



STATES OF JERSEY ORDER PAPER

Monday 30th June 2014

CONSOLIDATED

A. COMMUNICATIONS BY THE PRESIDING OFFICER

B. TABLING OF SUBORDINATE ENACTMENTS

(Explanatory note attached)

Taxation (Implementation) (Convention on Mutual Administrative Assistance in Tax Matters) (Amendment of Regulations No. 1) (Jersey) Order 2014. R&O.66/2014.
Minister for External Relations.

* Long-Term Care (Benefits) (Amendment) (Jersey) Order 2014. R&O.74/2014.
Minister for Social Security.

* Long-Term Care (General Provisions) (Jersey) Order 2014. R&O.75/2014
Minister for Social Security.

* Motor Traffic (Cabs – Fares and Charges) (Amendment No. 5) (Jersey) Order 2014. R&O.76/2014.
Minister for Transport and Technical Services.

* Gorey Fête (Jersey) Order 2014. R&O.77/2014.
Minister for Transport and Technical Services.

* Town Criterium (Jersey) Order 2014. R&O.78/2014.
Minister for Transport and Technical Services.

C. DOCUMENTS PRESENTED OR LAID

* Committee of Inquiry: sale of Broad Street post office building (P.61/2014) – P.61/2014.
comments. Com.
Presented: 27th June 2014.
Minister for Treasury and Resources.

* Committee of Inquiry: sale of Broad Street post office building (P.61/2014) – P.61/2014.
comments. Com.(2)
Presented: 27th June 2014.
Council of Ministers.

* Draft Income Support (Special Payments) (Child Personal Care) (Jersey) P.90/2014.
Regulations 201- (P.90/2014): amendment (P.90/2014 Amd.) – comments. Amd.Com.
Presented: 27th June 2014.
Minister for Treasury and Resources.

* Draft Income Support (Special Payments) (Child Personal Care) (Jersey) P.90/2014.
Regulations 201- (P.90/2014): amendment (P.90/2014 Amd.) – comments. Amd.
Presented: 30th June 2014. Com.(2)
Minister for Social Security.



- * Draft Planning and Building (Amendment No. 6) (Jersey) Law 201- (P.94/2014):
third amendment (P.94/2014 Amd.(3)) – comments. P.94/2014.
Presented: 30th June 2014. Amd.(3).
Minister for Planning and Environment. Com.

- * Draft Regulation of Care (Jersey) Law 201- (P.95/2014): comments. P.95/2014.
Presented: 30th June 2014. Com.
Health, Social Security and Housing Scrutiny Panel.

- * Draft Comptroller and Auditor General (Jersey) Law 201- (P.98/2014):
amendment (P.98/2014 Amd.) – comments. P.98/2014.
Presented: 30th June 2014. Amd.Com.
Council of Ministers.

- * States owned or controlled companies: rights and responsibilities (P.100/2014) –
comments. P.100/2014.
Presented: 27th June 2014. Com.
Minister for Treasury and Resources.

- * States owned or controlled companies: rights and responsibilities (P.100/2014) –
amendment (P.100/2014 Amd.) – comments. P.100/2014.
Presented: 27th June 2014. Amd.Com.
Minister for Treasury and Resources.

- * Income Support: free GP access (P.101/2014) – comments. P.101/2014.
Presented: 30th June 2014. Com.
Minister for Social Security.

- * Plémont Holiday Village: grant to National Trust for Jersey (P.107/2014) –
comments. P.107/2014.
Presented: 27th June 2014. Com.
Minister for Treasury and Resources.

- * Plémont Holiday Village: grant to National Trust for Jersey (P.107/2014) –
comments. P.107/2014.
Presented: 30th June 2014. Com.(2).
Minister for Planning and Environment.

- States of Jersey Law 2005: delegation of functions – Treasury and Resources –
revised delegations June 2014. R.82/2014.
Presented: 20th June 2014.
Minister for Treasury and Resources.

- Public Records (Jersey) Law 2002: report of the Jersey Heritage Trust and the
States Archivist during 2013. R.83/2014.
Presented: 20th June 2014.
Minister for Education, Sport and Culture.

- Governance of the States of Jersey Pension Schemes. R.84/2014.
Presented: 20th June 2014.
Comptroller and Auditor General.



Land Transactions under Standing Order 168(3) – (a) Transfer of land at Overdale Valley to the Parish of St. Helier; (b) Apartment No. 12, Block D, Les Quennevais Park – transfer of the Public’s flying freehold ownership and cancellation of existing 99 year lease. Presented: 24th June 2014. <i>Minister for Treasury and Resources.</i>	R.85/2014.
Jersey Fire and Rescue Service: Annual Review 2013. Presented: 26th June 2014. <i>Minister for Home Affairs.</i>	R.86/2014.
* Housing Development Fund: Investment Strategies. Presented: 30th June 2014. <i>Minister for Treasury and Resources.</i>	R.87/2014.
* Budget Management Report for the period ended 31st December 2013. Presented: 30th June 2014. <i>Minister for Treasury and Resources.</i>	R.88/2014.
* Retail Policy. Presented: 30th June 2014. <i>Economic Affairs Scrutiny Panel.</i>	S.R.6/2014.
D. NOTIFICATION OF LODGED PROPOSITIONS	
Draft Planning and Building (Amendment No. 6) (Jersey) Law 201- (P.94/2014): second amendment (P.94/2014 Amd.(2)) – amendment. Lodged: 24th June 2014. <i>Deputy J.H. Young of St. Brelade.</i>	P.94/2014. Amd.(2)Amd.
* Draft Employment of States of Jersey Employees (Amendment No. 7) (Jersey) Regulations 201- (P.97/2014): amendment. Lodged: 30th June 2014. <i>Chief Minister.</i>	P.97/2014. Amd.
States owned or controlled companies: rights and responsibilities (P.100/2014) – amendment. Lodged: 24th June 2014. <i>Deputy R.G. Le Hérissier of St. Saviour.</i>	P.100/2014. Amd.
Civil marriages: same sex couples (P.102/2014) – amendment. Lodged: 25th June 2014. <i>Senator P.F.C. Ozouf.</i>	P.102/2014. Amd.
* Draft Referendum (Composition of the States Assembly) (Jersey) Act 201- (P.118/2014): amendment. Lodged: 30th June 2014. <i>Deputy of St. John.</i>	P.118/2014. Amd.
Survivor’s Benefit: repeal of 2012 changes. Lodged: 19th June 2014. <i>Deputy G.P. Southern of St. Helier.</i>	P.122/2014.
Freedom For Life Ministries: grant from Criminal Offences Confiscation Fund. Lodged: 25th June 2014. <i>Deputy M.R. Higgins of St. Helier.</i>	P.123/2014.



