



## STATES OF JERSEY ORDER PAPER

Tuesday 21st January 2014  
at 10.15 a.m.

### A. COMMUNICATIONS BY THE PRESIDING OFFICER

### B. TABLING OF SUBORDINATE ENACTMENTS

*(Explanatory note attached)*

Money Laundering (Amendment No. 6) (Jersey) Order 2013. R&O.163/2013.  
*Chief Minister.*

Planning and Environment (2014 Fees) (Jersey) Order 2013. R&O.164/2013.  
*Minister for Planning and Environment.*

Health and Social Services (2014 Fees) (Jersey) Order 2013. R&O.165/2013.  
*Minister for Health and Social Services.*

Misuse of Drugs (Miscellaneous Amendments) (No. 4) (Jersey) Order 2013. R&O.166/2013.  
*Minister for Health and Social Services.*

Economic Development (2014 Fees) (Amendment) (Jersey) Order 2013. R&O.167/2013.  
*Deputy Chief Minister, for and on behalf of Minister for Economic Development.*

Security Interests (Application of Law) (Exceptions) (Jersey) Order 2013. R&O.168/2013.  
*Deputy Chief Minister for and on behalf of Chief Minister.*

Home Affairs (2014 Fees) (Jersey) Order 2013. R&O.169/2013.  
*Minister for Home Affairs.*

Plant Health (Amendment) (Jersey) Order 2014. R&O.1/2014.  
*Minister for Planning and Environment.*

Community Provisions (Restrictive Measures – Syria) (Amendment No. 13) R&O.2/2014.  
(Jersey) Order 2014.  
*Minister for External Relations.*

Money Laundering and Weapons Development (Directions) (Iran) (Jersey) Order R&O.3/2014.  
2014.  
*Minister for External Relations.*

### C. DOCUMENTS PRESENTED OR LAID

Machinery of Government: committee system (P.157/2013) – comments. P.157/2013.  
Presented: 31st December 2013. Com.  
*Privileges and Procedures Committee.*

Elected Speaker of the States (P.160/2013): comments. P.160/2013.  
Presented: 16th December 2013. Com.  
*Privileges and Procedures Committee.*

Public Elections: introduction of STV and AV (P.171/2013) – comments. P.171/2013.  
Presented: 15th January 2014. Com.  
*Comité des Connétables.*



States of Jersey Complaints Board: findings – complaint against a decision of the Minister for Planning and Environment regarding an appeal in respect of the issue of an Enforcement Notice and failure to respond to the applicant (R.144/2013) – response of the Minister. Presented: 18th December 2013. <i>Privileges and Procedures Committee.</i>	R.154/2013.
Budget Management Report for the period ended 30th June 2013. Presented: 18th December 2013. <i>Minister for Treasury and Resources.</i>	R.155/2013.
States of Jersey Complaints Board: findings – complaint against a decision of the Minister for Social Security and the Department for Social Security regarding the handling of an application for Income Support (R.142/2013) – response of the Minister. Presented: 18th December 2013. <i>Privileges and Procedures Committee.</i>	R.156/2013.
States of Jersey Complaints Board: findings – complaint against a decision of the Deputy Chief Officer of the States of Jersey Police regarding dismissal of the Complainant from the States of Jersey Police. Presented: 19th December 2013. <i>Privileges and Procedures Committee.</i>	R.157/2013.
Companies (Jersey) Law 1991: proposed amendments – Green Paper – Supplemental Response Paper. Presented: 24th December 2013. <i>Chief Minister.</i>	R.158/2013.
Land Transactions under Standing Order 168(3) – (a) Les Alpes, La Grande Route de Faldouet, St. Martin – Assisted House Purchase; (b) 2 Grasett Park, St. Saviour – sale. Presented: 8th January 2014. <i>Minister for Treasury and Resources.</i>	R.1/2014.
States of Jersey Police: Policing Plan 2014. Presented: 9th January 2014. <i>Minister for Home Affairs.</i>	R.2/2014.
Employment: Disciplinary and Grievance Procedures – Code of Practice – White Paper – September 2013 (R.109/2013) – Summary of Consultation Responses and revised Code of Practice. Presented: 14th January 2014. <i>Minister for Social Security.</i>	R.3/2014.
Alcohol and Licensing: Draft Strategy for Jersey. Presented: 16th January 2014. <i>Chief Minister.</i>	R.4/2014.
Camera Surveillance in Jersey. Presented: 16th January 2014. <i>Education and Home Affairs Scrutiny Panel.</i>	S.R.1/2014.



Energy Policy (S.R.12/2013): response of the Minister for Planning and Environment. S.R.12/2013.  
Presented: 7th January 2014. Res.  
*Minister for Planning and Environment.*

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

Access to Justice in Jersey: review (P.158/2013) – amendment. P.158/2013.  
Lodged: 8th January 2014. Amd.  
*Deputy M. Tadier of St. Brelade.*

Draft Proceeds of Crime and Terrorism (Miscellaneous Provisions) (Jersey) Law 201-. P.163/2013.  
Lodged: 13th December 2013.  
*Chief Minister.*

Draft European Union Legislation (Implementation) (Jersey) Law 201-. P.164/2013.  
Lodged: 16th December 2013.  
*Minister for External Relations.*

Maritime Security (Jersey) Order 201-: extension of provisions to Jersey. P.165/2013.  
Lodged: 16th December 2013.  
*Chief Minister.*

Modern Language Teaching: review. P.166/2013.  
Lodged: 17th December 2013.  
*Deputy M. Tadier of St. Brelade.*

Draft Amendment (No. 22) of the Standing Orders of the States of Jersey. P.167/2013.  
Lodged: 19th December 2013.  
*Privileges and Procedures Committee.*

Ratification of the Agreement on the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of the Republic of Slovenia. P.168/2013.  
Lodged: 23rd December 2013.  
*Minister for External Relations.*

Draft Taxation (Exchange of Information with Third Countries) (Amendment No. 9) (Jersey) Regulations 201-. P.169/2013.  
Lodged: 23rd December 2013.  
*Minister for External Relations.*

Jersey Appointments Commission: appointment of Chairman and re-appointment of 3 Commissioners. P.170/2013.  
Lodged: 23rd December 2013.  
*Chief Minister.*

Public Elections: introduction of STV and AV. P.171/2013.  
Lodged: 24th December 2013.  
*Deputy M. Tadier of St. Brelade.*

Draft Income Support (Amendment No. 10) (Jersey) Regulations 201-. P.1/2014.  
Lodged: 6th January 2014.  
*Minister for Social Security.*



Minister for Planning and Environment: dismissal. Lodged: 8th January 2014. <i>Chief Minister.</i>	P.2/2014.
Draft Shipping (Amendment No. 4) (Jersey) Law 201-. Lodged: 9th January 2014. <i>Minister for Economic Development.</i>	P.3/2014.
Draft Employment and Discrimination Tribunal (Jersey) Regulations 201-. Lodged: 14th January 2014. <i>Minister for Social Security.</i>	P.4/2014.
Draft Discrimination (Jersey) Law 2013 (Appointed Day) Act 201-. Lodged: 14th January 2014. <i>Minister for Social Security.</i>	P.5/2014.
Draft Drainage (Amendment) (Jersey) Law 201-. Lodged: 15th January 2014. <i>Minister for Transport and Technical Services.</i>	P.6/2014.
Draft Employment of States of Jersey Employees (Amendment No. 6) (Jersey) Regulations 201-. Lodged: 17th January 2014. <i>States Employment Board.</i>	P.7/2014.

