

# STATES OF JERSEY ORDER PAPER

Tuesday 18th January 2011  
at 10.15 a.m.

## A. COMMUNICATIONS BY THE PRESIDING OFFICER

## B. TABLING OF SUBORDINATE ENACTMENTS

*(Explanatory note attached)*

Transport and Technical Services (Driver and Vehicle Standards – 2011 Fees) (Jersey) Order 2010. R&O.121/2010.

*Minister for Transport and Technical Services.*

Royal Court (Amendment No. 11) Rules 2010. R&O.129/2010.

*Superior Number of the Royal Court.*

Sex Offenders Law (Magistrate's Court Appeals) Rules 2010. R&O.130/2010.

*Superior Number of the Royal Court.*

Marriage and Civil Status (Forms, Registration and Fees) (Amendment No. 4) (Jersey) Order 2010. R&O.131/2010.

*Minister for Home Affairs.*

Income Tax (Superannuation Funds) (Amendment No. 4) (Jersey) Order 2010. R&O.132/2010.

*Minister for Treasury and Resources.*

Income Tax (Eligible Investment Schemes) (Application Fees) (Jersey) Order 2010. R&O.133/2010.

*Minister for Treasury and Resources.*

Fire Precautions (Fees) (Jersey) Order 2010. R&O.134/2010.

*Minister for Home Affairs.*

Health and Social Services (2011 Fees) (Jersey) Order 2010. R&O.135/2010.

*Minister for Health and Social Services.*

Fire Precautions (Prescribed Forms) (Jersey) Order 2011. R&O.1/2011.

*Minister for Home Affairs.*

## C. DOCUMENTS PRESENTED OR LAID

Samarès Nursery site, St. Clement: removal from draft Island Plan– petition (P.131/2010) – comments. P.131/2010.  
Com.

Presented: 22nd December 2010.

*Minister for Planning and Environment.*

Draft Amendment (No. 14) of the Standing Orders of the States of Jersey (P.169/2010): amendment (P.169/2010 Amd.)– comments. P.169/2010.  
Amd.Com.

Presented: 12th January 2011.

*Privileges and Procedures Committee.*

Draft Amendment (No. 14) of the Standing Orders of the States of Jersey (P.169/2010): amendment (P.169/2010 Amd.)– comments. P.169/2010.  
Amd.Com.(2)

Presented: 14th January 2011.

*Council of Ministers.*

Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): comments. P.176/2010.  
Com.

Presented: 14th January 2011.  
*Council of Ministers.*

Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010):  
second amendment (P.176/2010 Amd.(2))– comments. P.176/2010.  
Presented: 12th January 2011. Amd.(2).  
*Privileges and Procedures Committee.* Com.

Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010):  
third amendment (P.176/2010 Amd.(3))– comments. P.176/2010.  
Presented: 12th January 2011. Amd.(3).  
*Privileges and Procedures Committee.* Com.

Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010):  
fourth amendment (P.176/2010 Amd.(4))– comments. P.176/2010.  
Presented: 12th January 2011. Amd.(4).  
*Privileges and Procedures Committee.* Com.

Jersey Police Authority: establishment (P.192/2010) – comments. P.192/2010.  
Presented: 7th January 2011. Com.  
*Public Accounts Committee.*

Composition of the States: reduction in number of Senators – referendum  
(P.198/2010) – comments. P.198/2010.  
Presented: 12th January 2011. Com.  
*Privileges and Procedures Committee.*

Composition of the States: reduction in number of Senators – referendum  
(P.198/2010) – amendment (P.198/2010 Amd.)– comments. P.198/2010.  
Presented: 12th January 2011. Amd.Com.  
*Privileges and Procedures Committee.*

Composition of the States: reduction in number of Senators – referendum  
(P.198/2010) – second amendment (P.198/2010 Amd.(2))– comments. P.198/2010.  
Presented: 12th January 2011. Amd.(2).  
*Privileges and Procedures Committee.* Com.

Composition of the States: reduction in number of Deputies (P.2/2011) –  
comments. P.2/2011.  
Presented: 12th January 2011. Com.  
*Privileges and Procedures Committee.*

Composition of the States: reduction in number of Deputies (P.2/2011) –  
amendment (P.2/2011 Amd.)– comments. P.2/2011.  
Presented: 12th January 2011. Amd.Com.  
*Privileges and Procedures Committee.*

Composition of the States: reduction in number of Deputies (P.2/2011) –  
second amendment (P.2/2011 Amd.(2))– comments. P.2/2011.  
Presented: 12th January 2011. Amd.(2).  
*Privileges and Procedures Committee.* Com.

Composition of the States: reduction in number of Deputies (P.2/2011) – third  
amendment (P.2/2011 Amd.(3))– comments. P.2/2011.  
Presented: 12th January 2011. Amd.(3).  
*Privileges and Procedures Committee.* Com.

Budget management for the 6 month period to 30th June 2010. R.145/2010.  
Presented: 14th December 2010.  
*Minister for Treasury and Resources.*

<p>Building a Safer Society: Annual Report 2009.  Presented: 17th December 2010.  <i>Minister for Home Affairs.</i></p>	R.146/2010.
<p>Children and Young People: a strategic framework for Jersey 2011 –  consultation document.  Presented: 17th December 2010.  <i>Minister for Health and Social Services.</i></p>	R.147/2010.
<p>Annual Company Fees: Green Paper – Consultation August 2010 – Summary  of Responses.  Presented: 17th December 2010.  <i>Minister for Economic Development.</i></p>	R.148/2010.
<p>Land Transactions under Standing Order 168(3) –  (a) 9 Chevalier Road, St. Helier– lease;  (b) Flat 2 Claremont, Bagatelle Road, St. Saviour– lease.  Presented: 20th December 2010.  <i>Minister for Treasury and Resources.</i></p>	R.149/2010.
<p>States of Jersey Law 2005: delegation of functions – Planning and  Environment Department – December 2010 revised delegations.  Presented: 24th December 2010.  <i>Minister for Planning and Environment.</i></p>	R.150/2010.
<p>States of Jersey Law 2005: delegation of functions – Economic Development.  Presented: 24th December 2010.  <i>Minister for Economic Development.</i></p>	R.151/2010.
<p>Land Transactions under Standing Order 168(3) – land at Rouge Bouillon –  transfer to third party.  Presented: 24th December 2010.  <i>Minister for Treasury and Resources.</i></p>	R.152/2010.
<p>Health and Social Services Organisational and Management Improvement  Plan.  Presented: 24th December 2010.  <i>Minister for Health and Social Services.</i></p>	R.153/2010.
<p>Draft Island Plan: Inspectors’ Report.  Presented: 31st December 2010.  <i>Minister for Planning and Environment.</i></p>	R.154/2010.
<p>Land Transactions under Standing Order 168(3) – A11 La Vallée de St. Pierre  St. Lawrence– acquisition of land.  Presented: 31st December 2010.  <i>Minister for Treasury and Resources.</i></p>	R.155/2010.
<p>Fort Regent Political Steering Group: Interim Report.  Presented: 12th January 2011.  <i>Minister for Education, Sport and Culture.</i></p>	R.1/2011.
<p>Land Transactions under Standing Order 168(3) –  (a) Albert Pier (Store) A03, Elizabeth Terminal (Office and Check-In) E29B  and E29C, Gorey Pier (Office) G07 – lease;  (b) Ulvik, Mont Félard, St. Lawrence– lease.  Presented: 14th January 2011.  <i>Minister for Treasury and Resources.</i></p>	R.2/2011.
<p>Dental Health Services Review (S.R.12/2010) – response of the Minister for  Health and Social Services.</p>	S.R.12/2010. Res.

