



STATES OF JERSEY ORDER PAPER

Tuesday 18th June 2013

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Diseases of Animals (Bees) (Jersey) Order 2013. R&O.74/2013.
Minister for Planning and Environment.

Misuse of Drugs (Miscellaneous Amendments) (No. 3) (Jersey) Order 2013. R&O.75/2013.
Minister for Health and Social Services.

Community Provisions (Restrictive Measures – Belarus) (Amendment No. 9) R&O.76/2013.
(Jersey) Order 2013.
Deputy Chief Minister, for and on behalf of Chief Minister.

Community Provisions (Restrictive Measures – Libya) (Amendment No. 15) R&O.77/2013.
(Jersey) Order 2013.
Deputy Chief Minister, for and on behalf of Chief Minister.

C. DOCUMENTS PRESENTED OR LAID

Organisations receiving grants of over £100,000: 2011 Accounts. R.55/2013.
Presented: 7th June 2013.
Minister for Treasury and Resources.

States of Jersey Law 2005: delegation of functions – Planning and Environment – R.56/2013.
revised delegations June 2013.
Presented: 11th June 2013.
Minister for Planning and Environment.

Land Transactions under Standing Order 168(3) – R.57/2013.
(a) Shop B Les Jardins du Soleil, First Tower, St. Helier – lease;
(b) Beaumont Tower Land, St. Aubin’s Bay Promenade, St. Peter – sale;
(c) V12A Victoria Pier – lease;
(d) N35 New North Quay – lease.
Presented: 12th June 2013.
Minister for Treasury and Resources.

Employment Forum’s recommendation on the qualifying period for protection R.58/2013.
against unfair dismissal.
Presented: 14th June 2013.
Minister for Social Security.

Jersey Community Relations Trust: Annual Report 2012. R.59/2013.
Presented: 14th June 2013.
Minister for Home Affairs.

Minister for External Relations. S.R.9/2013.
Presented: 13th June 2013.
Corporate Services Scrutiny Panel.



£200,000 Grant to Film Company (P.A.C.2/2013): response of the Minister for Economic Development. P.A.C.2/2013.
Presented: 7th June 2013. Res.
Minister for Economic Development.

£200,000 Grant to Film Company (P.A.C.2/2013): response of the States Employment Board. P.A.C.2/2013.
Presented: 7th June 2013. Res.(2)
States Employment Board.

D. NOTIFICATION OF LODGED PROPOSITIONS

Draft Public Finances (Amendment No. 4) (Jersey) Law 201-. P.73/2013.
Lodged: 6th June 2013.
Minister for Treasury and Resources.

Referendum on States reform: outcome. P.74/2013.
Lodged: 6th June 2013.
Senator B.I. Le Marquand.

Draft States of Jersey (Transfer of Functions No. 6) (Economic Development and Treasury and Resources to Chief Minister) (Jersey) Regulations 201-. P.75/2013.
Lodged: 6th June 2013.
Chief Minister.

Committee of Inquiry into Historical Abuse: appointment of Chairman. P.76/2013.
Lodged: 14th June 2013.
Chief Minister.

E. WITHDRAWAL OF LODGED PROPOSITIONS

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 Deputy J.A. Martin of St. Helier regarding the proposed electricity sub-station at Westmount.
2. The Minister for Planning and Environment will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding emissions from compressed air powered vehicles.
3. The Minister for Health and Social Services will table an answer to a question asked by Senator S.C. Ferguson regarding suicide rates.



4. The Minister for Health and Social Services will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the re-introduction of hospital prescription charges.
5. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the high cost of accessing primary health care through GPs.
6. The Minister for Home Affairs will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the arrest of members of the public for planning infractions.
7. The Minister for Home Affairs will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding investigations into historic abuse.
8. The Minister for Housing will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the re-registration of lodging houses.
9. H.M. Attorney General will table an answer to a question asked by Deputy T.M. Pitman of St. Helier regarding the impact of the Referendum on St. Helier voters.

