



# STATES OF JERSEY ORDER PAPER

14th MARCH 2017

## SUMMARY

- 9.30 a.m. Welcome to His Excellency the Lieutenant Governor
- The Bailiff and the Chairman of the Privileges and Procedures Committee will welcome His Excellency the Lieutenant Governor, Air Chief Marshal Sir Stephen Dalton, G.C.B., LL.D. (Hon.), D.Sc. (Hon.), B.Sc., F.R.Ae.S., C.C.M.I., to his first meeting of the Assembly and His Excellency will reply.
- Note: Following His Excellency's reply the Assembly will adjourn and subsequently reconvene at 11.00 a.m. to continue consideration of the business scheduled for the meeting.*
- 11.00 a.m. Communications by the Presiding Officer and other announcements
- Appointments, matters of privilege, petitions (if any)
- Nomination of Deputy M. Tadier of St. Brelade as a member of the Environment, Housing and Infrastructure Scrutiny Panel.
- Approx. 11.10 a.m. Summary of written questions
- Up to 2 hours Oral questions with notice
- Urgent questions (if any)
- Deputy J.A. Hilton of St. Helier will ask a question of the Chief Minister regarding the Independent Jersey Care Inquiry.
- Up to 30 minutes, divided between the two Ministers Oral questions without notice:
- Minister for Home Affairs
  - Chief Minister
- Statements (if any)*
- Approx. 3.00 p.m. **Television Licence Fee: exemption for Jersey residents aged 75 and over (P.117/2016)**
- Television Licence Fee: exemption for Jersey residents aged 75 and over (P.117/2016) – amendment (P.117/2016 Amd.)**
- Funding for Family Nursing and Home Care services – petition (P.122/2016)**
- Draft Criminal Justice (Compensation Orders) (Amendment No. 3) (Jersey) Law 201- (P.2/2017)**
- Draft Water Pollution (Amendment No. 3) (Jersey) Law 201- (P.3/2017)**
- Draft Income Support (Amendment No. 2) (Jersey) Law 201- (P.5/2017)**



**States of Jersey Complaints Panel: re-appointment of members**  
(P.8/2017)

**Concessionary busfares for the disabled: costs to be met by the States**  
(P.9/2017)

**Electoral Reform** (P.10/2017)

**Electoral Reform (P.10/2017): amendment** (P.10/2017 Amd.)

Arrangement of public business at subsequent sittings

*Lunch adjournment likely around 12.45 p.m., until 2.15 p.m.*

*If business is not completed by around 5.30 p.m. the Assembly usually adjourns for the evening and will resume its meeting at 9.30 a.m. on Wednesday 15th and Thursday 16th March 2017 if necessary.*



# STATES OF JERSEY ORDER PAPER

14th MARCH 2017

## CONSOLIDATED

### WELCOME TO HIS EXCELLENCY THE LIEUTENANT GOVERNOR

The Bailiff and the Chairman of the Privileges and Procedures Committee will welcome His Excellency the Lieutenant Governor, Air Chief Marshal Sir Stephen Dalton, G.C.B., LL.D. (Hon.), D.Sc. (Hon.), B.Sc., F.R.Ae.S., C.C.M.I., to his first meeting of the Assembly.

His Excellency the Lieutenant Governor, Air Chief Marshal Sir Stephen Dalton, G.C.B., LL.D. (Hon.), D.Sc. (Hon.), B.Sc., F.R.Ae.S., C.C.M.I., will reply.