Presented: 24th December 2010.  
*Minister for Health and Social Services.*

Report on the accounts of the States of Jersey for the year ended December 2009. P.A.C.4/2010.  
Presented: 15th December 2010.  
*Public Accounts Committee.*

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

Speed Limits: revised policy (P.167/2010) – amendment. P.167/2010.  
Lodged: 29th December 2010. Amd.  
*Minister for Economic Development.*

Speed Limits: revised policy (P.167/2010) – second amendment. P.167/2010.  
Lodged: 5th January 2011. Amd.(2)  
*Connétable of St. Helier.*  
*(Cannot be debated before 19th January 2011)*

Speed Limits: revised policy (P.167/2010) – third amendment. P.167/2010.  
Lodged: 13th January 2011. Amd.(3)  
*Deputy M.R. Higgins of St. Helier.*  
*(Cannot be debated before 27th January 2011)*

Draft Amendment (No. 14) of the Standing Orders of the States of Jersey P.169/2010.  
(P.169/2010): amendment. Amd.  
Lodged: 11th January 2011.  
*Deputy of St. John.*

Standing Orders: additional signatories on propositions (P.174/2010) – third P.174/2010.  
amendment. Amd.(3)  
Lodged: 7th January 2010.  
*Deputy G.P. Southern of St. Helier.*

Standing Orders: additional signatories on propositions (P.174/2010) – fourth P.174/2010.  
amendment. Amd.(4)  
Lodged: 12th January 2010.  
*Deputy T.M. Pitman of St. Helier.*

Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): P.176/2010.  
amendment. Amd.  
Lodged: 4th January 2011.  
*Deputy E.J. Noel of St. Lawrence.*

Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): P.176/2010.  
amendment (P.176/2010 Amd.)– amendment. Amd.Amd.  
Lodged: 10th January 2011.  
*Deputy A.E. Jeune of St. Brelade.*

Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): P.176/2010.  
amendment (P.176/2010 Amd.)– second amendment. Amd.  
Lodged: 11th January 2011. Amd.(2)  
*Deputy M. Tadier of St. Brelade.*

Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): P.176/2010.  
amendment (P.176/2010 Amd.)– third amendment. Amd.  
Lodged: 11th January 2011. Amd.(3)  
*Deputy T.M. Pitman of St. Helier.*

Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): P.176/2010.  
second amendment. Amd.(2)

Lodged: 4th January 2011. <i>Senator F. du H. Le Gresley.</i>	
Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): second amendment (P.176/2010 Amd.(2))– amendment. Lodged: 11th January 2011. <i>Senator S.C. Ferguson.</i>	P.176/2010. Amd.(2) Amd.
Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): third amendment. Lodged: 4th January 2011. <i>Senator S.C. Ferguson.</i>	P.176/2010. Amd.(3)
Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): third amendment (P.176/2010 Amd.(3))– amendment. Lodged: 11th January 2011. <i>Senator S.C. Ferguson.</i>	P.176/2010. Amd.(3) Amd.
Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): fourth amendment. Lodged: 4th January 2011. <i>Senator P.F.C. Ozouf.</i>	P.176/2010. Amd.(4)
Jersey Consumer Council: future mandate. Lodged: 17th December 2010. <i>Minister for Economic Development.</i>	P.182/2010.
Jersey Overseas Aid Commission: appointment of non-States Commissioner. Lodged: 20th December 2010. <i>Deputy I.J. Gorst of St. Clement.</i>	P.183/2010.
Draft Public Holidays and Bank Holidays (Amendment) (Jersey) Act 201-. Lodged: 20th December 2010. <i>Chief Minister.</i>	P.184/2010.
Draft Public Employees (Contributory Retirement Scheme) (Amendment No. 18) (Jersey) Regulations 201-. Lodged: 20th December 2010. <i>Chief Minister.</i>	P.185/2010.
Draft Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 11) (Jersey) Regulations 201-. Lodged: 20th December 2010. <i>Chief Minister.</i>	P.186/2010.
Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 14) (Jersey) Regulations 201-. Lodged: 20th December 2010. <i>Chief Minister.</i>	P.187/2010.
Draft Public Employees (Contributory Retirement Scheme) (Former Hospital Scheme) (Amendment No. 5) (Jersey) Regulations 201-. Lodged: 20th December 2010. <i>Chief Minister.</i>	P.188/2010.
Housing issues in Jersey. Lodged: 21st December 2010. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.189/2010.
North of Town Masterplan (Revised). Lodged: 21st December 2010.	P.190/2010.

*Minister for Planning and Environment.*

North of Town Masterplan (Revised) (P.190/2010): amendment. Lodged: 22nd December 2010. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.190/2010. Amd.
North of Town Masterplan (Revised) (P.190/2010): second amendment. Lodged: 10th January 2010. <i>Deputy A.K.F. Green of St. Helier.</i>	P.190/2010. Amd.(2)
Draft Terrorist Asset-Freezing (Jersey) Law 201- Lodged: 21st December 2010. <i>Chief Minister.</i>	P.191/2010.
Jersey Police Authority: establishment. Lodged: 21st December 2010. <i>Minister for Home Affairs.</i>	P.192/2010.
Draft Employment (Minimum Wage) (Amendment No. 7) (Jersey) Regulations 201- Lodged: 22nd December 2010. <i>Minister for Social Security.</i>	P.193/2010.
Standing Orders: minimum lodging periods – revision. Lodged: 23rd December 2010. <i>Senator P.F. Routier.</i>	P.194/2010.
Standing Orders: minimum lodging periods – revision (P.194/2010) – amendment. Lodged: 12th January 2011. <i>Deputy of St. Martin.</i>	P.194/2010. Amd.
Ratification of the Agreement for the exchange of information relating to tax matters between the Government of Jersey and the Government of the Republic of Turkey. Lodged: 23rd December 2010. <i>Chief Minister.</i>	P.195/2010.
Ratification of the Agreement for the exchange of information relating to tax matters between the Government of Jersey and the Government of the Republic of the United Mexican States. Lodged: 23rd December 2010. <i>Chief Minister.</i>	P.196/2010.
Draft Companies (Amendment No. 5) (Jersey) Regulations 201- Lodged: 29th December 2010. <i>Minister for Economic Development.</i>	P.197/2010.
Composition of the States: reduction in number of Senators – referendum. Lodged: 31st December 2010. <i>Senator F.E. Cohen.</i>	P.198/2010.
Composition of the States: reduction in number of Senators – referendum (P.198/2010) – amendment. Lodged: 11th January 2011. <i>Senator A. Breckon.</i>	P.198/2010. Amd.
Composition of the States: reduction in number of Senators – referendum (P.198/2010) – second amendment. Lodged: 11th January 2011. <i>Deputy T.M. Pitman of St. Helier.</i>	P.198/2010. Amd.(2)

Draft Gambling (Remote Gambling Disaster Recovery) (Amendment) (Jersey) Regulations 201- Lodged: 31st December 2010. <i>Minister for Economic Development.</i>	P.199/2010.
Standing Orders: time limits on speeches during debates. Lodged: 4th January 2011. <i>Senator P.F. Routier.</i>	P.1/2011.
Composition of the States: reduction in number of Deputies. Lodged: 4th January 2011. <i>Deputy E.J. Noel of St. Lawrence.</i>	P.2/2011.
Composition of the States: reduction in number of Deputies (P.2/2011) – amendment. Lodged: 10th January 2011. <i>Deputy A.E. Jeune of St. Brelade.</i>	P.2/2011. Amd.
Composition of the States: reduction in number of Deputies (P.2/2011) – second amendment. Lodged: 11th January 2011. <i>Deputy M. Tadier of St. Brelade.</i>	P.2/2011. Amd.(2)
Composition of the States: reduction in number of Deputies (P.2/2011) – third amendment. Lodged: 11th January 2011. <i>Deputy T.M. Pitman of St. Helier.</i>	P.2/2011. Amd.(3)

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

In accordance with Standing Order 34(1), the proposers of the following propositions lodged ‘au Greffe’ have informed the Greffier of the States that they are to be withdrawn –

Draft Freedom of Information (Jersey) Law 201- Lodged: 19th July 2010. <i>Privileges and Procedures Committee.</i>	P.101/2010.
North of Town Masterplan (Revised). Lodged: 19th July 2010. <i>Minister for Planning and Environment.</i>	P.103/2010.