Funding for Women's Refuge.
Lodged: 26th June 2014.
Deputy of St. Martin.

P.124/2014.

- 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. H.M. Attorney General will table an answer to a question asked by Deputy T.A. Vallois of St. Saviour regarding the Comptroller and Auditor General's powers to access computer data.
2. The Minister for Treasury and Resources will table an answer to a question asked by Deputy S.S.P.A. Power of St. Brelade regarding the Income Tax Department's access to bank accounts.
3. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy J.H. Young of St. Brelade regarding the results of the taxi consultation.
4. The Minister for Planning and Environment will table an answer to a question asked by Deputy J.H. Young of St. Brelade regarding energy efficiency grants.
5. The Minister for Transport and Technical Services will table an answer to a question asked by Deputy J.H. Young of St. Brelade regarding PSV licences.
6. The Minister for Treasury and Resources will table an answer to a question asked by Deputy J.H. Young of St. Brelade regarding energy efficiency grants.
7. The Minister for Planning and Environment will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the environmental impact of the JEC cable link.
8. The Chairman of the Comité des Connétables will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding Parish rates.
9. The Minister for Treasury and Resources will table an answer to a question asked by Deputy J.A. Martin of St. Helier regarding the site for the new Police Headquarters.
10. The Chief Minister will table an answer to a question asked by Deputy J.A.N. Le Fondré of St. Lawrence regarding resource support for the Dean of Jersey.

(b) – Oral Questions
(120 minutes)

1. Deputy S.S.P.A. Power of St. Brelade will ask the following question of the Chief Minister –

“Given that R.77/2014 shows that the excess of births over deaths in Jersey has been 269, 366, 361 and 298 for the past four years 2010-2013, showing a potential growth in population in these four years of 1,294 persons before net inward migration, does the Minister intend to factor in and use this information in controlling population and migration on the aspirational limits set and, if so, how?”



2. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Treasury and Resources –

“Further to the response given in a written answer on 17th June 2014, will the Minister advise members of the current balance of the Criminal Offences Confiscation Fund and also advise members how these funds have been used in the last 6 months, explaining who has received what and for what purposes?”

3. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Housing –

“Will the Minister state what annual rent rise Andium Homes has under consideration for October 2014 and whether this conforms with his policy on rent rises of R.P.I. plus 1.75% and will he state what effect, if any, this policy will have on the figures in the table on Page 64 of R.15/2013 (States Housing Transformation Plan – Full Business Case) and if not, why not?”

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

“Following information given to the Minister about the alleged failure of the States of Jersey Police to properly investigate video evidence contained on a USB stick of a sexual act and their inaccurate report to the multi-agency child protection body and subsequently to the courts, will the Minister advise what he has discovered and state what steps have been taken to correct the records and notify all the parties concerned?”

5. Deputy S.Y. Mézec of St. Helier will ask the following question of H.M. Attorney General –

“Given that the Viscount’s department have now stated that the media were provided with information in the bankruptcy case of the former Deputies Pitman on the condition that it was confidential and could not be broadcast or published, what action, if any, is the Viscount able to take as those conditions were broken?”

6. Deputy S.Y. Mézec of St. Helier will ask the following question of the Minister for Health and Social Services –

“Following the publication of the Scrutiny report into the Child and Adolescent Mental Health Service, what action, if any, will the Minister be taking to implement the recommendations?”

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

“Further to the Minister’s meeting with former Deputy Pitman and his constituent, and her response to my question on 17th June 2014, will she advise what action, if any, she took regarding the child protection matter discussed and whether she agrees with the views of the Head of Children’s Service that a young child observing a sexual act at close proximity does not represent a child protection issue?”

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

“Will the Minister state why there has been no full review of the Income Support scheme despite undertakings given to that effect by his predecessor and does his Department have any plans to conduct such a review and, if not, why not?”



9. Deputy S.S.P.A. Power of St. Brelade will ask the following question of the Minister for Housing –

“Does the Minister accept that the permitting and indeed the keeping of companion animals has positive benefits for those Islanders who live alone and, if so, what action, if any, will he consider taking to ensure that those housing associations, trusts and other providers who do not allow the keeping of domestic pets within their accommodation, are not in breach of the European Convention on Human Rights?”

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

1st question period – Minister for Housing

2nd question period – Chief Minister

J. PERSONAL STATEMENTS

K. STATEMENTS ON A MATTER OF OFFICIAL RESPONSIBILITY

- * The Chairman of the Comité des Connétables will make a statement about the island-wide rate for 2014.

L. PUBLIC BUSINESS

Plémont Holiday Village: grant to National Trust for Jersey. P.107/2014.
Lodged: 3rd June 2014.
Senator Sir P.M. Bailhache.

- * Plémont Holiday Village: grant to National Trust for Jersey (P.107/2014) – P.107/2014.
comments. Com.
Presented: 27th June 2014.
Minister for Treasury and Resources.

- * Plémont Holiday Village: grant to National Trust for Jersey (P.107/2014) – P.107/2014.
comments. Com.(2)
Presented: 30th June 2014.
Minister for Planning and Environment.

Draft Shops (Regulation of Opening) (Amendment) (Jersey) Regulations 201-. P.76/2014.
Lodged: 12th May 2014.
Minister for Economic Development.