*Note: Following His Excellency's reply, the Assembly will adjourn and subsequently reconvene at 11.00 a.m. to continue consideration of the business scheduled for the meeting.*

#### A. COMMUNICATIONS BY THE PRESIDING OFFICER

#### B. TABLING OF SUBORDINATE ENACTMENTS

*(Explanatory note attached)*

Taxation (Agreements with European Union Member States) (Suspension and Termination of Agreement with Austria) (Jersey) Order 2017. <i>Minister for External Relations.</i>	R&O.23/2017.
Road Traffic (St. Mary) (Amendment No. 2) (Jersey) Order 2017. <i>Minister for Infrastructure.</i>	R&O.26/2017.
Companies (Transfers of Shares – Exemptions) (Amendment No. 3) (Jersey) Order 2017. <i>Chief Minister.</i>	R&O.27/2017.
Legal Tender (Coins) (Jersey) Order 2017. <i>Minister for Treasury and Resources.</i>	R&O.28/2017.
Police Procedures and Criminal Evidence (Codes of Practice) (Amendment No. 3) (Jersey) Order 2017. <i>Minister for Home Affairs.</i>	R&O.29/2017.
Motor Vehicles (Driving Licences) (Amendment No. 14) (Jersey) Order 2017. <i>Minister for Infrastructure.</i>	R&O.30/2017.
Long-Term Care Services (Health and Social Services Charges) (Amendment No. 3) (Jersey) Order 2017. <i>Minister for Health and Social Services.</i>	R&O.31/2017.
* Long-Term Care (Benefits) (Amendment No. 3) (Jersey) Order 2017. <i>Minister for Social Security.</i>	R&O.32/2017.
* Financial Services (Financial Service Business) (Amendment No. 2) (Jersey) Order 2017. <i>Chief Minister.</i>	R&O.33/2017.



- \* EU Legislation (Sanctions – North Korea) (Amendment No. 4) (Jersey) Order 2017. R&O.34/2017.  
*Minister for External Relations.*

### **C. DOCUMENTS PRESENTED**

- \* Television Licence Fee: exemption for Jersey residents aged 75 and over P.117/2016.  
(P.117/2016) – comments. Com.  
Presented: 13th March 2017, *Chief Minister.*

- \* Funding for Family Nursing and Home Care services – petition (P.122/2016) – P.122/2016.  
comments. Com.  
Presented: 13th March 2017, *Minister for Health and Social Services.*

- \* Concessionary busfares for the disabled: costs to be met by the States (P.9/2017) – P.9/2017.  
comments. Com.  
Presented: 13th March 2017, *Minister for Infrastructure.*

- \* Electoral Reform (P.10/2017): comments. P.10/2017.  
Presented: 13th March 2017, *Privileges and Procedures Committee.* Com.

Finance Law Delegation Report for the 6 month period ended 30th June 2016. R.22/2017.  
Presented: 22nd February 2017, *Minister for Treasury and Resources.*

Land Transactions under Standing Order 168(3) – Howard Davis Park, Rose Garden R.23/2017.  
Tea Room, St. Clement’s Road, St. Saviour – lease.  
Presented: 28th February 2017, *Minister for Infrastructure.*

Review of the lettings market in Jersey: call for evidence. R.24/2017.  
Presented: 2nd March 2017, *Minister for Housing.*

Jersey Advisory and Conciliation Service: appointment of Board member. R.25/2017.  
Presented: 6th March 2017, *Minister for Social Security.*

- \* Director of Civil Aviation: Annual Report 2016. R.26/2017.  
Presented: 14th March 2017, *Minister for External Relations.*

Service Users of Home Care. S.R.1/2017.  
Presented: 27th February 2017, *Health and Social Security Scrutiny Panel.*

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

Television Licence Fee: exemption for Jersey residents aged 75 and over P.117/2016.  
(P.117/2016) – amendment. Amd.  
Lodged: 7th March 2017, *Deputy M. Tadier of St. Brelade.*

Electoral Reform (P.10/2017): amendment. P.10/2017.  
Lodged: 27th February 2017, *Deputy J.M. Maçon of St. Saviour.* Amd.