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

## **G. MATTERS OF PRIVILEGE**

## **H. PETITIONS**

## **I. QUESTIONS**

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

1. The Minister for Treasury and Resources will table an answer to a question asked by the Deputy of St. John regarding funding for the Island Games in 2015.
2. The Minister for Education, Sport and Culture will table an answer to a question asked by the Deputy of St John regarding funding for the Island Games 2015.
3. The Minister for Health and Social Services will table an answer to a question asked by the Deputy of St. John regarding the reciprocal Health Agreement with the United Kingdom.

4. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding a review of taxation.
5. The Chief Minister will table an answer to a question asked by Senator B.E. Shenton regarding personal injury claims in the Royal Court.
6. The Minister for Treasury and Resources will table an answer to a question asked by Senator F. du H. Le Gresley regarding the timetable for changes to Social Security contribution levels.
7. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding zero/ten and communications with the United Kingdom.
8. The Minister for Planning and Environment will table an answer to a question asked by the Deputy of St. John regarding a site for skip sorting.
9. The Minister for Economic Development will table an answer to a question asked by the Deputy of St. John regarding the States Tug.
10. The Chief Minister will table an answer to a question asked by the Deputy of St. Martin regarding changes to the Terms of Reference for the Napier report.
11. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding the replacement of States vehicles.
12. The Minister for Planning and Environment will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding the implementation of recommendations made after the recent review of his Department.
13. The Chief Minister will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding calls for Jersey to become an independent jurisdiction.
14. The Chief Minister will table an answer to a question asked by the Deputy of St. Mary regarding Tax Information Exchange Agreements in force for last six years.
15. The Minister for Treasury and Resources will table an answer to a question asked by the Deputy of St. Mary regarding the Public Accounts Committee's 'Report on the Accounts of the States of Jersey for the year ended December 2009' (PAC.4/2010).
16. The Chairman of Public Accounts Committee will table an answer to a question asked by the Deputy of St. Mary regarding the Committee's 'Report on the Accounts of States of Jersey for the year ended December 2009' (PAC.4/2010).
17. The Minister for Treasury and Resources will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding companies subject to zero rate tax.
18. The Chief Minister will table an answer to a question asked by Deputy M.R. Higgins of St Helier regarding discussions with the Isle of Man and Guernsey regarding zero/ten.
19. The Minister for Treasury and Resources will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the total revenue received from deemed distribution provisions.

**(b) – Oral Questions**

(120 minutes)

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

“Will the Minister inform Members how many people have benefited from the programme of education, prevention, treatment, counselling and research which Members were assured



during the debate on the Gambling Commission (Jersey) Law 2010 (P.139/2009) would be financed by the establishment of a social responsibility fund and is he content that the programme is providing value for money and if so why?"

2. The Connétable of St. Helier will ask the following question of the Minister for Transport and Technical Services –

“Would the Minister state what procedures are followed by Connex when their buses are involved in Road Traffic Accidents?”

3. Deputy T.M. Pitman of St. Helier will ask the following question of the Chairman of Privileges and Procedures Committee –

“Would the Chairman advise whether the adoption by the Assembly of either of the propositions lodged by Senators Cohen or Ferguson would effectively prevent any of the reforms agreed in October 2010 from being implemented?”

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

“Will the Chief Minister inform members what communications he, the Deputy Chief Minister or his Department have had with counterparts in other Crown Dependencies and the UK government over the resolution of outstanding zero/ten issues and, if no meetings have taken place, will he inform members if and when meetings are scheduled to resolve the Island's compliance issues with the EU Code on Business Taxation and, if not, why not?”

5. Deputy P.V.F. Le Claire of St. Helier will ask the following question of the Minister for Planning and Environment –

“Will the Minister's consultation ‘with the Connétables and Parish Deputies to explore other options to meet our housing needs’, as mentioned in his press release publicising the Inspectors' report on the Draft Island Plan, include the Parish of St. Helier?”

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

“Why, as reported in Jersey Post International Limited's Business Review 2009, was Principle B1.4 of the Code of Remuneration for Board Members not applied in respect of one member's declaration of his role as a Director on the boards of various other companies?”

7. The Deputy of St. John will ask the following question of the Minister for Economic Development –

“Would the Minister advise whether passengers have a point of contact with airline staff or airport personnel once past security (airside) other than an unmanned telephone to deal with queries or complaints, and if not, will he consider providing an information desk similar to that based in the external departure hall, particularly when there are delays due to inclement weather?”

8. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Education, Sport and Culture –

“Following the Minister's statement 6th December 2010 that all allegations against members of staff at the Education, Sport and Culture Department relating to historic abuse cases had been thoroughly investigated by the appropriate authorities and concluded, will he now follow the precedent of the Wiltshire enquiry and publish a redacted version of the investigation reports?”

9. Senator F. du H. Le Gresley will ask the following question of the Chief Minister –

“Would the Chief Minister advise what action is being taken in relation to the Jersey Law Commission's review of the Bankruptcy (Désastre) (Jersey) Law 1990 (Social Désastre) and

whether he is minded to pursue the Commission's suggestion, in their Consultation Paper dated April 2010, that in order for more debtors to have access to the bankruptcy system, another form of personal bankruptcy process should be introduced by legislation?"

10. The Deputy of St. Mary will ask the following question of the Minister for Transport and Technical Services –

“With regard to promoting road safety under the Sustainable Transport Policy, will the Minister confirm that his Department will be responsible for analysing the causes of road traffic accidents, and, if so, how will this analysis be reviewed, who will have ultimate responsibility for the success or otherwise of this programme, and how will this work be budgeted?”

11. Deputy A.K.F. Green of St. Helier will ask the following question of the Minister for Economic Development –

“As the Minister has introduced a free ten minute parking area at the Airport, although these are few in number and not conveniently placed for the infirm or disabled, will the Minister consider making all public parking areas at the airport free for the first ten or twenty minutes, and if not, why not?”

12. Deputy T.M. Pitman of St. Helier will ask the following question of the Chairman of Privileges and Procedures Committee –

“Following the withdrawal of P.100/2010 ‘Media Relations - Code of conduct’ will the Chairman advise when this matter will be brought before the Assembly so that issues relating to citizen media filming Scrutiny meetings can be resolved and will she detail what evidence, if any, the Committee possesses that such media is any less biased than mainstream media?”

13. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Treasury and Resources –

“Following his commitment in the 2011 budget to investigate the possibility of recouping corporate tax lost through zero/ten from foreign owned non-finance companies and to report in December 2010, will the Minister inform members what measures, if any, he has under consideration, how these measures will comply with the EU Code on Business Taxation Articles 1 to 3 and, if not, will he inform members when he will do so?”

14. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Social Security –

“As the Food Costs (or ‘GST’) Bonus was introduced as an alternative to removing GST from foodstuffs in an attempt to protect those on low incomes, will the Minister advise why residents who have been here less than 5 years are not eligible for this bonus?”

15. The Deputy of St. Martin will ask the following question of the Minister for Health and Social Services –

“Will the Minister inform Members of the number of doctors who, although not suspended, are not permitted to carry out their normal duties; outline what impact such restrictions are having on patient care, the individual doctors and their colleagues and advise the cost to the public to date in respect of locum hire to cover the period of restriction?”

16. The Deputy of St. Mary will ask the following question of the Minister for Transport and Technical Services –

“As the incinerator is due to start burning rubbish soon, can the Minister advise what action he proposes to take in order to be open and transparent with regard to emissions from the plant to air, sea and surface run-off?”

17. Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the Minister for Health and Social Services –

“Have current waiting list targets for certain operations been abandoned and, if so, when does the Minister intend to publish revised targets?”