(b) – Oral Questions

(120 minutes)

1. Deputy J.H. Young of St. Brelade will ask the following question of the Minister for Planning and Environment –

“Since the Minister’s appointment, have any complaints been received from members of the public alleging maladministration and, if so, would he advise what proportion of these complaints have been independently investigated and written responses made and detail the number of these complaints which are still without reply?”
2. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Minister for Planning and Environment –

“With regard to the ‘Air Quality Strategy’ would the Minister concede that the alternative vehicle propulsion methods he proposes are inefficient when compared with vehicles having their own engine and that the end result merely swaps one environmental problem for another?”
3. The Connétable of St. Helier will ask the following question of the Minister for Planning and Environment –

“Can the Minister advise whether a process is underway to list St Helier’s parks, including the wooded area of Westmount adjacent to St Aubin’s Road and, if so, will he provide details to the Assembly?”
4. The Connétable of St John will ask the following question of the Chief Minister –

“Could the Minister inform the Assembly what the rationale and criteria are for sending Jersey delegations to UK party political conferences?”
5. Deputy T.M. Pitman of St. Helier will ask the following question of the Chief Minister –

“Following his meeting with the businessmen who raised concern at seeing the Assistant Minister with responsibility for External Affairs reading confidential documents in full view of the public on a flight, does the Chief Minister support the Assistant Minister’s views expressed on 14th May 2013 that the allegations were ‘inaccurate’ and gave a ‘fictitious and malicious account’ and, if not, will he now be asking his Assistant Minister to resign?”



6. The Connétable of St. Mary will ask the following question of the Minister for Education, Sport and Culture –

“As language immersion schools have become increasingly popular in North America and are now appearing in Britain, has any research been undertaken into the benefits of these schools and, if so, does the Minister consider that Jersey should develop this concept to the advantage of our own students to increase the Island’s skills base?”

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

“How are new management positions, such as those in the new Commissioning Unit, evaluated in order to ensure, for example, that the annual expenditure of £269,450 for this unit is fully justified?”

8. Deputy J.A.N. Le Fondré of St. Lawrence will ask the following question of the Chief Minister –

“Further to his answer on 4th June 2013 when he stated he had requested the Bishop to make public the terms of reference for the Dame Heather Steel investigation into the Korris review, would the Chief Minister advise whether he has received an update relating to this matter, given that a visitation connected to the investigation has just commenced for which the terms of reference are available?”

9. Deputy M. Tadier of St. Brelade will ask the following question of the Chief Minister –

“Given the Chief Minister’s commitment that Jersey wants no part of ‘aggressive tax planning’ why, in his letter to the UK Prime Minister, did the Chief Minister confirm his commitment to fight tax evasion but not tax avoidance - aggressive or otherwise?”

10. Senator S.C. Ferguson will ask the following question of the Minister for Treasury and Resources –

“Given the Minister’s recent optimistic comments regarding tax receipts, would he advise whether he is now contemplating imposing Goods and Services Tax on aircraft fuel and, if so, why?”

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

“Will the Chief Minister inform members of the exact terms of the Organisation for Economic Co-operation and Development (OECD) agreement on tax information exchange which has been put to the Crown Dependencies and British Overseas Territories by the UK Prime Minister and under what terms he has agreed or will agree to ratify the agreement?”

12. Deputy M.R. Higgins of St. Helier will ask the following question of H.M. Attorney General –

“Will H.M. Attorney General advise members to whom the Chief Officer and Deputy Chief Officer of the States of Jersey Police are accountable for their conduct and who would determine whether they should be investigated in circumstances in which they are alleged to have perverted the course of justice?”

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

“In view of current unemployment levels and the need to support local businesses, such as Jersey Post, can the Minister, as the shareholder representative, advise why the Jersey Electricity Company posted Islanders’ quarterly electricity bills from the United Kingdom?”



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

“Would the Chief Minister agree that a public sector employee should not knowingly lie or try to deceive a civil or criminal court or tribunal and that such an act would constitute grounds for instant dismissal for gross misconduct?”

15. Deputy R.G. Le Hérisier of St. Saviour will ask the following question of the Chief Minister –

“Would the Chief Minister establish an independent inquiry to report expeditiously about the allegations that the Assistant Minister for External Relations has obtained and read in public confidential documents associated with the suspension of the Dean and, if not, why not?”

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

“What powers, if any, does a Court have to ensure that full indemnities awarded to members of the public at the conclusion of a court case are enforced and the injured party is not left thousands of pounds out of pocket?”

17. Deputy M. Tadier of St. Brelade will ask the following question of the Chief Minister –

“Further to the response given to a written question on 19th February 2013, regarding the Action Aid report ‘Sweet Nothings’ concerning Associated British Foods’ avoidance of paying taxes to Zambia via subsidiaries based in Jersey, what action, if any, has been undertaken to assess whether Jersey’s limited involvement in this case constituted ‘aggressive tax avoidance’?”