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

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

Nomination of the Deputy of St. Mary as a member of the Environment Scrutiny Panel.

## **G. MATTERS OF PRIVILEGE**

## **H. PETITIONS**

## **I. QUESTIONS**

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

1. The Chief Minister will table an answer to a question asked by the Connétable of St. John regarding the completion of manpower returns.
2. The Chief Minister will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding legal challenges to the blacklisting of Jersey by France.
3. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the registration of a used vehicle.
4. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the differences between Employment legislation in Jersey and Guernsey.



5. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding an investigation into the circumvention of the contractual requirements under Employment legislation by local employers.
6. The Minister for Economic Development will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding PPI policies.
7. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding zero-hour contracts.
8. The Minister for Health and Social Services will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding Tamiflu injections.
9. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding continuing disruption to traffic east of St. Helier.
10. The Minister for Social Security will table an answer to a question asked by Deputy T.A. Vallois of St. Saviour regarding fair rent levels for Income Support recipients.
11. The Minister for Housing will table an answer to a question asked by Deputy T.A. Vallois of St. Saviour regarding a survey of Housing stock.
12. The Chief Minister will table an answer to a question asked by Deputy T.A. Vallois of St. Saviour regarding the Children's Policy Group.
13. The Minister for Treasury and Resources will table an answer to a question asked by Senator S.C. Ferguson regarding details of all financial arrangements entered into by the States.
14. The Minister for Planning and Environment will table an answer to a question asked by the Deputy of St. Martin regarding meetings with developers since August 2013.
15. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding entitlement to the Income Support impairment component.
16. The Chief Minister will table an answer to a question asked by Deputy J.H. Young of St. Brelade regarding a meeting with the Minister for Planning and Environment in relation to the Channel Islands Co-op's Planning Application for Charing Cross.
17. The Minister for Planning and Environment will table an answer to a question asked by Deputy J.H. Young of St. Brelade regarding Planning enforcement matters.
18. The Chief Minister will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the number of complaints about the failure of the States of Jersey Police to answer subject access requests.
19. The Minister for Home Affairs will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding breaches of the Data Protection (Jersey) Law 2005 over the last five years by officers and civilian staff.
20. The Chief Minister will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the number of applications for Registration Cards under the new Control of Housing and Work legislation.
21. H.M. Attorney General will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the difference between regulatory and criminal breaches of the Data Protection (Jersey) Law 2005.



22. The Minister for Social Security will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the assistance available to carers and families of children with medical conditions.

**(b) – Oral Questions**

(120 minutes)

1. The Connétable of St. Helier will ask the following question of the Minister for Economic Development –

“Would the Minister advise what investigations, if any, have been made into the feasibility of developing a deep water terminal to allow cruise ships to visit Jersey and whether he supports the development of such facilities?”

2. Deputy J.H. Young of St. Brelade will ask the following question of the Minister for Health and Social Services –

“Will the Minister inform the Assembly whether all GP patient referrals to hospital consultants are treated within the National Health Service’s maximum referral to treatment waiting time of 18 weeks and, if not, would she advise the proportion of referred patients who have not received treatment within this timeframe, the average delay, the specialisms most affected and what action, if any, she is taking to ensure patients receive prompt treatment?”

3. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Home Affairs –

“Would the Minister explain to members why the police investigation of ‘Operation Vessel’ in which suspected sex abusers who were allegedly grooming young girls were identified, was kept secret since June 2012 and how this benefited the investigation and the people of Jersey?”

4. The Connétable of St. John will ask the following question of the Chief Minister -

“Following the Chief Minister’s recent trip to Brussels, could he inform the Assembly if he had a chance to discuss a possible renegotiation of Jersey’s relationship with the European Union (EU), particularly the free movement of EU citizens to the Island?”

5. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Social Security –

“Will the Minister inform members why he maintains that the application of Income Support guidelines to support a decision that a payment received by a claimant was to be regarded as income and not capital was just, despite a Complaints Board finding published on 18th December 2013 that it was not?”

6. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Chief Minister –

“Could the Minister advise whether the issue of Israel’s stance, in relation to a number of United Nations resolutions made against it, has been raised when he or other Ministers have met with Israeli politicians and, if not, why not?”

7. Senator S.C. Ferguson will ask the following question of the Chief Minister –

“Given the speculation in the public arena about the Esplanade Development, will the Chief Minister advise whether he has asked Trowers and Hamlins to revalidate and update their report with particular emphasis on the update of the King Sturge section and, if not, why not?”



8. Deputy J.A. Hilton of St. Helier will ask the following question of the Minister for Health and Social Services –

“What action, if any, has the Minister taken to stop any individual convicted of fraud against an elderly, vulnerable person from working in the care industry?”

9. Deputy J.A.N. Le Fondré of St. Lawrence will ask the following question of the Minister for Treasury and Resources –

“Further to the Minister’s statement during the debate on P.175/2011 ‘St. Helier Waterfront - development’, that one of the important benefits of the Esplanade Quarter was that it did not require any public funding, could he explain why the position has changed and why in addition to public funds of £13 million already provided, he considers it appropriate to provide further public support for projects competing against private sector schemes?”

10. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Economic Development –

“Will the Minister update members on the ability of local residents to pursue potential claims in respect of Payment Protection Insurance (PPI) mis-sold on loans taken out through Island-based financial services companies?”

11. Deputy M.R. Higgins of St. Helier will ask the following question of the Minister for Health and Social Services –

“What lessons, if any, have been learnt by the Children and Adult Mental Health Services following the handling of recent issues such as Haut de la Garenne and Family X and can she assure members that they are not failing their clients, that is, the people whom they are supposed to be assisting and protecting?”

12. Deputy J.A.N. Le Fondré of St. Lawrence will ask the following question of the Minister for Treasury and Resources –

“Does the Minister still maintain that the public monies advanced in relation to the creation of underground parking in the Esplanade Quarter, will be repaid on completion of Building One and, if not, why not?”