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

1st question period – Minister for Housing

2nd question period – Minister for Economic Development

**J. PERSONAL STATEMENTS**

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

**L. PUBLIC BUSINESS**

**18th January 2011**

Canons of the Church of England in Jersey. P.179/2010.  
Lodged: 6th December 2010.  
*Chief Minister.*

Draft Employment (Amendment No. 6) (Jersey) Law 201. P.143/2010.  
Lodged: 12th October 2010.  
*Minister for Social Security.*  
(*Second Reading – principles approved on 1st December 2010*)

Draft Restriction on Smoking (Warning Notices) (Jersey) Regulations 201. P.156/2010.  
Lodged: 22nd October 2010.  
*Minister for Health and Social Services.*

Speed Limits: revised policy. P.167/2010.  
Lodged: 2nd November 2010.  
*Minister for Transport and Technical Services.*

Speed Limits: revised policy (P.167/2010) – amendment. P.167/2010.  
Lodged: 29th December 2010. Amd.  
*Minister for Economic Development.*

Speed Limits: revised policy (P.167/2010) – second amendment. P.167/2010.  
Lodged: 5th January 2011. Amd.(2)  
*Connétable of St. Helier.*  
(*Cannot be debated before 19th January 2011.*)

Speed Limits: revised policy (P.167/2010) – third amendment. P.167/2010.  
Lodged: 13th January 2011. Amd.(3)  
*Deputy M.R. Higgins of St. Helier.*  
(*Cannot be debated before 27th January 2011*)

Official Report (‘Hansard’): retrospective removal of names. P.168/2010.  
Lodged: 10th November 2010.  
*Privileges and Procedures Committee.*

Draft Amendment (No. 14) of the Standing Orders of the States of Jersey. P.169/2010.  
Lodged: 10th November 2010.  
*Privileges and Procedures Committee.*

Draft Amendment (No. 14) of the Standing Orders of the States of Jersey P.169/2010.  
(P.169/2010): amendment. Amd.  
Lodged: 11th January 2011.

*Deputy of St. John.*

Draft Amendment (No. 14) of the Standing Orders of the States of Jersey (P.169/2010): amendment (P.169/2010 Amd.)– comments. Presented: 12th January 2011. <i>Privileges and Procedures Committee.</i>	P.169/2010. Amd.Com.
Draft Amendment (No. 14) of the Standing Orders of the States of Jersey (P.169/2010): amendment (P.169/2010 Amd.)– comments. Presented: 14th January 2011. <i>Council of Ministers.</i>	P.169/2010. Amd.Com.(2)
Draft States of Jersey (Miscellaneous Provisions) Law 201. Lodged: 24th November 2010. <i>Privileges and Procedures Committee.</i>	P.176/2010.
Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): comments. Presented: 14th January 2011. <i>Council of Ministers.</i>	P.176/2010. Com.
Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): amendment. Lodged: 4th January 2011. <i>Deputy E.J. Noel of St. Lawrence.</i>	P.176/2010. Amd.
Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): amendment (P.176/2010 Amd.)– amendment. Lodged: 10th January 2011. <i>Deputy A.E. Jeune of St. Brelade.</i>	P.176/2010. Amd.Amd.
Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): amendment (P.176/2010 Amd.)– second amendment. Lodged: 11th January 2011. <i>Deputy M. Tadier of St. Brelade.</i>	P.176/2010. Amd. Amd.(2)
Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): amendment (P.176/2010 Amd.)– third amendment. Lodged: 11th January 2011. <i>Deputy T.M. Pitman of St. Helier.</i>	P.176/2010. Amd. Amd.(3)
Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): second amendment. Lodged: 4th January 2011. <i>Senator F. du H. Le Gresley.</i>	P.176/2010. Amd.(2)
Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): second amendment (P.176/2010 Amd.(2))– comments. Presented: 12th January 2011. <i>Privileges and Procedures Committee.</i>	P.176/2010. Amd.(2). Com.
Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): second amendment (P.176/2010 Amd.(2))– amendment. Lodged: 11th January 2011. <i>Senator S.C. Ferguson.</i>	P.176/2010. Amd.(2) Amd.
Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): third amendment. Lodged: 4th January 2011. <i>Senator S.C. Ferguson.</i>	P.176/2010. Amd.(3)

Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): third amendment (P.176/2010 Amd.(3))– comments. Presented: 12th January 2011. <i>Privileges and Procedures Committee.</i>	P.176/2010. Amd.(3). Com.
Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): third amendment (P.176/2010 Amd.(3))– amendment. Lodged: 11th January 2011. <i>Senator S.C. Ferguson.</i>	P.176/2010. Amd.(3) Amd.
Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): fourth amendment. Lodged: 4th January 2011. <i>Senator P.F.C. Ozouf.</i>	P.176/2010. Amd.(4)
Draft States of Jersey (Miscellaneous Provisions) Law 201- (P.176/2010): fourth amendment (P.176/2010 Amd.(4))– comments. Presented: 12th January 2011. <i>Privileges and Procedures Committee.</i>	P.176/2010. Amd.(4). Com.
Ratification of the Agreement for the exchange of information relating to taxes between the Government of Jersey and the Government of the People’s Republic of China. Lodged: 6th December 2010. <i>Chief Minister.</i>	P.178/2010.
Jersey Bank Depositors Compensation Board: appointment of members. Lodged: 7th December 2010. <i>Minister for Economic Development.</i>	P.180/2010.
<u>NOTE:</u> The Greffier has been advised by the proposers of the following propositions that, in accordance with Standing Order 32, which requires at least two clear working days’ notice to be given before the meeting date for a proposition not previously agreed to be debated, they wish for their propositions to be considered by the States at this meeting –	
Jersey Overseas Aid Commission: appointment of non-States Commissioner. Lodged: 20th December 2010. <i>Deputy I.J. Gorst of St. Clement.</i>	P.183/2010.
Draft Public Holidays and Bank Holidays (Amendment) (Jersey) Act 201-. Lodged: 20th December 2010. <i>Chief Minister.</i>	P.184/2010.
Composition of the States: reduction in number of Senators – referendum. Lodged: 31st December 2010. <i>Senator F.E. Cohen.</i>	P.198/2010.
Composition of the States: reduction in number of Senators – referendum (P.198/2010) – comments. Presented: 12th January 2011. <i>Privileges and Procedures Committee.</i>	P.198/2010. Com.
Composition of the States: reduction in number of Senators – referendum (P.198/2010) – amendment. Lodged: 11th January 2011. <i>Senator A. Breckon.</i>	P.198/2010. Amd.
Composition of the States: reduction in number of Senators – referendum (P.198/2010) – amendment (P.198/2010 Amd.)– comments. Presented: 12th January 2011.	P.198/2010. Amd.Com.

*Privileges and Procedures Committee.*

Composition of the States: reduction in number of Senators – referendum (P.198/2010) – second amendment. P.198/2010.  
Lodged: 11th January 2011. Amd.(2)  
*Deputy T.M. Pitman of St. Helier.*

Composition of the States: reduction in number of Senators – referendum (P.198/2010) – second amendment (P.198/2010 Amd.(2))– comments. P.198/2010.  
Presented: 12th January 2011. Amd.(2)  
*Privileges and Procedures Committee.* Com.

Composition of the States: reduction in number of Deputies. P.2/2011.  
Lodged: 4th January 2011.  
*Deputy E.J. Noel of St. Lawrence.*

Composition of the States: reduction in number of Deputies (P.2/2011) – comments. P.2/2011.  
Presented: 12th January 2011. Com.  
*Privileges and Procedures Committee.*

Composition of the States: reduction in number of Deputies (P.2/2011) – amendment. P.2/2011.  
Lodged: 10th January 2011. Amd.  
*Deputy A.E. Jeune of St. Brelade.*

Composition of the States: reduction in number of Deputies (P.2/2011) – amendment (P.2/2011 Amd.)– comments. P.2/2011.  
Presented: 12th January 2011. Amd.Com.  
*Privileges and Procedures Committee.*

Composition of the States: reduction in number of Deputies (P.2/2011) – second amendment. P.2/2011.  
Lodged: 11th January 2011. Amd.(2)  
*Deputy M. Tadier of St. Brelade.*

Composition of the States: reduction in number of Deputies (P.2/2011) – second amendment (P.2/2011 Amd.(2))– comments. P.2/2011.  
Presented: 12th January 2011. Amd.(2)  
*Privileges and Procedures Committee.* Com.

