stocks and particularly whelk stocks, the French started legal proceedings against Jersey to stop the Island from introducing a higher minimum landing size for whelk fishing in Jersey waters?”

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

“Would the Minister inform members why recipients of Invalidity Benefit are not eligible for incapacity pension?”

14. H.M. Attorney General will table an answer to the following question asked by the Deputy of St. Mary –

“Given the potential risk to the States of successful actions for damages, or people seeking injunctions on departments to stop them behaving in certain ways, and given the States’ duty of care to the public, can H.M. Attorney General advise members what remedies, if any, are available to members of the public who think that a Minister or a department has damaged their individual interest, the interests of their group, or the interests of islanders as a whole, and how these various remedies may be set in motion?”

Can H.M. Attorney General provide members with examples of where these various remedies have been adopted and the outcomes, and advise where such examples and explanations may be found?”

15. The President of the Chairmen’s Committee will table an answer to the following question asked by the Deputy of St. Mary –

“To aid members in their consideration of P.112/2009, would the President advise whether the Committee has been notified of any complaints made against the ‘official media’ in the last 10 years and, if so, what was the outcome of such complaints?”

Can the Chairman further explain what are the underlying principles behind a proposal seeking to exclude citizen media and hand a monopoly to ‘official professional media’ and how this squares with the need for the Assembly to engage with the public as fully as possible?”

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

“Could the Minister provide the Assembly with details of the last 2 advertisements for recruitment of members of the Jersey Police Complaints Authority, the job description and personal qualities required, the scoring or other evaluation basis, the C.V.’s of existing members, and the details of procedures used to appoint?”

17. The Minister for Treasury and Resources will table an answer to the following question asked by the Deputy of St. Mary –

“Would the Minister advise how the conclusion contained within paragraph 8.2.7 of the Annual Business Plan regarding the former Jersey College for Girls building’s unsuitability for use as States offices was reached and outline who carried out this assessment, the timeline for any meetings, provide minutes of any meetings or reports prepared to substantiate this proposal?”

18. The Minister for Transport and Technical Services will table an answer to the following question asked by the Deputy of St. Mary –

“Can the Minister advise the Assembly of –

- (a) the number and seriousness of accidents on B53 (La Rue des Buttes) from the junction at St. Mary’s Church to the junction of B53 with B39 (La Rue de la Frontière) in each of the last 10 years, including accidents at the two junctions;
- (b) the number and seriousness of road accidents in the Island as a whole in each of the last 10 years?”

The following question was deferred from 8th September 2009 –

19. The Minister for Economic Development will table an answer to the following question asked by the Deputy of St. John –

“Could members be advised of the exact works carried out in the re-fit of the fisheries vessel the Norman Le Brocq, detailing the costs of each section of works; when the vessel was taken out of service; when it went back into service; whether the work was undertaken by a Jersey shipyard, and if not, explain why this work could not be carried out in the Island given the local expertise available

ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

1st Session –

2nd Session

	First 15 minute period	Second 15 minute period
	Minister	Minister
6th October	Social Security	Planning and Environment
20th October	Housing	Chief Minister
3rd November	Transport and Technical Services	Treasury and Resources
17th November	Economic Development	Chief Minister
1st December	Education, Sport and Culture	Health and Social Services
8th December	Home Affairs	Chief Minister