Parish Rates: payment by the States of Jersey. P.12/2017.  
Lodged: 21st February 2017, *Connétable of St. Helier.*

Draft Public Elections (Amendment of Law) (Jersey) Regulations 201-. P.13/2017.  
Lodged: 21st February 2017, *Comité des Connétables.*

E-Petitions. P.14/2017.  
Lodged: 1st March 2017, *Deputy S.M. Wickenden of St. Helier.*



Draft Public Finances (Amendment No. 5) (Jersey) Law 201-  
Lodged: 7th March 2017, *Minister for Treasury and Resources*.

P.15/2017.

JT (Jersey) Limited: administrative charges.  
Lodged: 9th March 2017, *Deputy G.P. Southern of St. Helier*.

P.16/2017.

\* Draft Main Roads (Classification) (No. 29) (Jersey) Act 201-  
Lodged: 13th March 2017, *Minister for Infrastructure*.

P.17/2017.

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

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

Nomination of Deputy M. Tadier of St. Brelade as a member of the Environment, Housing and Infrastructure Scrutiny Panel.

## **G. MATTERS OF PRIVILEGE**

## **H. PETITIONS**

## **I. QUESTIONS**

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

- 1(140) 1. The Minister for Treasury and Resources will table an answer to a question asked by the Deputy of Grouville regarding the desalination plant.
- 1(141) 2. The Minister for Education will table an answer to a question asked by the Deputy of St. John regarding a review of early years education.
- 1(142) 3. The Minister for Treasury and Resources will table an answer to a question asked by the Deputy of Grouville regarding development of the former Jersey College for Girls building.
- 1(143) 4. The Minister for Education will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding turnover of primary school teaching staff.
- 1(144) 5. The Minister for Social Security will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding the impact of rises in the Retail Prices Index on the disposable income of households reliant upon Income Support.
- 1(145) 6. The Chief Minister will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding applications by employers for additional staff with registered and licensed status.
- 1(146) 7. The Chief Minister will table an answer to a question asked by Deputy J.A. Hilton of St. Helier regarding the feeding of seagulls.
- 1(147) 8. The Minister for Health and Social Services will table an answer to a question asked by Deputy J.A. Hilton of St. Helier regarding an independent audit of the Children's Service.
- 1(148) 9. The Minister for Social Security will table an answer to a question asked by Deputy J.A. Hilton of St. Helier regarding Long-Term Incapacity Allowance.



- 1(149) 10. The Minister for Infrastructure will table an answer to a question asked by Deputy J.A. Hilton of St. Helier regarding vacant residential property attached to Rouge Bouillon School.
- 1(150) 11. The Chief Minister will table an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding legislation to allow for same-sex marriage.
- 1(151) 12. The Minister for Infrastructure will table an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding gym facilities provided by the Department for its workers.
- 1(152) 13. The Minister for Economic Development, Tourism, Sport and Culture will table an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding the Jersey Aircraft Registry.
- 1(153) 14. The Minister for Social Security will table an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding the cost of subsidising G.P. visits.
- 1(154) 15. The Minister for Education will table an answer to a question asked by Deputy S.Y. Mézec of St. Helier regarding expenditure on student grants.
- 1(155) 16. The Chief Minister will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding complaints made to him and his Department regarding actions of the Planning Department.
- 1(156) 17. H.M. Attorney General will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the provision of records from the Department of Health and Social Services.
- 1(157) 18. The Minister for Health and Social Services will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding waiting times for people needing to see a consultant.
- 1(158) 19. H.M. Attorney General will table an answer to a question asked by the Deputy of St. Ouen regarding the lawfulness of charges levied by telecommunications operators in Jersey.
- 1(159) 20. The Chief Minister will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding the number of registration cards issued under the Control of Housing and Work (Jersey) Law 2012.
- 1(160) 21. The Chief Minister will table an answer to a question asked by Deputy M.R. Higgins of St. Helier regarding economic inequality in Jersey.
- 1(161) 22. The Minister for Education will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding secondary school teachers in Jersey.
- 1(162) 23. The Minister for Social Security will table an answer to a question asked by Deputy J.A. Hilton of St. Helier regarding the cost of Income Support.