Composition of the States: reduction in number of Deputies (P.2/2011) – third amendment. P.2/2011.  
Lodged: 11th January 2011. Amd.(3)  
*Deputy T.M. Pitman of St. Helier.*

Composition of the States: reduction in number of Deputies (P.2/2011) – third amendment (P.2/2011 Amd.(3))– comments. P.2/2011.  
Presented: 12th January 2011. Amd.(3)  
*Privileges and Procedures Committee.* Com.

**M. ARRANGEMENT OF PUBLIC BUSINESS**

**1st February 2011**

Shadow Boards and Ministerial Boards: approval by the States. P.170/2010.  
Lodged: 11th November 2010.  
*Deputy P.V.F. Le Claire of St. Helier.*

Shadow Boards and Ministerial Boards: approval by the States (P.170/2010) – comments. P.170/2010.  
Com.

Presented: 30th November 2010. <i>Privileges and Procedures Committee.</i>	
Ministerial offices: reduction. Lodged: 12th November 2010. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.171/2010.
Ministerial offices: reduction (P.171/2010) – comments. Presented: 25th November 2010. <i>Council of Ministers.</i>	P.171/2010. Com.
Standing Orders: additional signatories on propositions. Lodged: 19th November 2010. <i>Senator P.F. Routier.</i>	P.174/2010.
Standing Orders: additional signatories on propositions (P.174/2010) – comments. Presented: 30th November 2010. <i>Privileges and Procedures Committee.</i>	P.174/2010. Com.
Standing Orders: additional signatories on propositions (P.174/2010) – amendment. Lodged: 26th November 2010. <i>Deputy of St. John.</i>	P.174/2010. Amd.
Standing Orders: additional signatories on propositions (P.174/2010) – second amendment. Lodged: 10th December 2010. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.174/2010. Amd.(2)
Standing Orders: additional signatories on propositions (P.174/2010) – third amendment. Lodged: 7th January 2010. <i>Deputy G.P. Southern of St. Helier.</i>	P.174/2010. Amd.(3)
Standing Orders: additional signatories on propositions (P.174/2010) – fourth amendment. Lodged: 12th January 2010. <i>Deputy T.M. Pitman of St. Helier.</i>	P.174/2010. Amd.(4)
Pomme d’Or Farm: refurbishment. Lodged: 1st December 2010. <i>Deputy A.K.F. Green of St. Helier.</i>	P.177/2010.
Jersey Consumer Council: future mandate. Lodged: 17th December 2010. <i>Minister for Economic Development.</i>	P.182/2010.
Draft Public Employees (Contributory Retirement Scheme) (Amendment No. 18) (Jersey) Regulations 2010. Lodged: 20th December 2010. <i>Chief Minister.</i>	P.185/2010.
Draft Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 11) (Jersey) Regulations 2010. Lodged: 20th December 2010. <i>Chief Minister.</i>	P.186/2010.
Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 14) (Jersey) Regulations 2010. Lodged: 20th December 2010.	P.187/2010.

*Chief Minister.*

Draft Public Employees (Contributory Retirement Scheme) (Former Hospital Scheme) (Amendment No. 5) (Jersey) Regulations 201-. P.188/2010.  
Lodged: 20th December 2010.  
*Chief Minister.*

Housing issues in Jersey. P.189/2010.  
Lodged: 21st December 2010.  
*Deputy P.V.F. Le Claire of St. Helier.*

Draft Terrorist Asset-Freezing (Jersey) Law 201-. P.191/2010.  
Lodged: 21st December 2010.  
*Chief Minister.*

Jersey Police Authority: establishment. P.192/2010.  
Lodged: 21st December 2010.  
*Minister for Home Affairs.*

Jersey Police Authority: establishment (P.192/2010) – comments. P.192/2010.  
Presented: 7th January 2011. Com.  
*Public Accounts Committee.*

Draft Employment (Minimum Wage) (Amendment No. 7) (Jersey) Regulations 201-. P.193/2010.  
Lodged: 22nd December 2010.  
*Minister for Social Security.*  
*(Cannot be debated before 2nd February 2011)*

Standing Orders: minimum lodging periods – revision. P.194/2010.  
Lodged: 23rd December 2010.  
*Senator P.F. Routier.*

Standing Orders: minimum lodging periods – revision (P.194/2010) – amendment. P.194/2010.  
Lodged: 12th January 2011. Amd.  
*Deputy of St. Martin.*

### **15th February 2011**

Freedom of Information: implementation plan. P.145/2010.  
Lodged: 13th October 2010.  
*Deputy R.G. Le Hérisier of St. Saviour.*

Draft Loi (No. 7) (201-) concernant la charge de Juge d'Instruction. P.148/2010.  
Lodged: 19th October 2010.  
*Chief Minister.*

Esplanade Quarter: deferment of works. P.181/2010.  
Lodged: 7th December 2010.  
*Deputy of St. John.*

North of Town Masterplan (Revised). P.190/2010.  
Lodged: 21st December 2010.  
*Minister for Planning and Environment.*

North of Town Masterplan (Revised) (P.190/2010): amendment. P.190/2010.  
Lodged: 22nd December 2010. Amd.  
*Deputy P.V.F. Le Claire of St. Helier.*

North of Town Masterplan (Revised) (P.190/2010): second amendment. P.190/2010.



Lodged: 10th January 2010. <i>Deputy A.K.F. Green of St. Helier.</i>	Amd.(2)
Ratification of the Agreement for the exchange of information relating to tax matters between the Government of Jersey and the Government of the Republic of Turkey. Lodged: 23rd December 2010. <i>Chief Minister.</i>	P.195/2010.
Ratification of the Agreement for the exchange of information relating to tax matters between the Government of Jersey and the Government of the Republic of the United Mexican States. Lodged: 23rd December 2010. <i>Chief Minister.</i>	P.196/2010.
Draft Companies (Amendment No. 5) (Jersey) Regulations 2010. Lodged: 29th December 2010. <i>Minister for Economic Development.</i>	P.197/2010.
Draft Gambling (Remote Gambling Disaster Recovery) (Amendment) (Jersey) Regulations 2010. Lodged: 31st December 2010. <i>Minister for Economic Development.</i>	P.199/2010.
Standing Orders: time limits on speeches during debates. Lodged: 4th January 2011. <i>Senator P.F. Routier.</i>	P.1/2011.
<b><u>29th March 2011</u></b>	
Samarès Nursery site, St. Clement: removal from draft Island Plan– petition. Lodged: 1st October 2010. <i>Connétable of St. Clement.</i>	P.131/2010.
Samarès Nursery site, St. Clement: removal from draft Island Plan– petition (P.131/2010) – comments. Presented: 22nd December 2010. <i>Minister for Planning and Environment.</i>	P.131/2010. Com.
Jersey Financial Services Commission: imposition of fines. Lodged: 19th October 2010. <i>Senator A. Breckon.</i>	P.150/2010.

**A.H. HARRIS**  
**Deputy Greffier of the States**

13th January 2011

**Note –**

**In accordance with the meeting dates fixed for 2011 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 19th and Thursday 20th January 2011.**

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

(See Item B)

### **R&O.121/2010.**

This Order increases, by approximately 2.5%, fees connected with –

- (a) an application for a badge to drive a public service vehicle;
- (b) registration of a motor vehicle, changes of registration mark, issue of trade licences and issue of certificates in respect of vehicle standards;
- (c) registration of driving instructors;
- (d) licensing of a vehicle that does not comply with construction and use requirements;
- (e) driving tests.

The increases take effect from 1st January 2011. Fees were last increased on 1st January 2010.

The Order was made on 9th December 2010.

### **R&O.129/2010.**

These Rules amend the Royal Court Rules 2004 in relation to three separate matters.

#### **1. Sex Offenders Law**

The amendments in *Rule 2* provide for certain procedures in the Royal Court under the Sex Offenders (Jersey) Law 2010 (“the Law”).

