

PM/SC/186

COUNCIL OF MINISTERS

(23rd Meeting)

21st June 2012**PART A**

All members were present, with the exception of Senator I.J. Gorst, Chief Minister and A.J.H. Maclean, Minister for Economic Development, from whom apologies were received.

Senator B.I. Le Marquand, Deputy Chief Minister
 Senator P.F.C. Ozouf, Minister for Treasury and Resources (not present for items A2, A3 and B6)
 Senator F. du H. Le Gresley, M.B.E., Minister for Social Security
 Deputy R.C. Duhamel, Minister for Planning and Environment (not present for items A2, A3 and B6)
 Deputy A.E. Pryke, Minister for Health and Social Services
 Deputy K.C. Lewis, Minister for Transport and Technical Services
 Deputy A.K.F. Green, M.B.E, Minister for Housing (not present for items B1 and B2)
 Deputy P.J.D. Ryan, Minister for Education, Sport and Culture
 Senator L.J. Farnham, Assistant Minister for Home Affairs
 Deputy C.J. Labey, Assistant Minister for Economic Development

In attendance -

Deputy E.J. Noel, Assistant Minister for Treasury and Resources (not present for items A2, A3 and B6)
 Connétable J.M. Refault of St. Peter, Assistant Minister for Health and Social Services
 J. Richardson, Interim Chief Executive, States of Jersey
 T.J. Le Cocq, Q.C., H.M. Attorney General (not present for items A2, A3 and B6)
 M.N. de la Haye, Greffier of the States (not present for item B1)
 J. Rogers, Chief Executive Officer, Transport and Technical Services Department (for item B1)
 M. King, Chief Executive Officer, Economic Development (for items B2 and B3)
 Mrs. L. Rowley, Treasurer of the States (for items B2 and B3)
 Mrs. D. Le Gresley, Director of Financial Planning and Performance, States Treasury (for items B2)
 Mrs. J. Marshall, Head of Strategic Policy (for item B3)
 Miss P. Staley, Law Draftsman (for item B4)
 P. Bradbury, Director - Corporate Policy (for item B5)
 J. Norris, Project and Research Officer
 C. Keir, Communications Manager
 P. Monamy, Clerk to the Council of Ministers

Note: The Minutes of this meeting comprise Part A and Part B.

Minutes.

A1. The Minutes of the meetings held on 10th and 30th May 2012 (both Part A and Part B), having been previously circulated, were taken as read and were

confirmed.

States
business.
1240/7/1(1)

A2. The Council, with reference to its Minute No. A1 of 7th June 2012, noted the list of public business scheduled for consideration by the States Assembly during the remainder of the First Session of 2012. Particular consideration was given to the propositions listed below.

26th June 2012

Vote of Censure: Minister for Treasury and Resources (P.61/2012)

The Council noted that the Chief Minister had invited members to support the Minister for Treasury and Resources, and it was agreed that members should vote according to their conscience.

Draft Health Insurance (Medical benefit) (Amendment No. 5) (Jersey) Regulations 201- (P.47/2012)

The Council endorsed the draft Regulations.

Statement made ‘in camera’ on 8th December 2008: release of transcript (P.48/2012)

The Council noted concern expressed that a decision to release the transcript of a debate in camera could inhibit future debates in camera as members would be conscious that their contributions might at a later date be made public. However, it was accepted that this was already the position under the provisions of Standing Order 160(4) whereby: “*A transcript of any part of a meeting conducted in camera shall not be made public, unless the States decide otherwise.*” The Council concluded that it would adopt no position on the proposition.

Income Support Medical Appeal Tribunal: appointment of members (P.49/2012)

The Council endorsed the proposition.

Disciplinary Panel of the Law Society of Jersey: re-appointment of lay members (P.50/2012)

The Council endorsed the proposition.

10th July 2012

Tourism Development Fund: assistance to the private sector (P.26/2012)

The Council recognised that a report on this matter was currently awaited from a joint Corporate Services and Economic Affairs Scrutiny Sub-Panel and that consideration of the projet could, if necessary, be put back to 17th July 2012.

Draft Income Tax (Amendment No. 41) (Jersey) Law 201- (P.38/2012)

The Council endorsed the draft Law.

Draft Employment Tribunal (Amendment No. 3) (Jersey) Regulations 201- (P.51/2012)

The Council endorsed the draft Regulations.

Draft Petroleum (Amendment No. 3) (Jersey) Law 201- (P.52/2012)

The Council endorsed the draft Law.

Draft Petroleum Substances (Jersey) Regulations 201- (P.53/2012)

The Council endorsed the draft Regulations.

23rd Meeting
21.06.12

Draft Fire Precautions (Amendment No. 2) (Jersey) Law 201- (P.54/2012)

The Council endorsed the draft Law.

Public Employees Contributory Retirement Scheme: Committee of Management – appointment of Member (P.58/2012)

The Council endorsed the proposition.

States of Jersey Development Company Limited: appointment of Non-Executive Director (P.59/2012)

The Council, having recognised the circumstances in which the proposed appointee had initially been appointed previously for a period of 3 years although he had been expected to be in post for only 6 months or so, endorsed the proposition.

Transfer of Undertakings Protection of Employment (TUPE) legislation (P.60/2012)

The Council, having recognised that the proposition was in 2 parts, noted concern expressed that the proposal could stifle business transfers – particularly in the scenario of a failing business - as there would be little incentive for a potential new owner to take on existing staff on current terms and conditions which might have contributed to its downfall. The Council considered that legislation of the type envisaged was not necessarily appropriate for a small jurisdiction such as Jersey, and it was recognised that in any event TUPE was presently under review in the United Kingdom. Having noted that the Minister for Social Security would be commenting separately on the proposition, the Council agreed to consider a draft of its comment at its next meeting.

K2 Investment
Scheme:
Chief Minister
statement.
1448/2(5)

A3. The Council noted that the Chief Minister proposed to issue a statement shortly regarding the “K2 Investment Scheme” which had recently featured in the local and national media.

It was noted that this scheme originated in the United Kingdom (U.K.) and was considered by Her Majesty’s Government to be an unwelcome, though not illegal, form of tax avoidance which was marketed from the U.K. to high-worth, often celebrity, individuals.

The Council agreed that such schemes were considered to be harmful to the Island’s reputation as a well-regulated and internationally-compliant jurisdiction and noted that the terms of the Chief Minister’s statement (which had been prepared in conjunction with the Adviser – International Affairs) would confirm that Jersey had “*no wish to be associated with such tax evasion schemes.*”