Draft Shops (Regulation of Opening) (Amendment) (Jersey) Regulations 201- P.76/2014.
(P.76/2014): amendment. Amd.
Lodged: 2nd June 2014.
Comité des Connétables.

Draft Shops (Regulation of Opening) (Amendment) (Jersey) Regulations 201- P.76/2014.
(P.76/2014): second amendment. Amd.(2)
Lodged: 10th June 2014.
Deputy A.K.F. Green of St. Helier.

Draft Connétables (Miscellaneous Provisions) (Jersey) Law 2012 (Appointed Day) P.77/2014.
Act 201-.
Lodged: 15th May 2014.
Comité des Connétables.



Draft Connétables (Miscellaneous Provisions – Consequential Amendments) (Jersey) Regulations 201-. Lodged: 15th May 2014. <i>Comité des Connétables.</i>	P.78/2014.
Draft Connétables (Miscellaneous Provisions – Consequential Amendments) (Jersey) Regulations 201- (P.78/2014): amendment. Lodged: 12th June 2014. <i>Comité des Connétables.</i>	P.78/2014. Amd.
Draft Honorary Police (Amendment No. 2) (Jersey) Regulations 201-. Lodged: 15th May 2014. <i>Comité des Connétables.</i>	P.79/2014.
Draft Freedom of Information (Schedule 1 to Law) (Amendment) (Jersey) Regulations 201-. Lodged: 20th May 2014. <i>Chief Minister.</i>	P.81/2014.
Draft Social Security (Bonus) (Jersey) Law 201-. Lodged: 20th May 2014. <i>Minister for Social Security.</i>	P.82/2014.
Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 6) (Jersey) Regulations 201-. Lodged: 20th May 2014. <i>Minister for Economic Development.</i>	P.83/2014.
Draft Sea Fisheries (Log Books, Transhipment and Landing Declarations) (Jersey) Regulations 201-. Lodged: 20th May 2014. <i>Minister for Economic Development.</i>	P.84/2014.
Draft Sea Fisheries (Vessel Monitoring Systems) (Jersey) Regulations 201-. Lodged: 20th May 2014. <i>Minister for Economic Development.</i>	P.85/2014.
Draft States of Jersey Police Force Law 2012 (Appointed Day) (No. 2) Act 201-. Lodged: 20th May 2014. <i>Minister for Home Affairs.</i>	P.86/2014.
Draft States of Jersey Police Force (Amendment) Law 201-. Lodged: 20th May 2014. <i>Minister for Home Affairs.</i>	P.87/2014.
Draft States of Jersey Police Force (Consequential Amendments) (Jersey) Regulations 201-. Lodged: 20th May 2014. <i>Minister for Home Affairs.</i>	P.88/2014.
Draft Sex Offenders (Amendment No. 2) (Jersey) Law 201-. Lodged: 20th May 2014. <i>Minister for Home Affairs.</i>	P.89/2014.



Draft Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 201-. Lodged: 20th May 2014. <i>Minister for Social Security.</i>	P.90/2014.
Draft Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 201- (P.90/2014): amendment. Lodged: 12th June 2014. <i>Deputy J.A. Martin of St. Helier.</i>	P.90/2014. Amd.
* Draft Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 201- (P.90/2014): amendment (P.90/2014 Amd.) – comments. Presented: 27th June 2014. <i>Minister for Treasury and Resources.</i>	P.90/2014. Amd.Com.
* Draft Income Support (Special Payments) (Child Personal Care) (Jersey) Regulations 201- (P.90/2014): amendment (P.90/2014 Amd.) – comments. Presented: 30th June 2014. <i>Minister for Social Security.</i>	P.90/2014. Amd. Com.(2)
Draft Income Support (Amendment No. 12) (Jersey) Regulations 201-. Lodged: 20th May 2014. <i>Minister for Social Security.</i>	P.91/2014.
Draft Income Support (Amendment No. 12) (Jersey) Regulations 201- (P.91/2014): amendment. Lodged: 12th June 2014. <i>Deputy J.A. Martin of St. Helier.</i>	P.91/2014. Amd.
Draft Income Support (Special Payments) (Cold Weather Payments) (Amendment No. 2) (Jersey) Regulations 201-. Lodged: 20th May 2014. <i>Minister for Social Security.</i>	P.92/2014.
Draft Criminal Justice (Young Offenders) (Jersey) Law 201-. Lodged: 20th May 2014. <i>Minister for Home Affairs.</i>	P.93/2014.
Draft Planning and Building (Amendment No. 6) (Jersey) Law 201-. Lodged: 20th May 2014. <i>Minister for Planning and Environment.</i>	P.94/2014.
Draft Planning and Building (Amendment No. 6) (Jersey) Law 201- (P.94/2014): amendment. Lodged: 13th June 2014. <i>Minister for Planning and Environment.</i>	P.94/2014. Amd.
Draft Planning and Building (Amendment No. 6) (Jersey) Law 201- (P.94/2014): second amendment. Lodged: 17th June 2014. <i>Minister for Planning and Environment.</i>	P.94/2014. Amd.(2)
Draft Planning and Building (Amendment No. 6) (Jersey) Law 201- (P.94/2014): second amendment (P.94/2014 Amd.(2)) – amendment. Lodged: 24th June 2014. <i>Deputy J.H. Young of St. Brelade.</i>	P.94/2014. Amd.(2)Amd.