The main purpose of the Law is to require people who have been convicted (before or after the Law comes into force) of certain sexual offences to keep the police informed of their whereabouts while they are in Jersey. It also empowers the courts to make orders restricting the activities of people who may be sexual predators or who may sexually exploit children and vulnerable persons. In particular –

*Article 10* of the Law empowers the Court to make restraining orders. Such an order restricts the activities of an offender who poses a risk of serious sexual harm to the public or any particular person or persons. The powers under *Article 10* are exercisable on application made by the Attorney General (or, in the case of an application to vary or discharge an existing order, by the Attorney General or by the offender).

*Article 11* of the Law empowers the Royal Court to make child protection orders. Such an order may be made if the Court is satisfied that a defendant has engaged in certain sexual activities and it is necessary to make the order to protect children generally or any child from harm from the defendant. Again, such powers are exercisable on application by the Attorney General (or again also by the defendant to vary or discharge the order).

*Article 12* of the Law empowers the Court to make travel orders, when satisfied that a person’s acts and behaviour make it necessary to make such an order for the purpose of protecting children generally or any child from serious sexual harm from that person (“the notifier”) outside Jersey. The order may prohibit the notifier from travelling to places outside Jersey either generally, or as named or described in the order. As with the other orders, travel orders may be made on application by the Attorney General, and the notifier also may apply to vary or discharge the order.

The Attorney General only may apply –

- (i) under *Article 13* of the Law for an order that the notification requirements of the Law be applied to a person who has been convicted of a sexual offence before the commencement of the Law;
- (ii) under *Article 14* of the Law for an order certifying that an offence committed by a person before the commencement of the Law was sexually aggravated and that the notification requirements of the Law be applied to the person;
- (iii) under *Article 15* of the Law for an order that the notification requirements of the Law be applied to a person who has been convicted of a sexual offence outside Jersey; and

- (iv) under *Article 16* of the Law for an order certifying that an offence committed by a person outside Jersey was sexually aggravated and that the notification requirements of the Law be applied to the person.

*Rule 2* inserts a new Rule 6/38 in the Royal Court Rules to require the various applications referred to above – when having to be made otherwise than upon conviction or sentencing – to be made by way or representation

At present, under Rule 3/8 of the Royal Court Rules, a representation containing an interim injunction may be presented to the Bailiff in chambers. The Bailiff then has the same powers as the Inferior Number in relation to the service of the proceedings, the convening of parties and the making of the interim injunction and any order incidental thereto. *Rule 2* amends Rule 3/8 to confer the same jurisdiction and powers on the Bailiff in relation to representations under the Sex Offenders Law.

## **2. Contracts for passing before the Royal Court and certain Public Registry matters**

The amendments in *Rule 3* relate to certain matters in the public registry of contracts.

Rule 18/9 of the Royal Court Rules presently requires, among other things, that all contracts be engrossed on single sheets of durable paper 17 inches in height and 10¾ inches in width, and that there be a margin, to be left blank, of at least 2 inches in width on the left hand side, and at least 1½ inches at the head and foot, of each page of the contract.

*Rule 3* amends this so as to require that all contracts be engrossed on single sheets of A4 paper; the paper having a minimum weight of 100g/m<sup>2</sup>; and that there be a margin, to be left blank, of at least 1¼ inches in width on the left hand side, and at least 1¼ inches at the head and foot of each page of the contract.

Rule 18/9 also requires contracts to be coded on a separate sheet and the revenue stamps affixed to the blank side of the coding sheet.

*Rule 3* amends this so as to require the revenue stamps to be affixed instead to a separate blank sheet attached to the rear of the contract.

Rule 18/9 also prevents the enrolment in the Public Registry of any document annexed to a contract (other than a plan that is part of the contract showing the boundaries of the property). This provision is incompatible with the requirements of commercial conveyancing, which frequently involves documents other than plans (specifications, schedules of condition and satellite co-ordinate data being common examples) being annexed to contracts.

*Rule 3* removes this prohibition.

*Rule 3* also repeals the requirement on Judicial Greffier, in Rule 18/7 of the Royal Court Rules, to make a marginal note when a power of attorney enrolled in the Register of Procurations is revoked or abandoned. *Rule 3* also repeals certain similar requirements in Rule 18/2 to make marginal notes which have now become redundant with more modern indexing systems.

## **3. Ordering of elections for Connétables and Centeniers**

The amendment in *Rule 4* relates to the procedures for the ordering by the Royal Court of elections for Connétables and Centeniers.

Rule 19/2 of the Royal Court Rules requires the Attorney General to inform the Inferior Number in advance of the expiry of the term of office of a Connétable, Centenier or Procureur du Bien Public, and to request the Court to order a public election on or after the expiry date. The provisions for ordering public elections for Connétables and for Centeniers are now contained, respectively, in the Connétables (Jersey) Law 2008 and the Centeniers (Terms of Office) (Jersey) Law 2007. These have rendered the provisions in Part 19 of the Royal Court Rules otiose in so far as they relate to Connétables and Centeniers.

*Rule 4* repeals the provisions of Rule 19/2 to that extent.

### **Commencement**

These Rules were made by the Superior Number of the Royal Court on 16th December 2010, and came into force on 1st January 2011.

### **R&O.130/2010.**

These Rules apply to appeals to the Court of Appeal under Articles 19, 20, 21 and 22 of the Sex Offender: (Jersey) Law 2010 (“the Law”).

The main purpose of the Law is to require people who have been convicted (before or after the Law comes into force) of certain sexual offences to keep the police informed of their whereabouts while they are in Jersey. It

also empowers the courts to make orders restricting the activities of people who may be sexual predators or who may sexually exploit children and vulnerable persons. It also requires the Chief Police Officer and certain Ministers to enter into agreements setting out general arrangements to be put into effect to assess and manage persons who pose a risk of sexual harm.

The Articles referred to above confer certain rights of appeal from the Magistrate's Court to the Royal Court. Such appeals are (by virtue of Article 18 of the Law) by way of a review. On such an appeal, the Royal Court–

- (a) may make any order it considers necessary to give effect to its determination of the appeal; and
- (b) may make any incidental or consequential order as appears to it to be just.

In relation to each such right of appeal –

*Article 19* provides for appeals where the lower court has certified or refused to certify an offence as sexually aggravated or that an offence involved the use or the threat of the use of violence against a person or property.

*Article 20* provides for appeals where the lower court has specified a period that must expire before a person subject to notification requirements may make an application for an order that he or she no longer be subject to those requirements.

*Article 21* provides for appeals where the lower court has decided to make or not to make an order that a person should no longer be subject to notification requirements; or that a person be made subject to notification requirements in respect of an offence committed before the Law came into force.

*Article 22* provides for appeals where the lower court has made or refused to make a restraining order under the Law.\*

These Rules of Court consist of 3 *Parts*, 12 *Rules* and 1 *Schedule*.

*Part 1* consists of *Rule 1* only, relating to interpretation; but the definitions of “*appeal*”, “*appellant*” and “*respondent*” are referable to *Rule 2(2)*.

*Part 2* consists of *Rules 2* to *7* relating to appeals under Articles 19, 20, 21 and 22 of the Law (an “*appeal*” means any such appeal).

*Rule 2* deals with the application of the Rules. The terms “*appellant*” and “*respondent*” are defined.

*Rule 3* makes provision for the commencement of an appeal by giving notice of appeal (in the appropriate Form specified in the Schedule) not later than 8 days after the day on which the decision appealed against is given. The notice must be sent to the Greffier; and the Greffier must send a copy of the notice of appeal to the respondent.

*Rule 4* provides for service of a respondent's notice and requires such a notice to be lodged if the respondent wants to make representations to the Royal Court or if the Royal Court so directs. There is an 8 day period within which to file a respondent's notice. The Greffier must send a copy of the respondent's notice to the appellant.

*Rule 5* provides that a notice of appeal or respondent's notice may be amended with leave of the Court.

*Rule 6* provides for the Greffier to make arrangements for the hearing of the appeal by the Royal Court; and to give directions to the parties to progress the appeal.

*Rule 7* requires the Greffier to give notice of the hearing date to the parties.

*Part 3* consists of *Rules 8* to *12* making general provisions.

*Rule 8* makes provision as to parties in custody, and their right to be present on the hearing of the appeal; and as to their entitlement to be present at proceedings preliminary or incidental to the appeal if given leave to be present, or if not legally represented.