**(b) – Oral Questions**

(120 minutes)

- 1(163) 1. Deputy M. Tadier of St. Brelade will ask the following question of the Minister for Social Security –
- “Will the Minister confirm that, as a result of her Department's policies since 2009, a family of three (a couple with one child) on Income Support is £45 per week worse off in real terms today than they were in 2009; and that the equivalent figure for a single-parent household is between £55 and £75?”



- 1(137) 2. Deputy M.R. Higgins of St. Helier will ask the following question of H.M. Attorney General –
- “Does H.M. Attorney General consider that he is the sole prosecuting authority in the Island and, if so, what arrangements are in place to supervise decisions to prosecute in the Magistrate’s Court taken by States Departments?”
- 1(164) 3. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Education –
- “Will the Minister explain the changes since 2009 in primary school teacher turnover rates and, over the last three years, in overall primary school staffing numbers?”
- 1(138) 4. Deputy J.A. Martin of St. Helier will ask the following question of the Chairman of the Comité des Connétables –
- “What discussions, if any, has the Comité had about how elections for Deputies will be managed in the new districts agreed by the Assembly; and what plans, if any, have been put together as a result?”
- 1(171) 5. Deputy L.M.C. Doublet of St. Saviour will ask the following question of the Chief Minister –
- “What action, if any, has been taken towards putting in place policies in States of Jersey work places to assist breastfeeding mothers in their return to work, in accordance with the recommendations and guidelines from 2013 of the Breastfeeding Working Group?”
- 1(170) 6. Deputy S.Y. Mézec of St. Helier will ask the following question of the Minister for Housing –
- “Why has the Minister chosen to consult on banning letting agent fees when there is already evidence to suggest they are sometimes charged inappropriately, rather than simply banning them now and instead consulting on reforming other aspects of the letting market?”
- 1(166) 7. The Connétable of St. Helier will ask the following question of the Minister for Treasury and Resources –
- Will the Minister advise whether Ports of Jersey have entered into any leases with Jersey Gas as part of the relocation of the Island's gas supply infrastructure from the north of St. Helier to the harbour area?
- 1(167) 8. The Connétable of St. Helier will ask the following question of the Minister for the Environment –
- “Will the Minister advise whether it his Department’s policy to use brownfield sites for the provision of new homes in St. Helier, rather than building on amenity space; and, if so, will he agree to encourage the release of sites such as the Le Masurier land in Bath Street, the site of the former theatre in Royal Crescent and other similar sites for development?”
- 1(139) 9. Deputy J.A. Martin of St. Helier will ask the following question of the Minister for Treasury and Resources –
- “Further to answers he provided at the last meeting, will the Minister, as the shareholder representative, explain how JT faces an operating loss of approximately £1.2 million each year on its subsidy for senior citizens?”
- 1(165) 10. Deputy G.P. Southern of St. Helier will ask the following question of the Minister for Health and Social Services –
- “Will the Minister explain why, despite negotiations, he has not yet secured a more detailed service level agreement covering £6 million of block funding for Family Nursing and Home Care; and will he further advise what engagement, if any, he has had with that organisation’s management about using its staff this year to assist the transition to the delivery of home care under his new policy?”



<sup>1(169)</sup> 11. Deputy M. Tadier of St. Brelade will ask the following question of the Chief Minister –

“Will the Chief Minister state whether, following the publication of the Comptroller and Auditor General’s report entitled ‘Jersey Innovation Fund’ (R.3/2017), Senator Farnham and / or Senator Maclean offered to resign as Ministers or whether he, as Chief Minister, asked them to resign?”

<sup>1(172)</sup> 12. Deputy L.M.C. Doublet of St. Saviour will ask the following question of the Minister for Social Security –

“What updates, if any, has the Minister received from the Employment Forum regarding the progress of its consultation on family friendly legislation and policies?”