	Draft Planning and Building (Amendment No. 6) (Jersey) Law 201- (P.94/2014): third amendment. Lodged: 17th June 2014. <i>Deputy J.H. Young of St. Brelade.</i>	P.94/2014. Amd.(3)
*	Draft Planning and Building (Amendment No. 6) (Jersey) Law 201- (P.94/2014): third amendment (P.94/2014 Amd.(3)) – comments. Presented: 30th June 2014. <i>Minister for Planning and Environment.</i>	P.94/2014. Amd.(3). Com.
	Draft Regulation of Care (Jersey) Law 201-. Lodged: 20th May 2014. <i>Minister for Health and Social Services.</i>	P.95/2014. (re-issue)
*	Draft Regulation of Care (Jersey) Law 201- (P.95/2014): comments. Presented: 30th June 2014. <i>Health, Social Security and Housing Scrutiny Panel.</i>	P.95/2014. Com.
	Draft Explosives (Jersey) Law 201-. Lodged: 20th May 2014. <i>Minister for Home Affairs.</i>	P.96/2014.
	Draft Explosives (Jersey) Law 201- (P.96/2014): amendment. Lodged: 17th June 2014. <i>Education and Home Affairs Scrutiny Panel.</i>	P.96/2014. Amd.
	Draft Comptroller and Auditor General (Jersey) Law 201-. Lodged: 22nd May 2014. <i>Council of Ministers (cannot be debated before 3rd July)</i>	P.98/2014.
	Draft Comptroller and Auditor General (Jersey) Law 201- (P.98/2014): amendment. Lodged: 17th June 2014. <i>Public Accounts Committee.</i>	P.98/2014. Amd.
*	Draft Comptroller and Auditor General (Jersey) Law 201- (P.98/2014): amendment (P.98/2014 Amd.) – comments. Presented: 30th June 2014. <i>Council of Ministers.</i>	P.98/2014. Amd.Com.
	Comptroller and Auditor General: re-appointment. Lodged: 27th May 2014. <i>Chief Minister.</i>	P.99/2014.
	States owned or controlled companies: rights and responsibilities. Lodged: 28th May 2014. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.100/2014.
*	States owned or controlled companies: rights and responsibilities (P.100/2014) – comments. Presented: 27th June 2014. <i>Minister for Treasury and Resources.</i>	P.100/2014. Com.
	States owned or controlled companies: rights and responsibilities (P.100/2014) – amendment. Lodged: 24th June 2014. <i>Deputy R.G. Le Hérisier of St. Saviour.</i>	P.100/2014. Amd.



- * States owned or controlled companies: rights and responsibilities (P.100/2014) – amendment (P.100/2014 Amd.) – comments. P.100/2014.
Presented: 27th June 2014. Amd.Com.
Minister for Treasury and Resources.
- Income Support: free GP access. P.101/2014.
Lodged: 28th May 2014.
Deputy G.P. Southern of St. Helier.
- * Income Support: free GP access (P.101/2014) – comments. P.101/2014.
Presented: 30th June 2014. Com.
Minister for Social Security.
- Income Support: free GP access (P.101/2014) – amendment. P.101/2014.
Lodged: 12th June 2014. Amd.
Deputy R.G. Le Hérisseur of St. Saviour.
- Civil marriages: same sex couples. P.102/2014.
Lodged: 28th May 2014.
Deputy S.Y. Mézec of St. Helier.
- Civil marriages: same sex couples (P.102/2014) – amendment. P.102/2014.
Lodged: 25th June 2014. Amd.
Senator P.F.C. Ozouf.
- * Draft Community Provisions (Food Supplements) (Jersey) Regulations 201-. P.74/2014.
Lodged: 8th May 2014.
Minister for Health and Social Services.
- * Draft Community Provisions (Nutrition and Health Claims on Foods) (Jersey) P.75/2014.
Regulations 201-.
Lodged: 8th May 2014.
Minister for Health and Social Services.
- Draft Aircraft Registration (Jersey) Law 201-. P.62/2014.
Lodged: 29th April 2014.
Minister for Economic Development.
- Draft Air Navigation (Jersey) Law 201-. P.63/2014.
Lodged: 29th April 2014.
Minister for External Relations.
- Draft Air Navigation (Jersey) Law 201- (P.63/2014): amendment. P.63/2014.
Lodged: 3rd June 2014. Amd.
Minister for External Relations.
- Draft Civil Aviation (Amendment of Law) (No. 2) (Jersey) Regulations 201-. P.51/2014.
Lodged: 14th April 2014.
Minister for External Relations.
- Draft Public Finances (Transitional Provisions – States Trading Operations) P.50/2014.
(Amendment) (Jersey) Regulations 201-.
Lodged: 14th April 2014.
Minister for Treasury and Resources.



Draft States of Jersey (Transfer of Functions No. 7) (Economic Development to External Relations) (Jersey) Regulations 201-. P.54/2014.
Lodged: 15th April 2014.
Chief Minister.

M. ARRANGEMENT OF PUBLIC BUSINESS

14th July 2014

Grouville School: parking facilities. P.24/2014.
Lodged: 4th March 2014.
Connétable of Grouville.

Grouville School: parking facilities (P.24/2014) – comments. P.24/2014.
Presented: 31st March 2014. Com.
Minister for Education, Sport and Culture.

Draft Road Traffic (No. 60) (Jersey) Regulations 201-. P.30/2014.
Lodged: 18th March 2014.
Minister for Transport and Technical Services.

Island Plan 2011: revised draft revision – approval. P.37/2014.
Lodged: 21st March 2014.
Minister for Planning and Environment.

Island Plan 2011: revised draft revision – approval (P.37/2014) – amendment. P.37/2014.
Lodged: 17th April 2014. Amd.
Connétable of St. Clement. (re-issue).

Island Plan 2011: revised draft revision – approval (P.37/2014) – second amendment. P.37/2014.
Lodged: 30th April 2014. Amd.(2)
Deputy R.G. Le Hérisier of St. Saviour.

Island Plan 2011: revised draft revision – approval (P.37/2014) – third amendment. P.37/2014.
Lodged: 1st May 2014. Amd.(3)
Deputy of St. Martin.

Island Plan 2011: revised draft revision – approval (P.37/2014) – fourth amendment. P.37/2014.
Lodged: 1st May 2014. Amd.(4)
Connétable of St. Ouen.

Island Plan 2011: revised draft revision – approval (P.37/2014) – sixth amendment. P.37/2014.
Lodged: 6th May 2014. Amd.(6)
Deputy J.H. Young of St. Brelade.

Island Plan 2011: revised draft revision – approval (P.37/2014) – seventh amendment. P.37/2014.
Lodged: 6th May 2014. Amd.(7)
Deputy J.H. Young of St. Brelade.

