

PM/SC/342

COUNCIL OF MINISTERS

(38th Meeting)

29th November 2012**PART A**

All members were present, with the exception of Deputy R.C. Duhamel, Minister for Planning and Environment and Deputy A.K.F. Green, M.B.E, Minister for Housing, from whom apologies were received.

Senator I.J. Gorst, Chief Minister (for items B1, B2, B4-B6)  
 Senator P.F.C. Ozouf, Minister for Treasury and Resources (items B1, B2, B4-B6)  
 Senator A.J.H. Maclean, Minister for Economic Development (for items B1, B2, B4-B6)  
 Senator B.I. Le Marquand, Minister for Home Affairs  
 Senator F. du H. Le Gresley, M.B.E., Minister for Social Security  
 Deputy A.E. Pryke, Minister for Health and Social Services  
 Deputy K.C. Lewis, Minister for Transport and Technical Services  
 Deputy P.J.D. Ryan, Minister for Education, Sport and Culture  
 Connétable J.M. Refault of St. Peter, Assistant Minister for Housing

In attendance -

Senator P.F. Routier M.B.E., Assistant to the Chief Minister  
 Senator Sir P.M. Bailhache, Assistant to the Chief Minister (for items A1, A2, B3 and B5)  
 Deputy E.J. Noel, Assistant Minister for Treasury and Resources  
 Connétable J.LeS. Gallichan, Chairman, Comité des Connétables (for items A1, A2 and B1-B5)  
 J.D. Richardson, Chief Executive, States of Jersey  
 R. Jouault, Managing Director, Community and Social Services, Health and Social Services Department (for item B1)  
 Mrs. L. Rowley, Treasurer of the States  
 Ms. W. Martin, Director – Tax Policy, States Treasury (for item B2)  
 S. Le Marquand, Director – Legal Status and Revenue, Customs and Immigration Department (for item B2)  
 Mrs. C. Anderson, Comprehensive Spending Review (CSR) Team Leader (for item B3)  
 G.C. Powell C.B.E., Adviser - International Affairs, Chief Minister's Department (for item B5)  
 T. Walker, Director – International Affairs, Chief Minister's Department (for item B5)  
 M.N. de la Haye, Greffier of the States  
 T.J. Le Cocq, Q.C., H.M. Attorney General  
 Ms. C. Keir, Communications Manager  
 J. Morris, Policy and Research Manager, Chief Minister's Department (for a time)  
 L. de Oliveira, Policy and Research Officer, Chief Minister's Department (for a time)  
 P. Monamy, Clerk to the Council of Ministers

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

States  
business.  
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A1. The Council, with reference to its Minute No. A2 of 15th November 2012, noted the list of public business scheduled for consideration by the States Assembly during the remainder of the Second Session 2012. Particular consideration was given to the propositions listed below where indicated.

4th December 2012

**Draft Budget Statement 2013 (P.102/2012) and amendments**

*[Discussion of this item is recorded under 'Part B' of these Minutes].*

**Draft Finance (2013 Budget) (Jersey) Law 201-** (P.103/2012)

**Draft Income Tax (Amendment No. 41) (Jersey) Law 201-** (P.104/2012)

**Draft Goods and Services Tax (Amendment No. 4) (Jersey) Law 201-** (P.105/2012)

**Old Age Pension: increase for 2012 (P.97/2012) and amendment**

The Council noted that the Minister for Social Security proposed to comment on the proposition to the effect that, while not opposing it, this was to be on the very clear understanding that the draft Regulations to provide the additional increase proposed in 2013 (arrangements for a similar increase which were already in train) would also include a new method for uprating old-age pensions. *[Senators Le Marquand and Routier declared an interest in the subject matter of the proposition which was general and shared with a large class of persons].*