18. Deputy J.H. Young of St. Brelade will ask the following question of the Minister for Planning and Environment –

“Will the Minister inform the Assembly whether he has delegated powers to officers to enter into planning obligation agreements which require land transactions and monies to be paid, as proposed for the Plémont development and, if so, does the delegation allow those powers to be exercised where there is a formal complaint pending under the Administrative Decisions (Review) (Jersey) Law 1982 which could justify independent investigation?”

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

“Will the Chief Minister agree to instigate an investigation into the use of zero hours contracts across the Island in order to assess whether the use of such contracts by employers is appropriate, and if not, why not?”

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

1st question period – Minister for Education, Sport and Culture

2nd question period – Minister for Health and Social Services

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

L. PUBLIC BUSINESS



Chief Minister and Chairman of Comité des Connétables: monthly meetings. P.51/2013.
Lodged: 16th April 2013.
Deputy M. Tadier of St. Brelade.

Chief Minister and Chairman of Comité des Connétables: monthly meetings P.51/2013.
(P.51/2013) – comments. Com.
Presented: 13th May 2013.
Comité des Connétables.

Chief Minister and Chairman of Comité des Connétables: monthly meetings P.51/2013.
(P.51/2013) – comments. Com.(2).
Presented: 13th May 2013.
Council of Ministers.

Approval of the Memorandum of Understanding between the Government of Jersey P.55/2013.
and Her Majesty's Revenue and Customs of the United Kingdom of Great Britain
and Northern Ireland relating to co-operation in tax matters.
Lodged: 30th April 2013.
Chief Minister.

Draft Taxation (Implementation) (Disclosure Facility) (Jersey) Regulations 201-. P.56/2013.
Lodged: 30th April 2013.
Chief Minister.

M. ARRANGEMENT OF PUBLIC BUSINESS

2nd July 2013

Committee of Inquiry: costs for local businesses. P.31/2013.
Lodged: 25th February 2013.
Senator A. Breckon.

Draft Succession to the Crown (Jersey) Law 201-. P.57/2013.
Lodged: 8th May 2013.
Chief Minister.

Ratification of the Convention between Jersey and the Grand Duchy of P.58/2013.
Luxembourg for the Avoidance of Double Taxation and the Prevention of Fiscal
Evasion with Respect to Taxes on Income and on Capital.
Lodged: 21st May 2013.
Chief Minister.

Draft Taxation (Double Taxation) (Amendment No. 2) (Jersey) Regulations 201-. P.59/2013.
Lodged: 21st May 2013.
Chief Minister.

Historic buildings in Pitt Street and Dumaresq Street: request to Minister for P.60/2013.
Planning and Environment.
Lodged: 29th May 2013.
Connétable of St. Helier.

Draft Amendment (No. 21) of the Standing Orders of the States of Jersey. P.65/2013.
Lodged: 3rd June 2013.
Privileges and Procedures Committee.



Island Plan Review. P.71/2013.
Lodged: 4th June 2013.
Deputy J.H. Young of St. Brelade.

16th July 2013

Draft Security Interests (Amendment of Law) (Jersey) Regulations 201-. P.61/2013.
Lodged: 31st May 2013.
Minister for Economic Development.

Draft Trusts (Amendment No. 6) (Jersey) Law 201-. P.62/2013.
Lodged: 31st May 2013.
Minister for Economic Development.

Draft Social Housing (Transfer) (Jersey) Law 201-. P.63/2013.
Lodged: 31st May 2013.
Minister for Housing.

Victoria and George V Cottage Homes (Repeal of General Principles). P.44/2013.
Lodged: 28th March 2013.
Minister for Housing.

Victoria and George V Cottage Homes (Repeal of General Principles) (P.44/2013): P.44/2013.
amendment. Amd.
Lodged: 3rd May 2013.
Deputy G.P. Southern of St. Helier.

Draft States of Jersey (Amendment No. 7) Law 201-. P.64/2013.
Lodged: 3rd June 2013.
Privileges and Procedures Committee.

Draft Income Support (Amendment No. 9) (Jersey) Regulations 201-. P.66/2013.
Lodged: 4th June 2013.
Minister for Social Security.

Draft States of Jersey (Minister for External Relations) (Jersey) Regulations 201-. P.67/2013.
Lodged: 4th June 2013.
Chief Minister.

Draft Dwelling-Houses (Rent Control) (Standard Tenancy Agreement) P.68/2013.
(Amendment) (Jersey) Regulations 201-.
Lodged: 4th June 2013.
Minister for Housing.