Island Plan 2011: revised draft revision – approval (P.37/2014) – eighth amendment. P.37/2014.
Lodged: 6th May 2014. Amd.(8)
Deputy J.H. Young of St. Brelade.



Island Plan 2011: revised draft revision – approval (P.37/2014) – ninth amendment. Lodged: 6th May 2014. <i>Deputy J.H. Young of St. Brelade.</i>	P.37/2014. Amd.(9)
Island Plan 2011: revised draft revision – approval (P.37/2014) – tenth amendment. Lodged: 6th May 2014. <i>Deputy J.H. Young of St. Brelade.</i>	P.37/2014. Amd.(10)
Island Plan 2011: revised draft revision – approval (P.37/2014) – eleventh amendment. Lodged: 6th May 2014. <i>Minister for Economic Development.</i>	P.37/2014. Amd.(11)
Island Plan 2011: revised draft revision – approval (P.37/2014) – eleventh amendment (P.37/2014 Amd.(11)) – amendment. Lodged: 20th May 2014. <i>Deputy J.H. Young of St. Brelade.</i>	P.37/2014. Amd.(11) Amd.
* Draft Employment of States of Jersey Employees (Amendment No. 7) (Jersey) Regulations 201-. Lodged: 21st May 2014. <i>States Employment Board</i>	P.97/2014.
* Draft Employment of States of Jersey Employees (Amendment No. 7) (Jersey) Regulations 201- (P.97/2014): amendment. Lodged: 30th June 2014. <i>Chief Minister.</i>	P.97/2014. Amd.
Draft Restriction on Smoking (Amendment No. 4) (Jersey) Law 201-. Lodged: 29th May 2014. <i>Minister for Health and Social Services.</i>	P.103/2014.
Maternity leave: rights of employees. Lodged: 2nd June 2014. <i>Deputy G.P. Southern of St. Helier.</i>	P.104/2014.
Draft Employment (Amendment No. 8) (Jersey) Law 201-. Lodged: 3rd June 2014. <i>Minister for Social Security.</i>	P.109/2014.
Draft Income Support (Amendment No. 13) (Jersey) Regulations 201-. Lodged: 3rd June 2014. <i>Minister for Social Security.</i>	P.105/2014.
Draft Social Security (Amendment of Law No. 8) (Jersey) Regulations 201-. Lodged: 3rd June 2014. <i>Minister for Social Security.</i>	P.106/2014.
Draft Charities (Jersey) Law 201-. Lodged: 3rd June 2014. <i>Chief Minister.</i>	P.108/2014.
Draft Health Insurance (Performers List for General Medical Practitioners) (Jersey) Regulations 201-. Lodged: 3rd June 2014. <i>Minister for Health and Social Services.</i>	P.110/2014.



	Draft Residential Tenancy (Deposit Scheme) (Jersey) Regulations 201-. Lodged: 3rd June 2014. <i>Minister for Housing.</i>	P.111/2014.
	Draft Proceeds of Crime and Terrorism (Tipping-Off Exceptions) (Jersey) Regulations 201-. Lodged: 3rd June 2014. <i>Chief Minister.</i>	P.112/2014.
	Draft Criminal Justice (Life Sentences) (Jersey) Law 201-. Lodged: 4th June 2014. <i>Chief Minister.</i>	P.113/2014.
	Draft Medical Practitioners (Registration) (Amendment No. 4) (Jersey) Law 2011 (Appointed Day) Act 201-. Lodged: 9th June 2014. <i>Minister for Health and Social Services.</i>	P.114/2014.
	Draft Proceeds of Crime and Terrorism (Miscellaneous Provisions) (Jersey) Law 2014 (Appointed Day) Act 201-. Lodged: 17th June 2014. <i>Chief Minister.</i>	P.117/2014.
	Draft Referendum (Composition of the States Assembly) (Jersey) Act 201-. Lodged: 17th June 2014. <i>Privileges and Procedures Committee.</i>	P.118/2014.
*	Draft Referendum (Composition of the States Assembly) (Jersey) Act 201- (P.118/2014): amendment. Lodged: 30th June 2014. <i>Deputy of St. John.</i>	P.118/2014. Amd.
	Milli's Contact Centre: funding. Lodged: 17th June 2014. <i>Deputy G.P. Southern of St. Helier.</i>	P.119/2014.
	Redundancy payments: businesses which have ceased trading. Lodged: 17th June 2014. <i>Deputy G.P. Southern of St. Helier.</i>	P.120/2014.
	Kerbside Recycling: feasibility study. Lodged: 18th June 2014. <i>Deputy M. Tadier of St. Brelade.</i> (Cannot be debated before 16th July 2014)	P.121/2014.
	Survivor's Benefit: repeal of 2012 changes. Lodged: 19th June 2014. <i>Deputy G.P. Southern of St. Helier.</i> (Cannot be debated before 17th July 2014)	P.122/2014.
	<u>9th September 2014</u>	
*	Committee of Inquiry: sale of Broad Street post office building. Lodged: 28th April 2014. <i>Senator A. Breckon.</i>	P.61/2014.



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| <p>* Committee of Inquiry: sale of Broad Street post office building (P.61/2014) – comments.
Presented: 27th June 2014.
<i>Minister for Treasury and Resources.</i></p> | <p>P.61/2014.
Com.</p> |
| <p>* Committee of Inquiry: sale of Broad Street post office building (P.61/2014) – comments.
Presented: 27th June 2014.
<i>Council of Ministers.</i></p> | <p>P.61/2014.
Com.(2)</p> |
| <p>Draft Criminal Justice (Compensation Orders) (Amendment No. 2) (Jersey) Law 201-.
Lodged: 16th June 2014.
<i>Chief Minister.</i></p> | <p>P.115/2014.</p> |
| <p>Draft Criminal Justice (Amendment No. 3) (Jersey) Law 201-.
Lodged: 16th June 2014.
<i>Chief Minister.</i></p> | <p>P.116/2014.</p> |
| <p>Freedom For Life Ministries: grant from Criminal Offences Confiscation Fund.
Lodged: 25th June 2014.
<i>Deputy M.R. Higgins of St. Helier.</i></p> | <p>P.123/2014.</p> |
| <p>Funding for Women’s Refuge.
Lodged: 26th June 2014.
<i>Deputy of St. Martin.</i></p> | <p>P.124/2014.</p> |

M.N. DE LA HAYE, O.B.E.
Greffier of the States

30th June 2014

Note –

An asterix * in the left-hand margin denotes either a new item added to this Order Paper since the principal Order Paper was published on 25th June 2014, or an item which has been altered or moved.