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

“Would the Minister advise when he will bring forward, for debate by the Assembly, the walking and cycling strategies and other agreed actions that were due to be taken following the approval of the Sustainable Transport Plan in 2010?”

14. Senator S.C. Ferguson will ask the following question of the Minister for Education, Sport and Culture –

“What action, if any, is being taken to encourage and further the new lease for the go kart club in St. John?”

15. Deputy G.C.L. Baudains of St. Clement will ask the following question of the Chief Minister –

“Would the Chief Minister confirm that I contacted him and the Minister for Treasury and Resources almost two months ago for an answer to a constituent’s inquiry regarding taxation and allowances and state why, despite several prompts, I am still waiting for a reply?”



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

1st question period – Minister for External Relations

2nd question period – Chief Minister

**J. PERSONAL STATEMENTS**

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

**L. PUBLIC BUSINESS**

Composition and election of the States Assembly: reform – proposal 1. P.93/2013.  
Lodged: 2nd August 2013.  
*Senator P.F.C. Ozouf.*

Composition and election of the States Assembly: reform – (P.93/2013, P.94/2013, P.98/2013, P.116/2013, P.117/2013 and associated amendments) – comments. P.93, P.94, P.98, P.116, P.117/2013.  
Presented: 25th October 2013.  
*Privileges and Procedures Committee.* Com. (re-issue)

Composition and election of the States Assembly: reform – proposal 1 P.93/2013.  
(P.93/2013) – amendment. Amd.  
Lodged: 3rd September 2013.  
*Senator L.J. Farnham.*

Composition and election of the States Assembly: reform – proposal 1 P.93/2013.  
(P.93/2013) – amendment (P.93/2013 Amd.) – amendment. Amd.Amd.  
Lodged: 14th October 2013.  
*Deputy E.J. Noel of St. Lawrence.*

Composition and election of the States Assembly: reform – proposal 1 P.93/2013.  
(P.93/2013) – second amendment. Amd.(2)  
Lodged: 22nd October 2013.  
*Connétable of St. Mary.*

Composition and election of the States Assembly: reform – proposal 1 P.93/2013.  
(P.93/2013) – third amendment. Amd.(3)  
Lodged: 26th November 2013.  
*Deputy J.A.N. Le Fondré of St. Lawrence.*

Composition and election of the States Assembly: reform – proposal 1 P.93/2013.  
(P.93/2013) – third amendment (P.93/2013 Amd.(3)) – comments. Amd.(3).  
Presented: 2nd December 2013. Com.  
*Privileges and Procedures Committee.*

Draft Public Finances (Amendment of Law No. 1) (Jersey) Regulations 201-. P.133/2013.  
Lodged: 24th October 2013.  
*Minister for Treasury and Resources.*  
*(Principles adopted 11th December 2013)*

Ratification of the Agreement between the Government of Jersey and the Republic of Croatia with respect to the Taxation of Savings Income. P.147/2013.  
Lodged: 4th November 2013.  
*Minister for External Relations.*





EU Taxation of Savings Income Agreements: replacement of the retention tax by automatic exchange of information. Lodged: 12th November 2013. <i>Minister for External Relations.</i>	P.150/2013.
Draft Taxation (Agreements with European Union Member States) (Amendment No. 2) (Jersey) Regulations 201-. Lodged: 12th November 2013. <i>Minister for External Relations.</i>	P.151/2013.
Referenda: revised procedures. Lodged: 13th November 2013. <i>Deputy R.G. Le Hérisssier of St. Saviour.</i>	P.153/2013.
Ratification of the Convention on Mutual Administrative Assistance in Tax Matters. Lodged: 26th November 2013. <i>Minister for External Relations.</i>	P.154/2013. (re-issue)
Draft Taxation (Implementation) (Convention on Mutual Administrative Assistance in Tax Matters) (Jersey) Regulations 201-. Lodged: 26th November 2013. <i>Minister for External Relations.</i>	P.155/2013.
Housing Shadow Board: Terms of Reference and appointment of Directors. Lodged: 2nd December 2013. <i>Minister for Housing.</i>	P.156/2013.
Machinery of Government: committee system. Lodged: 2nd December 2013. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.157/2013.
Machinery of Government: committee system (P.157/2013) – comments. Presented: 31st December 2013. <i>Privileges and Procedures Committee.</i>	P.157/2013. Com.
Access to Justice in Jersey: review. Lodged: 2nd December 2013. <i>Chief Minister.</i>	P.158/2013.
Access to Justice in Jersey: review (P.158/2013) – amendment. Lodged: 8th January 2014. <i>Deputy M. Tadier of St. Brelade.</i> (Cannot be debated before 22nd January 2014)	P.158/2013. Amd.
Draft Public Employees (Retirement) (Amendment and Validation) (Jersey) Law 201-. Lodged: 10th December 2013. <i>States Employment Board.</i>	P.159/2013.
Draft Restriction on Smoking (Amendment No. 3) (Jersey) Law 2013 (Appointed Day) Act 201-. Lodged: 11th December 2013. <i>Minister for Health and Social Services.</i> (Cannot be debated until 22nd January 2014)	P.161/2013.



Draft Restriction on Smoking (Vending Machines) (Jersey) Regulations 201-. P.162/2013.  
Lodged: 11th December 2013.  
*Minister for Health and Social Services.*  
*(Cannot be debated until 22nd January 2014)*

**NOTE:** 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 the following propositions to be considered by the States at this meeting –

Modern Language Teaching: review. P.166/2013.  
Lodged: 17th December 2013.  
*Deputy M. Tadier of St. Brelade.*

Jersey Appointments Commission: appointment of Chairman and re-appointment of P.170/2013.  
3 Commissioners.  
Lodged: 23rd December 2013.  
*Chief Minister.*

Public Elections: introduction of STV and AV. P.171/2013.  
Lodged: 24th December 2013.  
*Deputy M. Tadier of St. Brelade.*

Public Elections: introduction of STV and AV (P.171/2013) – comments. P.171/2013.  
Presented: 15th January 2014. Com.  
*Comité des Connétables.*

Minister for Planning and Environment: dismissal. P.2/2014.  
Lodged: 8th January 2014.  
*Chief Minister.*  
*(Cannot be debated before 22nd January 2014)*

## **M. ARRANGEMENT OF PUBLIC BUSINESS**

### **4th February 2014**

Law Officers' Department and members of the Law Society of Jersey: revised P.152/2013.  
disciplinary process.  
Lodged: 13th November 2013.  
*Deputy R.G. Le Hérisier of St. Saviour.*