<sup>1(168)</sup> 13. Deputy M.R. Higgins of St. Helier will ask the following question of H.M. Attorney General –

“Will H.M. Attorney General advise members what actions, if any, would be taken against a States Department that brought criminal charges against Jersey residents in the Magistrate’s Court without his Department’s knowledge, consent or assistance?”

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

1st question period – Minister for Home Affairs

2nd question period – Chief Minister

**(d) – Urgent Oral Questions**

\* The following urgent oral question has been approved by the Bailiff and will be asked at the present meeting –

<sup>1(173)</sup> Deputy J.A. Hilton of St. Helier will ask the following question of the Chief Minister –

“Given the Independent Jersey Care Inquiry has announced there will be another delay in the publication of its report, will the Chief Minister inform members what information he has about the delay and when he is expecting the report to be published; and will he confirm whether the Chief Minister's Department has been in dialogue with the committee of inquiry?”

**J. PERSONAL STATEMENTS**

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

**L. PUBLIC BUSINESS**

**Television Licence Fee: exemption for Jersey residents aged 75 and over.** P.117/2016.  
Lodged: 4th November 2016, *Deputy M. Tadier of St. Brelade.*

\* Television Licence Fee: exemption for Jersey residents aged 75 and over P.117/2016.  
(P.117/2016) – comments. Com.  
Presented: 13th March 2017, *Chief Minister.*

**Television Licence Fee: exemption for Jersey residents aged 75 and over** P.117/2016.  
**(P.117/2016) – amendment.** Amd.  
Lodged: 7th March 2017, *Deputy M. Tadier of St. Brelade.*





	<b>Funding for Family Nursing and Home Care services – petition.</b> Lodged: 15th November 2016, <i>Deputy G.P. Southern of St. Helier.</i>	P.122/2016.
*	Funding for Family Nursing and Home Care services – petition (P.122/2016) – comments. Presented: 13th March 2017, <i>Minister for Health and Social Services.</i>	P.122/2016. Com.
	<b>Draft Criminal Justice (Compensation Orders) (Amendment No. 3) (Jersey) Law 201-.</b> Lodged: 10th January 2017, <i>Chief Minister.</i>	P.2/2017.
	<b>Draft Water Pollution (Amendment No. 3) (Jersey) Law 201-.</b> Lodged: 24th January 2017, <i>Minister for the Environment.</i>	P.3/2017.
	<b>Draft Income Support (Amendment No. 2) (Jersey) Law 201-.</b> Lodged: 31st January 2017, <i>Minister for Social Security.</i>	P.5/2017.
	<b>States of Jersey Complaints Panel: re-appointment of members.</b> Lodged: 14th February 2017, <i>Privileges and Procedures Committee.</i>	P.8/2017.
	<b>Concessionary busfares for the disabled: costs to be met by the States.</b> Lodged: 14th February 2017, <i>Deputy M. Tadier of St. Brelade.</i>	P.9/2017. (re-issue)
*	Concessionary busfares for the disabled: costs to be met by the States (P.9/2017) – comments. Presented: 13th March 2017, <i>Minister for Infrastructure.</i>	P.9/2017. Com.
	<b>Electoral Reform.</b> Lodged: 14th February 2017, <i>Senator L.J. Farnham.</i>	P.10/2017.
*	Electoral Reform (P.10/2017): comments. Presented: 13th March 2017, <i>Privileges and Procedures Committee.</i>	P.10/2017. Com.
	<b>Electoral Reform (P.10/2017): amendment.</b> Lodged: 27th February 2017, <i>Deputy J.M. Maçon of St. Saviour.</i>	P.10/2017. Amd.
<b>M.</b>	<b>ARRANGEMENT OF PUBLIC BUSINESS</b>	
	<b><u>28th March 2017</u></b>	
	<b>Draft Referendum (Jersey) Law 201-.</b> Lodged: 31st January 2017, <i>Privileges and Procedures Committee.</i>	P.4/2017.
	<b>Draft Employment of States of Jersey Employees (Amendment No. 8) (Jersey) Regulations 201-.</b> Lodged: 14th February 2017, <i>States Employment Board.</i>	P.11/2017.
	<b>Parish Rates: payment by the States of Jersey.</b> Lodged: 21st February 2017, <i>Connétable of St. Helier.</i>	P.12/2017.
	<b><u>18th April 2017</u></b>	
	<b>Future Hospital Funding Strategy (as amended)</b> Lodged: 30th November 2016, <i>Minister for Treasury and Resources.</i>	P.130/2016.