Draft Firearms (Amendment No. 3) (Jersey) Law 201-. P.69/2013.
Lodged: 4th June 2013.
Minister for Home Affairs.

Draft Loi (201-) (Amendement) sur la Voirie. P.70/2013.
Lodged: 4th June 2013.
Comité des Connétables.

Hospital Outpatients: re-introduction of prescriptions charges. P.72/2013.
Lodged: 4th June 2013.
Minister for Health and Social Services.



- Draft Public Finances (Amendment No. 4) (Jersey) Law 201-. P.73/2013.
Lodged: 6th June 2013.
Minister for Treasury and Resources.
(Cannot be debated until 18th July 2013)
- Referendum on States reform: outcome. P.74/2013.
Lodged: 6th June 2013.
Senator B.I. Le Marquand.
- Draft States of Jersey (Transfer of Functions No. 6) (Economic Development and P.75/2013.
Treasury and Resources to Chief Minister) (Jersey) Regulations 201-.
Lodged: 6th June 2013.
Chief Minister.
(Cannot be debated until 18th July 2013)
- Committee of Inquiry into Historical Abuse: appointment of Chairman. P.76/2013.
Lodged: 14th June 2013.
Chief Minister.

10th September 2013

M.N. DE LA HAYE
Greffier of the States

13th June 2013

Note –

In accordance with the meeting dates fixed for 2013 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 19th and Thursday 20th June 2013.



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O.74/2013.

This Order replaces the Bee Diseases Control (Jersey) Order 1992 and the Diseases of Animals (Bees) (Jersey) Order 2003. The Order makes provision to prevent the introduction or spread of notifiable diseases and pests and for the eradication of notifiable diseases and pests. American foul brood and European foul brood are prescribed as notifiable diseases. Small hive beetle and any species of the *Tropilaelaps* mite are prescribed as notifiable pests.

A person who becomes the owner of a hive must register with the Minister for Planning and Environment (the "Minister"). An owner who has already registered his or her hive in accordance with the infected area notice issued on 3rd June 2010 under the Bee Diseases Control (Jersey) Order 1992 is not required to register the hive again.

This Order requires that the Minister is notified if a notifiable disease or notifiable pest is found or suspected. Provision is made for the taking and testing of samples to establish whether any notifiable disease or pest is present. The movement of bees, hives or equipment may be prevented whilst tests are carried out. If the presence of a notifiable disease or pest is established, the Minister has powers to require the destruction or treatment of the bees and hives, combs, equipment and, in the case of pest, the treatment of soil. If the presence of American foul brood is established, the Minister must require that the bees are destroyed.

The importation of honey bees is generally prohibited. Nevertheless, bees may be imported –

- (a) from elsewhere in the British Islands, if authorized by a licence issued by the Minister;
- (b) from other Member States, provided that the consignment satisfies the health requirements applicable to trade between Member States;
- (c) from certain third countries, provided the consignment is of a queen bee and up to 20 attendants and satisfies the health requirements that would apply to imports from the third countries into Member States.

Non-compliance with the provisions of the Order is, by virtue of Articles 28(2) and 38(1)(a) of the Diseases of Animals (Jersey) Law 1956, an offence. The default penalty for the offence is a maximum of one month's imprisonment or a fine not exceeding level 4 on the standard scale (£5,000), although the penalty may be escalated by reference to the number of animals or the amount of matter involved.

The Order was made on 5th June 2013 and came into force on 12th June 2013.

R&O.75/2013.

This Order amends the Misuse of Drugs (Jersey) Law 1978, the Misuse of Drugs (General Provisions) (Jersey) Order 2009 and the Misuse of Drugs (Designation) (Jersey) Order 1989 so as to –

- (a) classify methoxetamine and its simple derivatives as Class B drugs, restrict their production, possession and use (as a controlled drug) and impose requirements regarding their supply on prescription and for their supply to be recorded in a register;
- (b) add to the descriptions of synthetic cannabinoids that are categorized as Class B drugs and subject to requirements regarding their supply on prescription and for their supply to be recorded in a register;
- (c) reclassify Buprenorphine as a Class B drug (formerly Class C).

The Order was made on 10th June 2013 and came into force on 11th June 2013.

**R&O.76/2013.**

The Order amends the Community Provisions (Restrictive Measures – Belarus) (Jersey) Order 2011. It gives effect to Council Implementing Regulation (EU) No. 494/2013 of 29th May 2013 (OJ L.143, 30.5.2013, p.1) implementing Regulation (EC) No. 765/2006 concerning restrictive measures in respect of Belarus. The effect of the amendments is to delete a person and 2 entities from the list of persons and entities whose funds and economic resources are frozen.