Explanatory Note regarding subordinate legislation tabled at this meeting.

(See Item B)

R&O. 74/2014

This Order amends the Long-Term Care (Benefits) (Jersey) Order 2014 (the “principal Order” as defined in *Article 1*.) The principal Order comes into force on the same date that Parts 3 and 4 of the Long-Term Care (Jersey) Law 2012 come into force. Under the Long-Term Care (Jersey) Law 2012 (Appointed Day) Act 2013 that date is 1st July 2014 (see R&O. 160/2013.) Provision is made in this Order so that the amendments set out below also come into force on 1st July 2014.

Article 2 makes a slight change to the definition of “care home” so that the definitions of “approved home”, “group home” and “care home” in the principal Order work better with each other.

Article 3 amends the circumstances in which the disposal of someone’s main home will be disregarded for the purposes of valuing a person’s assets in order to determine the extent to which a person is entitled to means-tested benefits for long-term care. Currently, the principal Order makes provision for such a disposal to be disregarded where the person has continued to live in the property as his or her main home. *Article 3* amends this by including circumstances where the person retains a legal right to enjoyment of the property after disposal, such as receipt of rental income.

Article 4 increases by approximately 2% the amounts which can be deducted from a person’s income for the purpose of determining the extent to which a person is entitled to means-tested benefits for long-term care. Those amounts relate to (a) where there is continued occupation of a person’s home by a person claiming benefits or the person’s partner and (b) where a person has dependents.

Article 5 increases the rates for long-term care benefit comprising weekly standard care costs for long-term care. The rates vary depending whether such care is received in a care home, group home or in a person’s own residence and on the level of care needed. Generally the rates are increased by approximately 4.2% except in one case where the amount is increased by approximately 16% to reflect existing costs.

Article 6 makes a drafting amendment by inserting the word “weekly” before the word “grant” so as to be consistent with the reference to weekly standard care costs as referred to in *Article 5* and the table in *Article 8* of the principal Order. It increases by approximately 4.2% the amount that must be paid towards the weekly costs of living in a care home or group home as one of the conditions for receiving a grant for the standard care costs referred to in *Article 5*. It also increases, by approximately a similar amount, the maximum amount payable for incidental expenses as a condition for receiving such a grant.

Article 6 also makes provision for certain payments received under the Income Support (Transitional Provisions) (Jersey) Order 2008 by a person’s household when all members of the household are in residential care as defined in that Order to be deducted from a person’s income for the purposes of calculating the person’s income under the principal Order.

Article 7 increases by approximately 4.2% the amount that must be paid towards the standard care costs (in addition to the amounts referred to in *Article 6*, where applicable) as one of the conditions for receiving a grant for such costs.

Article 8 amends provisions concerning conditions for a loan with regard to cross references to the weekly amount that must be paid towards the weekly costs of living in a care home or group home. The provisions are amended by increasing the amount by approximately 4.2% to the same amount as that referred to in *Article 6*.

Article 9 inserts a new provision in the principal Order setting out the circumstances in which a benefit payable under the Order is reduced in the event that the beneficiary is temporarily absent from the care home or group home in which he or she is receiving care or temporarily does not receive the approved care package in respect of which he or she is receiving benefits. No reduction is made for the first two weeks. For the third to sixth weeks inclusive, benefits are reduced to the extent necessary to meet the person’s weekly costs as if those costs had been reduced by 10% (whether or not they are in fact so reduced). For the seventh and subsequent weeks as long as the temporary absence or non-receipt of the approved care package continues, benefits are reduced by 100%.



Article 10 sets out the title of the Order and provides that it will come into force on the same date that Parts 3 and 4 of the Long-Term Care (Jersey) Law 2012 come into force. As explained above, that date is 1st July 2014.

The Order was made on 26th July 2014 and comes into force on 1st July 2014.

R&O. 75/2014

This Order is made under the Long-Term Care (Jersey) Law 2012 (“Law”) and makes provision for the procedures for making claims under that Law, assessments of the long-term care needs of individuals, approvals of persons who can make such assessments and approve care packages, the procedures for approving care homes and transitional arrangements.

Part 1 – Interpretation

Article 1 is an interpretation provision. In particular, “claimant” refers to a person who makes or who has made a claim for a benefit under the Law. It also defines the “Benefits Order”, to which this Order makes a number of references, as the Long-Term Care (Benefits) Order 2014. “Partner” of a claimant is defined with reference to the Benefits Order.

Part 2 – Claims and benefits

Article 2 sets out how claims are to be made, that is, on a form approved by the Minister for Social Security (“Minister”) and makes provision for when a claim can be treated as having been made on an earlier date and what happens if a claim is defective.

Article 3 requires a claimant or a claimant’s partner to provide a determining officer with such information, documents and evidence as the determining officer requires for determining the claim. “Determining officer” is defined in the Law to mean a person appointed by the Minister to determine claims.

Article 4 makes provision regarding the assessment of the long-term care needs of individuals and the approval of care packages for meeting long-term care needs in a person’s own home. A claimant is not entitled to receive a benefit unless he or she has been assessed as needing a level of care specified in the Benefits Order (4 levels are specified in that Order). Also, to receive a benefit, such care must be provided in an approved care home or in a person’s own home by means of arrangements comprised in an approved care package. Assessments of long-term care needs and assessments for approving care packages are done by an “approved registered person” within the meaning of *Article 12*. A care package must be suitable for meeting the claimant’s long-term care needs. A determining officer can, at any time, require an approved registered person to assess whether a claimant’s long-term care needs have changed or a change is needed to the arrangements comprised in a care package. A determining officer is responsible for providing a claimant with a copy of each assessment and, if dissatisfied, the claimant can require a reassessment by a different approved registered person.