- Draft Bank Depositors Compensation (Jersey) Law 201-** P.135/2016.  
Lodged: 20th December 2016, *Chief Minister*.
- Draft Public Elections (Amendment of Law) (Jersey) Regulations 201-** P.13/2017.  
Lodged: 21st February 2017, *Comité des Connétables*.
- Draft Public Finances (Amendment No. 5) (Jersey) Law 201-** P.15/2017.  
Lodged: 7th March 2017, *Minister for Treasury and Resources*.
- JT (Jersey) Limited: administrative charges.** P.16/2017.  
Lodged: 9th March 2017, *Deputy G.P. Southern of St. Helier*.
- \* **Draft Main Roads (Classification) (No. 29) (Jersey) Act 201-** P.17/2017.  
Lodged: 13th March 2017, *Minister for Infrastructure*.

### **2nd May 2017**

- Draft The Law Society of Jersey (Amendment No. 4) Law 201-** P.136/2016.  
Lodged: 20th December 2016, *Chief Minister*.

*Note: The 2nd reading of the Draft Law will resume, following adoption of the principles on 14th February 2017 and the subsequent referral to the Corporate Services Scrutiny Panel under Standing Order 72(1).*

- E-Petitions.** P.14/2017.  
Lodged: 1st March 2017, *Deputy S.M. Wickenden of St. Helier*.

### **20th June 2017**

- Millennium Town Park: additional open space and public parking.** P.123/2016.  
Lodged: 22nd November 2016, *Connétable of St. Helier*.

**DR. M. EGAN**  
**Greffier of the States**

13th March 2017

**Note –**

**In accordance with the meeting dates fixed for 2017 by the Privileges and Procedures Committee, this meeting will continue, if necessary, on Wednesday 15th and Thursday 16th March 2017.**

**An asterisk \* in the left-hand margin denotes either a new item added to this Order Paper since the Order Paper was first published on 9th March 2017, or an item which has been altered or moved.**



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

(See Item B)

### **R&O.32/2017.**

Long-Term Care (Benefits) (Amendment No. 3) (Jersey) Order 2017.

This Order amends the Long-Term Care (Benefits) (Jersey) Order 2014 (the “principal Order” as defined in *Article 1*).

*Article 2* amends Article 5 of the principal Order to change (from under 19 years to under 25 years) the age limit in respect of a dependent person who is a person who lives with an eligible person as part of a family unit and who is excepted from the requirement to be engaged in full time remunerative work under the Income Support (Jersey) Law 2007.

*Article 3* amends Article 8 of the principal Order to increase by approximately 2.67% the rates for long-term care benefit comprising weekly standard care costs for long-term care. The amount of the rate for long-term care benefit depends on the level of care required and whether it is required in a care home, group home or person’s principal residence.

*Article 4* amends Article 9 of the principal Order to increase by approximately 2.67% the amount that a person must pay towards the weekly costs of living in an approved home (as defined in Article 1 of the principal Order) and the maximum amount payable by the person per week for incidental expenses that may arise as a condition of receiving a long-term care benefit in the form of a grant for standard care costs.

*Article 5* amends Article 10 of the principal Order to increase by approximately 2.67% the amount that a person must pay towards the costs of the person’s appropriate level of standard of care (in addition to amounts referred to in *Article 3*, where applicable) as a condition of receiving a long-term care benefit in the form of a grant for standard care costs.