The Order was made on 12th June 2013 and came into force on 13th June 2013.

R&O.77/2013.

This Order further amends, by *Article 1*, the Community Provisions (Restrictive Measures – Libya) (Jersey) Order 2011, to give effect in Jersey to Council Regulation (EU) No. 488/2013 of 27th May 2013 (OJ No. L 141, 28.5.2013, p. 1) which amends Council Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya. The effect of the amendments is to permit the release of certain frozen funds or economic resources subject to certain conditions being met.

Article 2 provides for the title of this Order and for it to come into force the day after it is made.

The Order was made on 12th June 2013 and came into force on 13th June 2013.



WRITTEN QUESTIONS

(See Item I(a))

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

“Will the Minister provide details (by use of a map if necessary) of what part of St Helier the proposed electricity sub-station at Westmount is intended to service and, in view of his comment in the States on 4th June 2013 that “there are going to be problems in the future in relation to the J.E.C.’s ability to deliver supply to homes” in St. Helier if the scheme does not go ahead, would he set out the likely timescale for any such disruption?”

Would the Minister also give a list (using a map if necessary) of the other potential sites considered for the substation and explain, in each case, why the site was ruled out?”

2. The Minister for Planning and Environment will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“Following the Minister’s recent statement suggesting that compressed air powered cars are environmentally superior to petrol powered ones has the Minister researched the overall energy requirements of using these vehicles compared to other vehicles such as modern diesel cars and is he satisfied in promoting the use of compressed air vehicles that the cleaner environment they may create in the vicinity of the vehicle in question is not offset by a greater environmental problem elsewhere in relation to the generation of the necessary energy to power the vehicle?”

3. The Minister for Health and Social Services will table an answer to the following question asked by Senator S.C. Ferguson –

“How many attempted suicides and actual suicides have there been over the past 5 years?”

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

“Prior to her decision to lodge P.72/2013 on the reintroduction of hospital prescription charges, (‘Hospital Outpatients- re-introduction of prescription charges’) what consideration, if any, did the Minister, in conjunction with the Minister for Social Security, give to measures to address the underlying problem of the high cost of accessing primary health care through GPs and, if none, why not?”

As part of the longer term plans for the reform of primary care will the Minister work with the Minister for Social Security so that appropriate proposals can be brought to the States to address the issue of prescription charges?”



5. The Minister for Social Security will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

“What consideration has the Minister, in conjunction with the Minister for Health and Social Services, given to measures to address the problem of the high cost of accessing primary health care through GPs and if none, why not?”

What plans, if any, does the Minister have to address the issue of prescription charges, and if none, will he commit himself to assess this issue and to bring proposals to the States in the next 18 months?”

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

“Can members of the public be arrested by the Police for alleged planning infractions and, if so, can such individuals also be legally required by the Police to report to the police station on a daily basis whilst these allegations are investigated?”

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

“Since police investigations began in 2007 in relation to historic abuse can the Minister advise if there have been any cases investigated by the States of Jersey Police where abuse was alleged by both another perpetrator of abuse and corroborated by a victim yet no prosecution was then brought and, if so, what was the reason for this?”

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

“Would the Minister advise whether, in the case of the owner of a self-catering property who has re-registered the premises as a lodging house yet retained one unit out of ten as a (third party) manager’s flat, all of the tenants are still classed as private tenants in law?”

9. H.M. Attorney General will table an answer to the following question asked by Deputy T.M. Pitman of St. Helier –

“Would the Attorney General advise whether individuals who are aggrieved by the fact that Option B of the Electoral Commission (which gives greater representation to residents of the smaller rural parishes at the expense of St. Helier and other urban parishes) would have any recourse against the States of Jersey via the European Court of Human Rights if this Option is implemented?”



ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

2013

1st Session 2013

July 2nd	Economic Development	Chief Minister
July 16th	Housing	Planning and Environment

2nd Session 2013

September 10th	Social Security	Chief Minister
September 24th	Transport and Technical Services	Home Affairs
October 8th	Treasury and Resources	Chief Minister
October 22nd	Education, Sport and Culture	Health and Social Services
November 5th	Economic Development	Chief Minister
November 19th	Housing	Planning and Environment
December 3rd	Social Security	Chief Minister
December 10th	Transport and Technical Services	Home Affairs