*Rule 9* relates to the power of the Court in relation to a stay of execution or of proceedings under the decision appealed from; and the effect of an appeal on the order of the court below.

*Rule 10* empowers the Court to extend or shorten time within which anything is required to be done in connection with an appeal.

*Rule 11* enables an appellant to abandon an appeal by written notice to the Greffier, but without affecting the Court's discretion as to costs.

*Rule 12* is the customary citation and commencement provision.

The *Schedule* contains 5 Forms of Notice of Appeal under the respective Articles of the Law to which the *Rules* relate (see above in relation to *Rule 3*).

## **Commencement**

The Rules were made by the Superior Number of the Royal Court on 16th December, 2010 and came into force on the same day as the Sex Offenders Law, namely, 1st January 2011.

\*A restraining order may be made against a person who has committed certain sexual offences in certain circumstances (see *Article 10*) where the court is satisfied on the balance of probabilities, on the application of the Attorney General, that the person poses a threat of serious sexual harm to the public or any particular person or persons. The court may make such order in respect of the offender as it is satisfied is necessary to protect the public or any particular person or persons from serious sexual harm from the offender.

#### **R&O.131/2010.**

This Order increases certain fees relating to marriage as set in the Marriage and Civil Status (Forms, Registration and Fees) (Jersey) Order 2002–

- (a) the fee for giving notice of marriage where one or both parties to be married is ordinarily resident in Jersey is increased from £50 to £60 and where neither person is so resident, is increased from £130 to £160;
- (b) the fee for the issue of the Superintendent Registrar's licence is increased from £50 to £60;
- (c) the fee for the issue of the Superintendent Registrar's certificate for solemnization of a marriage outside Jersey is increased from £50 to £60.

These fees were last increased with effect from 6th February 2007. The new increases come into effect on 1st January 2011.

The Order was made on 16th December 2010.

#### **R&O.132/2010.**

This Order revises the rule for commutation of a superannuation fund on the ground of triviality, making it consistent with the rules for commutation of annuity contracts and retirement annuity trust schemes as amended by the Income Tax (Amendment No. 37) (Jersey) Law 2011.

The Order was made on 17th December 2010 and came into force on 1st January 2011.

#### **R&O.133/2010.**

This Order sets the prescribed fee for an application by a person issuing units or securities in an eligible investment scheme, as defined by Article 3AC of the Income Tax (Jersey) Law 1961, to register with the Comptroller of Income Tax in order to be exempt from income tax chargeable under Schedule D. Article 3AC of the Income Tax (Jersey) Law 1961 was inserted into that Law by the Income Tax (Amendment No. 36) (Jersey) Law 2011.

The Order was made on 17th December 2010 and came into force forthwith.

#### **R&O.134/2010.**

This Order prescribes fees for the application of fire certificates and for the issue of replacement certificates or amendments to certificates.

In previous years, fees have been set according to the number of bedrooms in the premises in question. From 1st January 2011 this will no longer apply. Instead, in some cases, fees will be calculated according to the number of square metres of floor area in the premises concerned. Those cases are applications for new certificates and amendments to certificates in respect of premises with a floor area of more than 100 square metres. In other cases the fee is a flat £68, that is, for replacement certificates and all other amendments to certificates, including premises with a floor area of 100 square metres or less. Where fees are calculated according to the number of square metres of floor area in the premises concerned, the charge will be 66 pence per square metre. Currently, depending on the number of bedrooms in the premises concerned, fees for applications for fire certificates range from £118 to £293 and for amendments of certificates from £88 to £175 (other than where the only amendment

is to reflect change of occupier of premises).

The fee for amendment of a certificate which only reflects change of occupier of premises is £29. This will increase to a flat fee of £68 from 1st January 2011.

The fee for a replacement certificate is currently £59 in the case of premises with 1 to 10 bedrooms and ranges from £88 to £146 for all other premises. From 1st January 2011, the flat fee of £68 will therefore represent an increase for premises with 1 to 10 bedrooms, but otherwise represent a decrease in the fee charged.

The Order was made on 22nd December 2010 and came into force on 1st January 2011.

#### **R&O.135/2010.**

This Order increases fees administered by the Department for Health and Social Services as set out below.

It increases by approximately 2.5% –

- (a) the fees connected with a registration authorizing the carrying on of a nursing home, mental nursing home or residential home;
- (b) the fee for a licence to sell ice-cream from a van or stall; and
- (c) the maximum fee that a registered medical practitioner may charge for completing a medical certificate to accompany an application for cremation.

It increases by approximately 2.4 % –

- (a) the fees connected with the grant, renewal or transfer of a licence to conduct a nursing agency; and
- (b) the fees in relation to the enrolment or restoration of a person's name on the roll of ancillary dental workers.

It increases by approximately 2.0% –

- (a) the fee for a cremation (as before there is no charge for the cremation of a person aged under 18);
- (b) the fee for the retention of a person's name on the roll of ancillary dental workers; and
- (c) hospital charges for long-stay patients.

All of the fees were last increased with effect from 1st January 2010.

The Order was made on 22nd December 2010 and came into force on 1st January 2011.

#### **R&O.1/2011.**

This Order substitutes the form currently used for the application for a fire certificate under the Fire Precautions (Jersey) Law 1977. In particular, it introduces some guidance notes and changes the layout and format.

The Order was made on 12th January 2011 and comes into force on 19th January 2011.

## WRITTEN QUESTIONS

(See Item I(a))

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

“Given that during December 2010, there was concern about the Isle of Wight securing some £360,000 towards hosting the forthcoming Island Games, will the Minister confirm that sufficient funding is in place to support the Island Games in Jersey in 2015?”

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

“Given that during December 2010, there was concern about the Isle of Wight securing some £360,000 towards hosting the forthcoming Island Games, will the Minister confirm that sufficient funding is in place to support the Island Games in Jersey in 2015?”

3. The Minister for Health and Social Services will table an answer to the following question asked by the Deputy of St. John–

“Following the statement by the Chief Minister on 6th December 2010, that the reciprocal health agreement with the United Kingdom “should be signed and completed before the end of this year”, would the Minister advise why this has not happened and when she now expects it to be signed?”

4. The Minister for Treasury and Resources will table an answer to the following question asked by Deputy G.P. Southern of St. Helier–

“Was the review ‘of all aspects of 1(1)(k) taxation by an individual with international expertise in wealth management’ mentioned in the Minister’s response to question 4996 on 8th December 2009 ever conducted and if so, by whom?”

Given that in response to question 5228 on 23rd March 2010, the Minister advised the review would “encompass arrangements prior to 2005” when Article 135A of the Income Tax Law came into force what advice has he received on the treatment of taxation of currently resident 1(1)(k) residents who obtained consents both before and after 2005 and why was no mention of arrangements prior to 2005 made in his 2011 budget speech?

Will the Minister clarify whether the £100,000 minimum 1(1)(k) tax contribution (raised to £125,000 in the 2011 budget) refers to Jersey income, foreign income or both?

Will the Minister give members details of the “new high-value residents’ regime for new residents” that he proposed in the budget to raise over £2m additional tax?

Will he detail the changes to tax revenues he expects from the decision to limit 1(1)(k) tax on worldwide income at 20% on £625,000, instead of 20% on £1m and 10% on the next £500,000 as at present?”

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

“Does the Royal Court currently have the power to issue periodic payment orders in respect of personal injury claims and, if not, will the Chief Minister advise whether there are plans to introduce the periodic payment order option available in the UK whereby awards are made as a traditional lump sum; a mixture of a lump sum and a periodic payment order or a provisional damages bolt-on to either of the aforementioned, and, if not, why not?”

6. The Minister for Treasury and Resources will table an answer to the following question asked by Senator

F. du H. Le Gresley–

“Would the Minister set out his timetable for the introduction of the additional 2% Social Security contributions above the ceiling from employees and employers and advise when he intends to consult with groups which represent the self employed, such as the Small Business Group at the Jersey Chamber of Commerce?”