Elected Speaker of the States. P.160/2013.  
Lodged: 10th December 2013.  
*Connétable of St. Helier.*

Elected Speaker of the States (P.160/2013): comments. P.160/2013.  
Presented: 16th December 2013. Com.  
*Privileges and Procedures Committee.*

Draft European Union Legislation (Implementation) (Jersey) Law 201-. P.164/2013.  
Lodged: 16th December 2013.  
*Minister for External Relations.*

Maritime Security (Jersey) Order 201-: extension of provisions to Jersey. P.165/2013.  
Lodged: 16th December 2013.  
*Chief Minister.*



Draft Amendment (No. 22) of the Standing Orders of the States of Jersey. P.167/2013.  
Lodged: 19th December 2013.  
*Privileges and Procedures Committee.*

Ratification of the Agreement on the Exchange of Information relating to Tax P.168/2013.  
Matters between the Government of Jersey and the Government of the Republic of  
Slovenia.  
Lodged: 23rd December 2013.  
*Minister for External Relations.*

Draft Taxation (Exchange of Information with Third Countries) (Amendment P.169/2013.  
No. 9) (Jersey) Regulations 201-  
Lodged: 23rd December 2013.  
*Minister for External Relations.*

#### **18th February 2014**

Committee of Inquiry: planning applications by the Channel Islands Co-operative P.102/2013.  
Society Ltd.  
Lodged: 28th August 2013.  
*Deputy R.G. Le Hérisier of St. Saviour.*

Draft Aquatic Resources (Jersey) Law 201- P.114/2013.  
Lodged: 24th September 2013.  
*Minister for Economic Development.*

Draft Proceeds of Crime and Terrorism (Miscellaneous Provisions) (Jersey) Law P.163/2013.  
201-  
Lodged: 13th December 2013.  
*Chief Minister.*

Draft Income Support (Amendment No. 10) (Jersey) Regulations 201- P.1/2014.  
Lodged: 6th January 2014.  
*Minister for Social Security.*

#### **4th March 2014**

Sunstone Holdings Ltd. and De Lec Ltd. – *ex gratia* payments to investors. P.90/2013.  
Lodged: 26th July 2013.  
*Senator A. Breckon.*

Sunstone Holdings Ltd. and De Lec Ltd. – *ex gratia* payments to investors P.90/2013.  
(P.90/2013) – comments. Com.  
Presented: 23rd September 2013.  
*Council of Ministers.*

Draft Shipping (Amendment No. 4) (Jersey) Law 201- P.3/2014.  
Lodged: 9th January 2014.  
*Minister for Economic Development.*

Draft Employment and Discrimination Tribunal (Jersey) Regulations 201- P.4/2014.  
Lodged: 14th January 2014.  
*Minister for Social Security.*

Draft Discrimination (Jersey) Law 2013 (Appointed Day) Act 201- P.5/2014.  
Lodged: 14th January 2014.  
*Minister for Social Security.*



Draft Drainage (Amendment) (Jersey) Law 201-  
Lodged: 15th January 2014.  
*Minister for Transport and Technical Services.*

P.6/2014.

Draft Employment of States of Jersey Employees (Amendment No. 6) (Jersey)  
Regulations 201-  
Lodged: 17th January 2014.  
*States Employment Board.*

P.7/2014.

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

16th January 2014

**Note –**

**Members are reminded that the annual Service of Dedication in the Parish Church of St. Helier will take place at 9.30 a.m. prior to the States' meeting at 10.15 a.m.**

**In accordance with the meeting dates fixed for 2014 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 22nd and Thursday 23rd January 2014.**



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

(See Item B)

### **R&O.163/2013.**

This Order makes amendments to the Money Laundering (Jersey) Order 2008 (“principal Order”) to address certain recommendations made by the International Monetary Fund in respect of Jersey’s compliance with recommendations of the Financial Action Task Force on Money Laundering. In particular, it amends provisions in the principal Order concerning the application of simplified identification measures and reliance that may be placed on other parties to have performed identification measures, and introduces disclosure provisions that will facilitate sharing of customer information.

*Article 1* defines “principal Order” as the Money Laundering (Jersey) Order 2008, a term used throughout the Order and this Note.

*Article 2* inserts definitions into the principal Order.

*Article 3* amends Article 10A of the principal Order to make clear that a relevant person must ensure that any of its subsidiaries apply measures that are at least equivalent to the requirements of the principal Order in respect of any financial services business carried on in a country or territory outside Jersey. However, this requirement is not to be applied by a person that trades in Jersey, but which is registered, incorporated or otherwise established other than under Jersey law. (“Relevant person” is defined in the principal Order as a person carrying on a financial services business in or from within Jersey or a Jersey legal person carrying on a financial services business in any part of the world, and “subsidiary” is defined, in relation to a relevant person, as a legal person that is majority owned or controlled by the relevant person.)

*Article 4* amends Article 11 of the principal Order in respect of the policies and procedures that a relevant person must maintain to detect money laundering. In particular there must be maintained policies and procedures for the taking of additional measures, where appropriate, to prevent the use for money laundering of products and transactions which are susceptible to anonymity; and for the identification of risks that may arise in relation to the development of new products, services or practices, including new delivery mechanisms or the use of new or developing technologies for new or existing products or services. It also amends requirements for there to be maintained policies and procedures in relation to risk assessment and management and the involvement of senior management of a relevant person in the assessment of money laundering risks that are presented where verification of identity may be delayed until after a business relationship is formed.

*Article 5* amends Article 13 of the principal Order in relation to the timing of identification measures. In particular, where information on a customer has not yet been collected for a relationship already formed at the time that the principal Order had effect, the identity of a person must be established not later than 31st December 2014, or such later date as may be agreed in writing by the Commission upon application by the relevant person to the Commission on or before 31st December 2014.

Article 5(d) inserts provisions permitting identification measures to be completed after the establishment of a business relationship in certain specified circumstances, as follows –

- (a) if the business relationship relates to a life insurance policy, the identification measures relate to a beneficiary under the policy and the relevant person is satisfied that there is little risk of money laundering occurring as a result of completing such identification after the establishment of that relationship. In such circumstances the identification measures must be completed before any payment is made under the policy or any right vested under the policy is exercised;
- (b) if the business relationship relates to a trust or foundation, the identification measures relate to a person who has a beneficial interest in the trust or foundation by virtue of property or income having been vested in that person, and the relevant person is satisfied that there is little risk of money laundering occurring as a result of completing such identification after the establishment of that relationship. In such circumstances the identification measures must be completed before any distribution of trust property or income is made.