Article 5 sets out the functions of a determining officer. Those functions are (a) to determine whether a claimant is entitled to a benefit and, if so, the amount of benefit and (b) to determine any other question or matter arising from a claim other than a matter which is for an approved registered person to assess under *Article 4*. If a claimant is dissatisfied with the determination by a determining officer he or she can require a redetermination by a different determining officer.

Article 6 and the *Schedule* make provision for appeals. The *Schedule* deals with appeals against a reassessment under *Article 4* to the Medical Appeal Tribunal and appeals against redeterminations under *Article 5* to the Social Security Tribunal. Each tribunal can take evidence, make findings of fact and confirm, reverse or vary the reassessment or redetermination. A claimant who is dissatisfied with a tribunal’s decision may appeal to the Royal Court on a point of law only.

Article 7 requires a claimant or the claimant’s partner to notify the Minister if there is any change in circumstances that might affect entitlement to a benefit or the amount of such a benefit and to provide such information the Minister may require in connection with such a change.

Article 8 makes provision for when a person can act as agent of another person to make a claim or otherwise in connection with a claim. This *Article* allows the Minister to appoint a person (including the Minister or a determining officer) to act on behalf of a claimant where the claimant is unable to act in this regard. It also allows a claimant who is able to act to appoint another person to act on his or her behalf. The rights of a person to act on behalf of another where the claimant has a guardian under the Mental



Health (Jersey) Law 1969, a curator under that Law or a *tuteur* are not affected. Provision is also made to allow deduction from social security benefits to be made and such amounts to be paid directly to an approved care home or the provider of a care package where the Minister has appointed a person to act on the claimant's behalf.

Article 9 allows a benefit to be paid directly to the claimant, the claimant's agent, or the relevant approved care home or provider of an approved care package. It is for a determining officer to decide the most appropriate recipient having taken into account the views of the claimant or the claimant's agent. Provision is also made to allow for payment of benefits to continue for a period of not more than 2 days in the event of a claimant's death or where a claimant leaves an approved care home in circumstances where reasonable advance notice cannot be given (without prejudice to other benefits that may be payable in respect of long-term care received elsewhere).

Article 10 deals with the situation where benefits have been wrongly paid. A person to whom a benefit was wrongly paid may be required to repay it and provision is made for what happens in the event of the death of such a person and for when the payment may be set-off against other payments due under the Law.

Article 11 makes provision allowing notices of assessments, reassessments, determinations and redeterminations to be sent by post to a person's usual or last known address.

Part 3 – Approvals

Article 12 sets out how registered persons may be approved for the purpose of making assessments of the long-term care needs of individuals and for approving care packages. (In this Article such assessments and approvals are referred to collectively as "assessments".) "Registered person" is defined in the Law to mean any person who is a registered medical practitioner under the Medical Practitioners (Registration) (Jersey) Law 1960 ("Medical Practitioners Law") or who is in a registrable occupation under the Health Care (Registration) (Jersey) Law 1995 ("Health Care Law"). Under Article 5 of the Law the Minister may specify the descriptions of registered persons who may make assessments. Article 12 allows any person who is a nurse, social worker, occupational therapist or a registered medical practitioner to apply to the Minister to be an approved registered person. A person may apply to the Minister for approval to make assessments of the long-term care needs of individuals or to assess the suitability of care packages for individuals, or both. The Minister must be satisfied that the person is competent to make assessments for the purpose stated in the application. Provision is made for such approval to be suspended if, under the Health Care Law, the person's name is removed from the register or his or her registration is cancelled or, in the case of a registered medical practitioner, registration of the person is cancelled or suspended under the Medical Practitioners Law. Once the person's name is restored to the register or such cancellation or suspension no longer applies under the relevant Law, the person resumes his or her status as an approved registered person under the Order. Provision is also made for the Minister to remove a person's status as an approved registered person by notice if satisfied that the person is no longer competent to make the assessments for the purposes for which approval was given. Such a notice can be made only after giving a person a period of not less than 21 days to make representations and a person has a right of appeal to the Royal Court on the ground that the Minister's decision is unreasonable in all the circumstances of the case. Similar rights to a notice, adequate opportunity to make representations and appeal apply where a Minister has refused an application for approval.

Article 13 makes provision for the approval of care homes providing long-term care for the purpose of enabling those in receipt of such care to receive benefits under the Law. Such a home must be registered under the Nursing and Residential Homes (Jersey) Law 1994 ("1994 Law") or be one that is not required to be so registered because it is a hospital controlled or maintained by the States or is another establishment maintained or controlled by the Minister. The Minister may grant an application to be an approved care home without qualification ("fully approved care home") or grant an application with the qualification that it is an approved care home only to the extent that it provides long-term care to individuals who were resident at the home immediately before the application ("provisionally approved care home"). An application for a fully approved care home may be granted if an agreement is in place between the Minister and the home, or the person carrying on the home, with respect to the services provided by the home that are ancillary to the long-term care provided (for example, services relating to records and invoicing). An application for a provisionally approved care home may be granted if no such agreement is in place but the Minister is satisfied that arrangements are in place with a view to such an agreement being made in the future.



A home ceases to be an approved care home (whether fully or provisionally approved) if it ceases to be a registered home. If a fully approved care home breaches a condition of its registration in circumstances where its registration under the 1994 Law does not cease or there is a breach of the agreement relating to ancillary services, the Minister may impose a restriction on it to the effect that it is an approved care home only in respect of individuals who were resident in the home immediately before the date of the restriction. If the breach continues and the Minister is not satisfied that it will be remedied, the Minister can notify the home that it is no longer an approved care home. In the case of a provisionally approved care home, the Minister can notify it that it is no longer an approved care home. Such a notice can be made only after giving the person carrying on the home a period of not less than 21 days to make representations and the person has a right of appeal to the Royal Court on the ground that the Minister's determination is unreasonable in all the circumstances of the case. Similar rights to a notice, adequate opportunity to make representations and appeal apply where a Minister has refused an application for approval.