Has the Minister considered carrying out a further consultation exercise this year with the public and interested groups on the reform of our personal taxation system so as to have an alternative option available in the event that the required changes to legislation, to implement the proposed increase in Social Security contributions from 1st January 2012, were to be rejected by the States?

Would the Minister set out his timetable for consultation with members of the financial services industry on the ISE fee structure, from which it is proposed to generate additional income of £2m in 2012?”

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

“Following his response to an urgent question on 12th December 2010 on zero/ten, will the Chief Minister inform members what communication, if any, he or any of his Ministers have had with either H.M. Revenue and Customs, the UK Treasury or Lord McNally, the Minister responsible for relations with the Channel Islands and will he reveal the content of those communications?”

If only the deemed distribution provisions are harmful, will he give members a full list of the mechanisms he and the Minister for Treasury and Resources have at their disposal to replace the “deemed distribution rules” that were proposed to recoup up to £15m of taxes from locally owned non-finance companies under the “zero/ten” regime?

Will he further inform members how such mechanisms would not breach Articles 1 and 2 of the Code in offering advantages only to non-residents and ring fencing those advantages from the domestic market?”

8. The Minister for Planning and Environment will table an answer to the following question asked by the Deputy of St. John–

“Could the Minister update members on the progress being made between his Department and Transport and Technical Services in locating a site for skip sorting for skip operators who are providing a service with little government support, and also give members a date when he and the Minister for Transport and Technical Services will notify the States that a site has been identified and ready for use?”

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

“Further to questions in December 2010 regarding the States Tug, is the Minister in a position to provide a fuller explanation of the works undertaken and costs involved including staffing time and overtime, as well as advising which account within the Department is to pay for the repairs and give reasons why at the time of inspection of the vessel at the yard in Holland the works were not put in hand and why it was necessary for the vessel to return to Holland for this work to be undertaken?”

Would the Minister provide details of the full costs to date (rather than estimates) of the replacement stand-in vessels including manpower charges and the costs of the ‘Sealion’?

Could details of the ship’s logbook be made available to members given the Minister has said that the vessel is in use on average 175 days per year?”

10. The Chief Minister will table an answer to the following question asked by the Deputy of St. Martin–

“With reference to the removal of part (d) from the Napier Terms of Reference will the Chief Minister



inform Members –

- (a) why this was considered necessary when the former Chief Officer of the States of Jersey Police had agreed to partake in the Review and, if he had not participated, would part (d) have been removed?
- (b) what was to be achieved by deleting part (d) and what date in April 2010 was it decided?
- (c) with whom did the Deputy Chief Executive consult before the decision was made and when was the Chief Minister advised?
- (d) why the Deputy Chief Executive did not consult with the Deputy of St Martin beforehand or inform him at the time the decision was taken?
- (e) why the Chief Minister and Deputy Chief Executive ignored concerns raised by the Deputy of St. Martin regarding the possible deletion a month before the publication of the Report, and why an explanation relating to the deletion from the Terms of Reference has been offered?
- (f) why the Chief Minister has not informed Members why part (d) was deleted and will he now agree to make a formal statement informing Members the reason this decision was taken?"

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

“What criteria, if any, are in place for assessing when a vehicle is due for replacement and what is the average age of the Transport and Technical Services vehicle fleet?”

12. The Minister for Planning and Environment will table an answer to the following question asked by Deputy R.G. Le Hérisier of St. Saviour–

“When does the Minister intend to implement the recommendations of the recent report into the internal workings of the Planning and Environment Department?”

13. The Chief Minister will table an answer to the following question asked by Deputy R.G. Le Hérisier of St. Saviour–

“What is the current political stance of the Council of Ministers with regard to calls for Jersey to become an independent jurisdiction?”

14. The Chief Minister will table an answer to the following question asked by the Deputy of St. Mary–

“Can the Chief Minister inform members how many Tax Information Exchange Agreements were in force at the beginning of 2005, 2006, 2007, 2008, 2009 and 2010?

Can he further tell members, for each of those years, how many requests for information have been received, from how many countries they were received, and in how many cases was the information requested found and sent to the requesting authorities, and how many staff (FTE's) were employed in this work?”

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

“With reference to the PAC's 'Report on the Accounts of the States of Jersey for the year ended December 2009' (PAC.4/2010) can the Minister inform members of the following –

- (a) given that in his foreword the Chairman of PAC states: “The States overspent in 2009 by over £100 million compared to the 2005 estimate’ but the Financial Report and Accounts for 2009

clearly show an underspend against budget of £7.6 million, can the Minister list the actual underspend against budget in the years 2005 to 2009?

- (b) given that net revenue expenditure was £100 million more in 2009 than was forecast in 2005, could the Minister explain to members precisely where the additional £100 million went?
- (c) does the Minister accept that in some way his Department was at fault for not anticipating that there could be unexpected expenditure arising from issues such as the credit crunch, the Historic Child Abuse Inquiry, the Williamson report and the Pandemic Flu?"

16. The Chairman of Public Accounts Committee will table an answer to the following question asked by the Deputy of St. Mary–

“Can the Chairman of the PAC –

- (a) provide for members the text of the press release which accompanied the PAC’s “Report on the Accounts of the States of Jersey for the year ended December 2009” (PAC.4/2010)?
- (b) can the Chairman give specific examples of –
  - (i) the 'uncontrolled spending' which according to the Report (paragraph 21.4 page 11) is the result of 'lack of accountability' and;
  - (ii) the ‘spending of considerable sums of public funds which cannot be accounted for’ (paragraph 21.8 page 11)
- (c) can the Chairman tell members exactly what the additional “spend” was for as detailed in paragraph 3.5 on page 12 when there was a disparity between the predicted expenditure and the actual expenditure?
- (d) why was this information not in the Report?
- (e) how can the underestimation of spend within financial forecasts be regarded as a key finding (P.14 paragraph 4.8) when the discussion in the preceding 3 paragraphs is about estimating tax income?"

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

“Will the Minister state how many companies are subject to a zero rate of tax in 2009 or 2010 and give a breakdown of how many of these companies are locally owned and potentially subject to ‘deemed distribution’ and how many are foreign owned and would previously have been described as ‘exempt companies’?”

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

“Will the Minister detail the dates of any meetings and telephone conversations that he and his Department or ministerial colleagues have had with their counterparts in Guernsey and the Isle of Man (including informal meetings at conferences etc) on the question of zero/ten, their attitudes to EU Harmful Tax talks, the UK Treasury stance on zero/ten or to possible successors to the zero/ten tax regime over the last two years?”

19. 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 advise members of the total revenue received to date by the Treasury from deemed distribution provisions introduced under the zero/ten income tax regime, specifying clearly the tax years

concerned and identifying the estimated loss of revenue that is likely to occur during 2011 and 2012 if the Island is forced to abandon this source of revenue?"

## ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

<b><u>2011</u></b>	<b>First 15 minute period Minister</b>	<b>Second 15 minute period Minister</b>
<b><u>First session</u></b>		
<b>February 1st</b>	Treasury and Resources	Chief Minister
<b>February 15th</b>	Education, Sport and Culture	Health and Social Services
<b>March 1st</b>	Home Affairs	Chief Minister
<b>March 15th</b>	Social Security	Planning and Environment
<b>March 29th</b>	Housing	Chief Minister
<b>April 5th</b>	Transport and Technical Services	Economic Development
<b>May 3rd</b>	Treasury and Resources	Chief Minister
<b>May 17th</b>	Education, Sport and Culture	Health and Social Services
<b>June 7th</b>	Home Affairs	Chief Minister
<b>June 21st</b>	Social Security	Planning and Environment
<b>July 5th</b>	Housing	Chief Minister
<b>July 18th (Monday)</b>	Transport and Technical Services	Economic Development
<b><u>2nd session</u></b>		
<b>September 13th</b> (Annual Business Plan 2012)	Treasury and Resources	Chief Minister
<b>September 20th</b>	Education, Sport and Culture	Health and Social Services
<b>November 8th</b> (Budget 2012)	Home Affairs	Chief Minister