*Article 13(10) and (11)* provides that where a relevant person is a collective investment scheme, an unregulated fund or a non-public fund the relevant person shall not be required to comply with the customer due diligence measures under Article 13(1) or 15 of the principal Order in relation to a holder of any units in any such scheme or fund if –

- (a) the holder of the units acquires the units through a secondary market transaction; and
- (b) a person that is carrying on investment business and is registered to carry on such business under the Financial Services (Jersey) Law 1998, or carrying on equivalent business to investment business, has in relation to that holder applied the customer due diligence measures.

*Article 6* substitutes Article 16 of the principal Order so as to specify the conditions that must be satisfied before a relevant person may rely on another person (“obliged person”) to apply the identification measures on its behalf. The obliged person must be a person who the relevant person knows or has reasonable grounds for believing is a relevant person in respect of whose financial services business the Commission discharges supervisory functions, or a person carrying on equivalent business (as defined in Article 5 the principal Order). It requires the relevant person to assess the risk of relying on the obliged person and carry out tests to establish whether the obliged person it is relying on has appropriate policies and procedures in place to apply the identification measures, keep the evidence that it has obtained during the course of applying identification measures in respect of a person, and provide that evidence to the relevant person if requested to do so. Where, as a result of such a test being carried out the relevant person is not satisfied that the obliged person has appropriate policies and procedures in place, keeps evidence or will provide that evidence, the relevant person must immediately apply identification measures. Article 16(9) makes it clear that a relevant person must not rely on the identification measures of an obliged person if the relevant person suspects money laundering or considers that there is a higher risk of money laundering should reliance be placed on the obliged person. Article 16(10) also makes it clear that that despite the relevant person’s reliance on the obliged person, the relevant person remains liable for any failure to apply the identification measures it is required to apply.

*Article 6* also inserts Article 16A into the principal Order. Article 16A permits a relevant person to place reliance on a person outside Jersey that is part of the same financial group as the relevant person to apply similar identification measures to those required under the principal Order if the conditions described in that Article are met.

*Article 7* substitutes Article 17 of the principal Order, which, subject to specified conditions, permits a relevant person to apply simplified identification measures if a customer is carrying on certain business described in that Article where the relevant person knows or has reasonable grounds for believing that a customer is a person in respect of whose financial services business the Commission discharges supervisory functions or a person carrying on equivalent business. Article 17(14) makes it clear that a relevant person may not apply simplified identification measures to a customer if the relevant person suspects money laundering or considers that there is a higher risk of money laundering if it does so on the basis of the assessment it is required to make in Article 17 (which is similar to that described in Article 16); or if the customer has a relevant connection with a country or territory in relation to which the FATF has called for the application of enhanced customer due diligence measures; or if the customer is an respondent bank (or similar) whose address is outside Jersey.

*Article 8* amends Article 18 of the principal Order to make it clear that a relevant person may not apply the simplified identification measures under that Article if it suspects money laundering or considers that there is a higher risk of money laundering if it does so, or if its customer has a relevant connection with a country or territory in relation to which the FATF has called for the application of enhanced customer due diligence measures.

*Article 9* amends the record keeping requirements in Article 19 of the principal Order, so as to require or permit a relevant person to provide information or evidence that it is required to keep when requested to do so by another person in accordance with an assurance given by the relevant person under Article 16 or 17 (or equivalent provisions in place outside Jersey).

*Article 10* makes a consequential amendment to Article 22A of the principal Order.

*Article 11* provides the title of the Order and that it comes into force 7 days after it is made.

The Order was made on 11th December 2013 and came into force on 18th December 2013.



### **R&O.164/2013.**

This Order increases fees in the following enactments –

- (1) Dangerous Wild Animals (Jersey) Law 1999;
- (2) Artificial Insemination of Domestic Animals (Bovine Semen) (Jersey) Order 2008;
- (3) Animal Welfare (Licence Fee) (Jersey) Order 2008;
- (4) Community Provisions (Bovine Embryos) (Fees) Order 2011;
- (5) Endangered Species (CITES) (Fees) (Jersey) Order 2012;
- (6) Waste Management (Fees) (Jersey) Order 2008;
- (7) Water Resources (Charges) (Jersey) Order 2009;
- (8) High Hedges (Application Fee) (Jersey) Order 2008;
- (9) Planning and Building (Fees) (Jersey) Order 2008.

The increases are generally around 2.5%.

All fees except for those under items (8) and (9) take effect from 1st January 2014. Fees under items (8) and (9) take effect from 13th January 2014.

Fees in items (1), (2), (3), (6), (7) and (8) were last increased with effect from 1st January 2013. The fee in item (4) was last increased with effect from 16th January 2012. The fees in item (5) have not been changed since being introduced with effect from 21st August 2012. The fees in item (9) were last increased with effect from 14th January 2014.

In addition to the changes described above, the Order amends the Planning and Building (Fees) (Jersey) Order (“Order”) with effect from 13th January 2014 in a number of respects as set out below.

Provision is made so that the aggregate fee for an application for planning permission for more than one item listed in Schedule 1 to the Order cannot exceed £200,000. Provision is also made so that the fee chargeable for an application for planning permission in outline is 25% of the fee set out in Schedule 1 to the Order; the fee chargeable for an application for planning permission in detail following a grant of permission in outline only is 75% of the fee set out in Schedule 1 to the Order.

Changes are made to Schedule 1 to the Order in respect of the distinction in the fee for planning applications for material alterations depending on whether the cost of the work is greater than £10,000. That distinction is removed and, instead, a single fee is charged for applications for alterations that change the external appearance of a building without creating additional floor space and which are not otherwise chargeable under Schedule 1. Several minor changes are also made to the description of items relating to miscellaneous small work.

The Order was made on 16th December 2013 and came into force on 1st January 2014, with the exception of Articles 8 and 9, which came into force on 13th January 2014.

### **R&O.165/2013.**

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

It increases –

- (a) the fee for a licence to sell ice-cream from a van or stall, by approximately 2.5%;
- (b) the fees connected with the grant, renewal or transfer of a licence to carry on a nursing agency, by approximately 2.5%;
- (c) the fees connected with a registration authorizing the carrying on of a nursing home, mental nursing home or residential home, by approximately 2.5%;
- (d) the fees in relation to the enrolment, restoration or retention of a person’s name on the roll of ancillary dental workers, by approximately 2.5%;



- (e) the fee for a cremation of a person aged 18 years or more, by 10%;
- (f) the maximum fee that a registered medical practitioner may charge for completing a medical certificate to accompany an application for cremation, by approximately 2.5%; and
- (g) hospital charges for long-stay patients, by approximately 2.2%.

All of the fees were last increased with effect from 1st January 2013.

The Order was made on 16th December 2013 and came into force on 1st January 2014.