Part 4 – Transitional provisions

Article 14 is an interpretation provision for the purposes of this Part.

Under *Article 15*, a person who, immediately before the date that this Order comes into force, was making assessments of a person's long-term care needs or approving arrangements comprised in care packages equivalent to those described in the Law is deemed to be an approved registered person.

Article 16 applies to a home which, on the date that this Order comes into force, is registered under the 1994 Law or which is not required to be so registered because it is a hospital controlled or maintained by the States or another establishment maintained or controlled by a Minister. On that date such a home is deemed to be a fully approved care home if there is an agreement such as is described in relation to *Article 13* above or deemed to be a provisionally approved care home if there are arrangements such as are described in relation to that Article.

Under *Article 17* assessments of an individual's long-term care needs made before the date that this Order comes into force where such needs are assessed to be equivalent to a level specified in the Benefits Order are, subject to a determining officer's confirmation that there is sufficient evidence for such an assessment, treated as assessments for the purposes of the Law, this Order and the Benefits Order. Similarly care packages approved before the date that this Order comes into force that are equivalent to the care packages that could be approved for the purposes of the Law are treated as being so approved.

Under *Article 18*, a notification to an individual before the date that this Order comes into force by a person acting on the Minister's behalf as to whether the person is likely to be entitled to a benefit under the Law and if so, the amount of such a benefit is deemed to be determination under Article 5 that the person is entitled to a benefit of that amount and to have been received by the individual on that date. This means that the right to a redetermination and subsequent appeal rights will apply accordingly in accordance with that Article and *Article 6*.

Under *Article 19*, if certain conditions are met, payments for long-term care made by an individual on or after 1st January 2013 and before the date that this Order comes into effect will be treated as payments towards the fixed sum that must be paid under the Benefits Order before a person is entitled to receive non means-tested payments for long-term care under that Order. (That fixed sum is £52,120 in the case of a single person.) Those conditions include the requirement that, at the time of the payment, the individual had been assessed as having long-term care needs equivalent to a level described in the Benefits Order and that the care was received in a deemed approved care home under *Article 16* or was comprised in arrangements deemed to be an approved care package under *Article 17*.

Under *Article 20* persons who were receiving payments under the Income Support (Transitional Provisions) (Jersey) Order 2008 ("2008 Order") in connection with residential care (i.e. care in an institution for a person who needs assistance with normal daily activities) are deemed, on the date that this Order comes into force, to meet the residency condition and to have made a claim for benefit in accordance with this Order. If such a person was receiving payments under the 2008 Order for the costs of residential care, those payments will no longer apply but if such payments were higher than those to which the person is entitled under the Benefits Order, the person's benefits under the Benefits Order are increased so that the person is not put in a worse position.

Article 21 is a transitional provision for persons aged 65 years and over who, immediately before the date that this Order comes into force were liable to pay in full charges specified in the Long-Term Care (Health and Social Services Charges) (Jersey) Order 2014 ("Order") for long term care services as



defined in the Long-Term Care (Health and Social Services Charges) (Jersey) Law 2014 (“Charges Law 2014”). (Broadly, such services are defined as being long-term care services arranged, administered or supplied by the Minister for Health and Social Services.) On the date that this Order comes into force, such persons will be deemed to have met the residency condition under the Law for receiving a benefit and to have made a claim for benefit under this Order.

Any such person who pays £485.31 a week for such services (that is the same amount that is specified in the Order – such Order to be repealed on the date this Order comes into force) will receive a grant instead of the grant specified in the Benefits Order for the cost of long-term care. Broadly speaking the grant is the difference between the gross costs for such care in the approved care home after the date this Order comes into effect and the amount of £485.31 paid by the individual.

Alternatively, if an individual does not pay £481.31 a week as described above, the Benefits Order will apply as if for each week the individual received long-term care services during the period on or after 1st January 2013 and before the date that this Order comes into effect, the individual paid £182.82 towards the fixed sum that must be paid under the Benefits Order before a person is entitled to receive non-means-tested payments for long-term care under that Order. (That fixed sum is £52,120 in the case of a single person.)

Article 22 provides that a person under the age of 65 who was receiving long-term care services as defined in the Charges Law 2014 and would have been liable to pay charges under the Order if the person had been aged 65 years or over will be deemed, on the date that this Order comes into force, to meet the residency condition under the Law for receiving benefits, to have made a claim for benefits under this Order and to have no income or assets for the purposes of calculating the individual’s entitlement to benefits under the Benefits Order.

Part 5 – Closing

Article 23 sets out the title of this Order and provides that it will come into force on the same date that Parts 3 and 4 of the Long-Term Care (Jersey) Law 2012 come into force. Under the Long-Term Care (Jersey) Law 2012 (Appointed Day) Act 2013, that date is 1st July 2014 (see R&O.160/2013).

The Order was made on 26th June 2014 and comes into force on 1st July 2014.

R&O. 76/2014

This Order increases the tariff of fares for controlled taxi cabs by an average of 1.7% with effect from 14th July 2014. The tariff was last increased on 24th June 2013.

The Order was made on 27th June 2014 and comes into force on 14th July 2014.

R&O. 77/2014

This Order provides for road closures, the closing of other public places and other traffic restrictions in and around Gorey Pier and Gorey Coast Road to enable the holding of the Gorey Fête on Thursday 21st August 2014.

The Order was made on 27th June 2014 and came into force on being made.

R&O. 78/2014

This Order allows the closure of streets in St. Helier for the holding of the Town Criterium cycle event on Sunday 24th August 2014. The Order also sets out for that event certain variations of the usual arrangements for one-way traffic in town and other ancillary provisions.

The Order was made on 27th June 2014 and came into force on being made.