*Article 6* amends Article 12 of the principal Order concerning the conditions for a loan so that the weekly maximum additional amount that can be paid towards the weekly costs of living in a care home or group home is the same amount as that referred to in Article 9 of the principal Order.

*Article 7* amends Article 15 of the principal Order to clarify that –

- (a) the principal and interest in respect of a benefit given in the form of a loan is repayable if any of the conditions specified in Article 15(1)(a) or (b) are satisfied; and
- (b) the condition in Article 15(1)(b) is that the eligible person who received long-term care has died and that neither the eligible person’s partner nor the eligible person’s carer (who lived at the principal residence for a period referred to in Article 15(1)(b)(ii)) occupy the principal residence that, at the date of the eligible person’s death, was owned by the eligible person or the eligible person’s partner.

*Article 8* sets out the title of the Order and provides for it to come into force on 1st April 2017.

The Order was made on 10th March 2017 and comes into force on 1st April 2017.

### **R&O.33/2017.**

Financial Services (Financial Service Business) (Amendment No. 2) (Jersey) Order 2017.

This Order replaces the entry relating to Class O, one of the classes of financial service business prescribed in the Financial Services (Financial Service Business) (Jersey) Order 2009. The provision specifies a class of business consisting of providing of certain services that do not require the handling or control of trust company business assets except as a consequence of providing those services.

The original provision required the person to whom the service was provided to be resident in Jersey for tax purposes. The new provision now requires that all individuals and all the beneficial owners of any company to which the services are provided are ordinarily resident in Jersey.

There is also a transitional provision that applies to a provider of the service who met the requirements for Class O before the changes effected by this Order. Such a provider is treated as still being compliant for



6 months after the commencement of the Order or, if by then the provider has an application for registration under another class of financial service business still outstanding, until that application is finally determined. A further provision allows a non-compliant service provider to be treated as still compliant until 3 months after that non-compliance is discoverable by reasonable diligence, or if an application is made for registration under another class of financial business, until that application is finally determined.

The Order was made on 10th March 2017 and comes into force on 10th April 2017.

### **R&O.34/2017.**

EU Legislation (Sanctions – North Korea) (Amendment No. 4) (Jersey) Order 2017.

This Order further amends the EU Legislation (Sanctions – North Korea) (Jersey) Order 2015 (which gives effect in Jersey to Council Regulation (EC) No 329/2007 of 27 March 2007 concerning restrictive measures against the Democratic People’s Republic of Korea, OJ L 88, 29.3.2007, p.1, as amended: the “2007 Regulation”) to give effect to amendments to the 2007 Regulation made by Council Regulation (EU) 2017/330 of 27 February 2017, OJ L 50, 28.2.2017, p.1-8.

Those amendments include in particular the addition of new prohibitions (in Article 2 paragraph 4 as substituted, and Article 4c, 4d and 4e and new Annexes 1h, IIIa and IIIb as inserted in the 2007 Regulation) against importing or transferring copper, nickel, silver and zinc, and statues, from North Korea and exporting helicopters and vessels to North Korea, and against leasing or otherwise making available real property to the Government of North Korea, for any purpose other than diplomatic or consular activities. New Articles 5aa and 9b (also inserted and substituted, respectively, in the 2007 Regulation by Council Regulation 2017/330) introduce additional prohibitions against credit and financial institutions opening accounts for North Korean diplomatic missions or posts, and providing finance or financial assistance for trade with North Korea. Article 11b of the 2007 Regulation is also substituted, and a new Annex IV added (to tighten prohibition on leasing or chartering vessels or aircraft, etc. to North Korea). The list in Article 5(1)(a) of the EU Legislation (Sanctions – North Korea) (Jersey) Order 2015 of prohibitions, contravention of which amounts to an offence in Jersey, is updated accordingly by *Article 3* of this Order.

The Order was made on 10th March 2017 and came into force on 11th March 2017.