### **R&O.166/2013.**

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 Ethylphenidate and certain descriptions of synthetic cannabinoids 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) classify Tramadol as a Class C drug.

It also amends the Misuse of Drugs (General Provisions) (Jersey) Order 2009 so as to allow controlled drugs to be prescribed by a “nurse independent prescriber” (defined as a midwife prescribing practitioner, a nurse prescribing practitioner or a specialist community public health nurse prescribing practitioner registered under the Health Care (Registration) (Jersey) Law 1995). The amendments permit a nurse independent prescriber to prescribe, possess, supply, offer to supply, administer and give directions for the administration of any controlled drug that is listed in Schedules 2 to 5 to the Misuse of Drugs (Jersey) Law 1978.

Finally, this Order amends the Misuse of Drugs (Addicts) (Jersey) Order 1980 so as to –

- (a) prohibit nurse independent practitioners, as well as doctors, from administering or supplying certain drugs listed in that Order to a person suspected of being addicted to the drug, unless the doctor or nurse independent practitioner is supplying it for the purpose of treating organic disease or injury or is supplying it under and in accordance with the terms of a licence issued in pursuance of that Order;
- (b) add buprenorphine to the list of drugs in respect of which the 1980 Order applies.

The Order was made on 19th December 2013. All provisions came into force on 20th December 2013, except Articles 1(b) and 4(17), which will come into force on 1st April 2014.

### **R&O.167/2013.**

This Order amends the Economic Development (2014 Fees) (Jersey) Order 2013 to add increases of fees in relation to sea fisheries, to take effect on 1st January 2014. The current fees came into force on 1st January 2011. The fees are increased, by no more than 2.5%, as follows –

- (a) for the grant of a fishing boat licence under Regulation 7 of the Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 2003, from £92.00 to £94.30;
- (b) for the grant of a permit to take scallops in unlimited quantities under Regulation 3 of the Sea Fisheries (Underwater Fishing) (Jersey) Regulations 2003, from £80.95 to £82.95;
- (c) for the grant of a permit to take a maximum of 24 scallops per day under that Regulation, from £16.90 to £17.30;
- (d) for an application for a sea fisheries licence under Regulation 2 of the Sea Fisheries (Fisheries) (Jersey) Regulations 2010, from £167.50 to £171.65;
- (e) in respect of the fixed element of the fee for the grant or renewal of a sea fisheries licence (and for the subsequent annual charge) under Regulation 5 of those Regulations, from £167.50 to £171.65; and





(f) in respect of the element per hectare of sea bed for those purposes, from £25.40 to £26.03.

The Order was made on 20th December 2013 and came into force on 1st January 2014.

### **R&O.168/2013.**

This Order is made in exercise of the power conferred by Article 4A of the Security Interests (Jersey) Law 2012 (by *Article 1*, referred to as the “Law”), whereby security interests may be prescribed to which, in prescribed circumstances, provisions of the Law shall not apply.

*Article 2* disappplies the Law in 2 sets of circumstances: first, where there is a security interest over trust property of a prescribed unit trust (a type of unit trust defined, as *Article 1* also provides, in the Security Interests (Registration and Miscellaneous Provisions) (Jersey) Order 2013) and the trust property is not situated in Jersey; secondly, where a security interest is created or perfected under an applicable foreign law (regardless of whether or not the relevant contract, agreement or instrument is governed as a whole by Jersey law).

*Article 3* provides for the citation of this Order and for it to come into force the day after it is made.

The Order was made on 20th December 2013 and came into force on 21st December 2013.

### **R&O.169/2013.**

This Order increases certain fees under enactments that fall within the responsibility of the Minister for Home Affairs.

Certain fees under the Marriage and Civil Status (Jersey) Law 2001 and the Civil Partnership (Jersey) Law 2012 are increased in respect of the issue of licences and certificates by the Superintendent Registrar or parish registrars, in respect of the issue of licences and certificates associated with marriages and civil partnerships, and in respect of the conduct of marriages and civil partnerships by the Superintendent Registrar and delegates. The fees under the Marriage and Civil Status (Jersey) Law 2001 that are associated with the conduct of weddings were last increased on 1st January 2011. The fees under the Civil Partnership (Jersey) Law 2012 have not been increased since the Law was brought into force on 2nd April 2012. The percentage increase in the fees is variable, but averages an increase that is in line with the annual increases in the cost of living since 2011.

Fees are increased for certificates issued under the Fire Precautions (Jersey) Law 1977 and for services provided under the Fire and Rescue Service (Jersey) Law 2011. The increases are, on average, 2.5%. The last increases took effect on 1st January 2013.

Fees are increased for licences issued under the Petroleum (Jersey) Law 1984. The increases are, on average, 2.5%. The last increases took effect on 20th June 2012.

The Order was made on 30th December 2013 and came into force on 1st January 2014.

### **R&O.1/2014.**

This Order amends the Plant Health (Jersey) Order 2005 to introduce measures to prevent the spread of *Chalara fraxinea* T Kowalski, including its teleomorph *Hymenoscyphus pseudoalbidus*, a cause of ash dieback.

*Article 1* defines “principal Order”, an expression used in this Order, as the Plant Health (Jersey) Order 2005.

*Article 2* amends Part A of Schedule 1 to the principal Order so as to include *Chalara fraxinea* T Kowalski, including its teleomorph *Hymenoscyphus pseudoalbidus* in the list of plant pests whose introduction into and whose spread within Jersey are banned.

*Article 3* amends Schedule 3 to the principal Order so as to include plants and plant products of *Fraxinus* L (other than wood without bark or foliage) in the list of plants and other objects the introduction of which shall be prohibited in Jersey.



The effect of these amendments is that neither the plant pest, *Chalara fraxinea* T Kowalski, including its teleomorph *Hymenoscyphus pseudoalbidus*, nor the plants or plant products of *Fraxinus* L except wood that has been stripped of bark and foliage, may be imported into Jersey. These plant pests and plant products can only be moved into Jersey from the European Union with the written authority of an inspector (being a person authorized by the Minister for Planning and Environment to be an inspector for the purposes of the Plant Health (Jersey) Law 2003) and they cannot be sold, planted, moved or disposed of within Jersey without the written authority of an inspector.

Article 4 provides the title of this Order and states that the Order will come into force the day after it is made.

The Order was made on 3rd January 2014 and came into force on 4th January 2014.

#### **R&O.2/2014.**

This Order amends the Community Provisions (Restrictive Measures – Syria) (Jersey) Order 2012 to give effect to Council Regulation (EU) No. 1332/2013 of 13 December 2013 amending Regulation (EU) No. 36/2012 concerning restrictive measures in view of the situation in Syria. That Regulation allows for derogations from various prohibitions. It also introduces a prohibition on import, export, transfer and brokering services in relation to cultural and related goods listed in a new Annex XI.

The Order was made on 6th January 2014 and came into force on 7th January 2014.

#### **R&O.3/2014.**

This Order re-enacts the provisions formerly contained in the Money Laundering and Weapons Development (Directions) (Iran) (Jersey) Order 2013 which expired on 17th January 2014.

This Order makes a further direction by the Minister for External Relations under the Money Laundering and Weapons Development (Directions) (Jersey) Law 2012 (“Law”) in relation to Iran. Under Article 5 of that Law a direction may be made if certain conditions are satisfied. Both of the following conditions are satisfied: (a) the international body known as the Financial Action Task Force has advised that measures should be taken in relation to Iran because of the risk of money laundering; and (b) the Minister for External Relations reasonably believes that activity in Iran facilitating the development or production of nuclear weapons poses a significant risk to the interests of Jersey.

The direction is given to all “relevant persons” as defined in the Law. “Relevant person” means –

- (a) a person carrying on a financial services business in or from within Jersey; or
- (b) any of the following carrying on a financial services business in any part of the world –
  - (i) a body incorporated in Jersey,
  - (ii) a limited liability partnership registered under the Limited Liability Partnerships (Jersey) Law 1997, or
  - (iii) a separate limited partnership registered under the Separate Limited Partnerships (Jersey) Law 2011.

The direction prohibits a relevant person from entering into new transactions or business relationships with banks incorporated in Iran, including their branches and the Central Bank of Iran, or continuing to participate in transactions or business relationships with such banks. Under Article 6(15) of the Law, the direction also prevents such transactions or business relationships from taking place with subsidiaries of such banks. Under Article 9 of the Law, the Minister for External Relations may grant a licence to exempt certain acts from these prohibitions.

Under Article 14 of the Law, a person who breaches a direction is guilty of an offence and liable to a maximum term of 2 years imprisonment and an unlimited fine.

This Order comes into force on 18th January 2014 and, unless earlier revoked, will cease to have effect one year after it is made, in accordance with Article 7(3) of the Law.

The Order was made on 14th January 2014 and came into force on 18th January 2014.



## WRITTEN QUESTIONS

(See Item I(a))

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

“Would the Chief Minister confirm that manpower returns must now only be completed in an electronic format and, if so, can members be told whether the Population Office consulted industry/employers and for how long a period before this decision was made? If no consultation took place will this now be addressed?

What, if any, alternative arrangements are available for companies or employers who do not use or have electronic systems?

Are companies still able to use hard copy in the interim and, if not, why not?”

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

“Did the Minister intend to challenge the French government had the blacklisting sanctions been applied from 1st January 2014 and, if so, would he advise from which budget such action was to be funded and under what authority?

Would he further advise what contingency existed should any legal action have run into millions of pounds?”

3. The Minister for Transport and Technical Services will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“Does a Jersey driving licence have to be produced to the Driver and Vehicle Standards Department when registering a used vehicle and, if not, how does the Minister justify maintaining Article 5(b)(iv) of the Motor Vehicle Registration (General Provisions) (Jersey) Order 1993, which requires a person seeking to register a new or imported vehicle to do so?”

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

“Will the Minister explain what the differences are between the Guernsey and Jersey Employment Laws to which he referred in his response on 2nd December 2013 concerning the use of zero hours contracts in the two islands, and why he considers moving to the Guernsey model would be “going backwards not forwards” and, in doing so, could he indicate whether he has now taken advice from H.M. Attorney General to confirm that his information on the differences between Jersey and Guernsey legislation is correct?”



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

“Will the Minister inform members what action, if any, he has taken to investigate, through his compliance officers or otherwise, the alleged use of employment agency workers by RBS to avoid the issue of proper accurate employment contracts to permanent full-time staff, as required by the Employment Law and if none, will he explain why he has neglected or refused to take such action and indicate whether the Jersey Advisory and Conciliation Service or the Employment Tribunal have greater powers than he has in this connection with reference to Third Party complaints?”

6. The Minister for Economic Development will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

“What progress, if any, has the Minister made, in the absence of a financial ombudsman, in persuading locally based financial service providers, whether subsidiaries or branches of UK institutions, to agree to accept claims locally for the mis-selling of Payment Protection Insurance (PPI) policies, and if none, what steps will he take to ensure the establishment of a mechanism by which such claims can be pursued?”

Is the Minister aware of any successful claims having been pursued locally and, if so, is he in a position to release details?”

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

“Notwithstanding the commitment of the Minister for Social Security to investigate the extent of use and abuse of zero-hours contracts by the island’s employers and to report back to the States by the end of 2014, will the Chief Minister update the figures given to members in his response to question 6833 of May 2012 which showed some 1157 States employees on zero-hours contracts compared with 283 on fixed-term temporary contracts?”

Can he confirm that the recently modernised and harmonised States employment policies resulting from extensive consultation do not apply to those on zero-hours contracts?

Will he further state for each category of employee given in answers to questions 6901 and 6902 by the Education, Sport and Culture and Health and Social Services Departments respectively, what number of these contracts actually applied to employees who worked regular full-time or part-time hours and/or were long-term employees for whom permanent, or fixed-term or minimum-hours contracts would be more appropriate?

In particular will he update members with progress on the promised review of the Highlands College lecturer contracts and explain the use of zero-hours contracts for classroom assistants and in catering for overtime for nurses and auxiliaries in the hospital?”

8. The Minister for Health and Social Services will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“Has the Minister studied the UK Select Committee’s report on Tamiflu which states, in relation to drugs generally, that the full results of clinical trials are being routinely and legally withheld from doctors and researchers by the manufacturers of medicines and that only 50 per cent of completed drug trials are published and, if so, will she now agree to look more closely into drug efficacy and safety as stated in her answer to my question on 2nd December 2013?”



9. The Minister for Transport and Technical Services will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“In relation to the continuing disruption to traffic east of St Helier, could the Minister advise –

- a) why the problem was not minimised by requesting the Jersey Electricity Company (JEC) to press on with its cable laying works towards Green Road during the low traffic flows of the Christmas period,
- b) why his Department did not decide to resurface areas other than Longueville Road, given that closure of this road diverts traffic towards Grève d’Azette which is also closed?
- c) when the Grève d’Azette road is likely to be opened again; and,
- d) whether any measures are in place to ensure that the JEC trench re-instatement will be of sufficient quality and, if not, why not?”

10. The Minister for Social Security will table an answer to the following question asked by Deputy T.A. Vallois of St. Saviour –

“Could the Minister advise what the difference will be between the current fair rent levels his department currently uses for Income Support recipients and what these will be once the Housing Department’s new rental policy comes into effect on 1st April 2014?”

11. The Minister for Housing will table an answer to the following question asked by Deputy T.A. Vallois of St. Saviour –

“Can the Minister confirm that the survey which was being undertaken to determine the market rate of all housing stock has now been completed and, if so, will he provide the estimated market rentals and, if not, will he advise when this data will be available to members?”

12. The Chief Minister will table an answer to the following question asked by Deputy T.A. Vallois of St. Saviour –

“Could the Chief Minister advise whether clear procedures are in place which permit appropriate exchange of information between himself, the Minister for Health and Social Services and members of the Children’s Policy Group, and whether he has an obligation to ensure that his ministerial colleagues on that group are fully informed about cases under review, particularly where due process may not have been followed?”

13. The Minister for Treasury and Resources will table an answer to the following question asked by Senator S.C. Ferguson –

“Will the Minister supply a detailed list of all the loans, guarantees, indemnities and off balance sheet financial arrangements entered into by the States, including the duration of the transaction, interest rate and any conditions attached to the transaction and the counterparty?”

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

“Will the Minister list the dates of all the meetings he has held with developers since 1st August 2013? Will the Minister state what the subjects of those meetings were and whether officers were present or not?”



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

“Following his response to my question of 10th December 2013 has the Minister discussed with his officers the possibility of advising the 403 recipients of Income Support impairment component level 3 of the potential for those responsible for their care to claim a carer’s component of Income Support and, if so, what was the outcome?”

16. The Chief Minister will table an answer to the following question asked by Deputy J.H. Young of St. Brelade –

“Will the Chief Minister provide the following information in respect of his meeting of 21st December 2012 with the Minister for Planning and Environment in relation to the Channel Islands Co-op Planning Application (Charing Cross) which he has cited (P.2/2014) as sufficient grounds to dismiss the Minister:

- (a) the circumstances or complaint which led to this meeting being called in respect of a live planning application and whether it was called at the request of the applicant, another Minister, elected member or another person;
- (b) whether advance notice was given or an agenda issued to the Minister or Chief Officer;
- (c) the purpose or objectives of this meeting and whether the meeting was intended to influence the determination of this application;
- (d) who was present at this meeting;
- (e) whether minutes were taken and their contents agreed;
- (f) whether the chronology of the processing of the planning application was established from the application file, either before or after this meeting and before 10th September 2013; and,
- (g) whether it is the Chief Minister’s or Council of Minister’s policy to intervene in Planning applications and, if so, the protocols which have been agreed with the Minister?”

17. The Minister for Planning and Environment will table an answer to the following question asked by Deputy J.H. Young of St. Brelade –

“Will the Minister provide the Assembly with the following information in respect of planning enforcement matters of which he is aware, in particular -

- (a) those matters which are the subject of outstanding complaints including those under investigation by the States of Jersey Complaints Board;
- (b) those matters which were the subject of recent decisions of the Royal Court to allow appeals against enforcement action previously taken by his Department;
- (c) the action he has taken to ensure independent investigations are made into these matters and compliance with the protocol he introduced for his Department’s enforcement procedures following the findings of previous inquiries (Reg’s Skips);
- (d) the arrangements for reporting the findings of these investigations;



- (e) the actions available to him in the event of investigations finding non-compliance with those procedures; and,
  - (f) his intentions to ensure that all enforcement actions meet best practice and accord with H.M. Attorney General's guidelines?"
18. The Chief Minister will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –
- “Will the Chief Minister advise members how many complaints, if any, the Data Protection Commissioner has received from members of the public, including former police officers, about the failure of the States of Jersey Police to answer subject access requests fully and within the time-limits prescribed in the Data Protection (Jersey) Law 2005 (broken down into the total number received and number per year) and advise what steps, if any, the Commissioner has taken to ensure compliance by the States of Jersey Police, not least when they invoke provisions relating to anti-terrorism in situations where they do not apply to the circumstances of the case?”
19. The Minister for Home Affairs will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –
- “Will the Minister provide details of breaches of the Data Protection (Jersey) Law 2000 since 2008 on a year by year basis indicating the number of breaches, the nature of each breach and the penalties imposed on all States of Jersey Police officers and civilian staff and are any complaints pending at present?”
20. The Chief Minister will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –
- “Will the Chief Minister set out for members the number of people who have applied for registration cards under the new Control of Housing and Work (Jersey) Law 2012, breaking down the numbers into the nationality and country of origin of all those who have applied during the period 12th October 2013 to 31st December 2013?”
21. H.M. Attorney General will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –
- (a) Would H.M. Attorney General clarify for members and the public at large the difference between a regulatory and a criminal breach of the Data Protection (Jersey) Law 2000?
  - (b) With regard to accessing sensitive personal information, could H.M. Attorney General advise whether a person who obtains such information by claiming to have the consent of the party whose information they are seeking to access through a third party, when they do not in fact have such consent, is committing a regulatory or criminal offence?
  - (c) Could H.M. Attorney General explain to members the interaction between the Data Protection Commissioner and the Law Officers' Department in the determination of criminal or regulatory breaches and the extent to which the Data Protection Commissioner has unfettered discretion to determine these issues?"



22. The Minister for Social Security will table an answer to the following question asked by Deputy M.R. Higgins of St. Helier –

“Will the Minister advise members what assistance, if any, is available to carers and families of children who have medical conditions such as cystic fibrosis which do not always manifest themselves externally and which do not meet the normal criteria for financial assistance used by the Department?”





## ORAL QUESTIONS TO MINISTERS WITHOUT NOTICE

(See Item I(c))

### 2014

#### 1st Session 2014

<b>February 4th</b>	Treasury and Resources	Education, Sport and Culture
<b>February 18th</b>	Health and Social Services	Chief Minister
<b>March 4th</b>	Economic Development	Housing
<b>March 18th</b>	Planning and Environment	Chief Minister
<b>April 1st</b>	Social Security	Transport and Technical Services
<b>April 29th</b>	External Relations	Chief Minister
<b>May 13th</b>	Home Affairs	Treasury and Resources
<b>June 3rd</b>	Education, Sport and Culture	Chief Minister
<b>June 17th</b>	Health and Social Services	Economic Development
<b>July 1st</b>	Housing	Chief Minister
<b>July 14th p.m.</b> <b>(Monday)</b>	Planning and Environment	Social Security

#### 2nd Session 2014

<b>September 9th</b>	Transport and Technical Services	Chief Minister
<b>September 22nd</b> <b>(Monday)</b>	External Relations	Home Affairs
<b>November 25th</b>	Treasury and Resources	Chief Minister
<b>December 9th</b>	Education, Sport and Culture	Health and Social Services