**Draft Social Security (Amendment of Law No. 4) (Jersey) Regulations 201-** (P.101/2012)

The Minister for Social Security outlined the rationale for the amendment and the Council noted that the Minister's own amendment to the draft Regulations proposed extending the transitional protection of survivor's pension to all individuals who were at least 57 years old on 31st December 2012. It was further noted that amendments by Deputies J.H. Young and G.P. Southern sought to alter that protection such that it applied to all individuals aged 55 and 50 respectively. The Council resolved that it was minded to support P.101/2012 as amended by the Minister for Social Security. *[Deputy Pryke declared an interest in the subject matter of the proposition which was general and shared with a large class of persons].*

**Income Tax: Report on Personal Income Tax Assessments (P.106/2012)**

The Council noted the proposed comment of the Minister for Treasury and Resources which emphasised his publicly stated commitment to undertake a feasibility study into the possibility of introducing independent taxation within a clearly defined timescale (2 to 3 years from September 2011), recognising the importance of modernising Jersey's tax laws. In view of the complexities and wide impact associated with amending the Income Tax legislation, the Minister envisaged engaging external Economics Consultants to advise on the way ahead, and would therefore invite Deputy Southern to withdraw his proposition.

**Draft Alternative Investments Funds (Jersey) Regulations 201-** (P.109/2012)

**Draft Financial Services (Amendment of Law No. 4) (Jersey) Regulations 201-** (P.110/2012)

**Commissioner of appeal for Taxes Office: appointment (P.116/2012)**

**Jersey Heritage Trust: appointment of Chairman (P.117/2012)**

11th December 2012

**Draft Intellectual Property (Unregistered Rights) (Jersey) Law 2011 (Appointed Day) Act 201-** (P.111/2012)

Having recalled that it had, on 18th October 2012 (Minute No. B4 referred), been briefed and had approved (subject to minor amendment) the subordinate legislation needed to bring the 2011 Law into force, agreed that it supported the draft Appointed Day Act (and also the associated draft Regulations – P.112/2012).

**Draft Intellectual Property (Unregistered Rights) (Application, Transitional Provisions and Savings) (Jersey) Regulations 201-** (P.112/2012)

The Council noted that the draft Regulations incorporated further clarification of the copyright status of existing designs, as well as a modification of the transitional provision for a possible compulsory licence under the 1911 Act. The Council accordingly supported the draft Regulations.

**Plémont Holiday Village – acquisition by the public and sale to the National Trust for Jersey (P.90/2012) and amendment**

Following the recent decision of the Minister for Planning and Environment to approve the current planning application for the site, the Council agreed to request the Chief Minister to give further detailed consideration to a comment on the proposition at its next meeting.

**Jersey Appointments Commission: appointment of Commissioner (P.108/2012)**

*[Discussion of this item is recorded under 'Part B' of these Minutes].*

**Tourism Shadow Board: establishment (P.113/2012)**

**Draft Fire Precautions (Amendment No. 2) (Jersey) Law 2012 (Appointed Day) Act 201-** (P.114/2012)

The Council supported the draft Appointed Day Act.

**Draft Fire Precautions (Designated Premises) (Jersey) Regulations 201-** (P.115/2012)

The Council supported the draft Regulations.

**Draft Repatriation of Prisoners (Jersey) Law 2012 (Appointed Day) Act 201-** (P.121/2012)

The Council supported the draft Appointed Day Act.

**Draft Health Insurance (Amendment No. 14) (Jersey) Law 2012 (Appointed Day) Act 201-** (P.122/2012).

15th January 2013

**Committee of Inquiry: Historical Child Abuse (P.118/2012)**

**Connétables and other parish officials: explanatory document and new legislation (P.119/2012).**

Having deferred to the Comité des Connétables a comment on part (a) of the proposition, the Council approved a comment indicating its rejection of part (b).

**Minister for Justice and Department of Justice: report (P.120/2012)**

**Greville Bathe Fund: appointment of Jurat (P.123/2012)**

**Draft Community Provisions (Goods Infringing Intellectual Property Rights) (Jersey) Regulations 201-** (P.125/2012)

**Draft Public Employees (Contributory Retirement Scheme) (States of Jersey Prison Service – Amendments) (Jersey) Regulations 201-** (P.126/2012).

19th February 2013

**Police Station Relocation: review of decision (P.92/2012)**

The Council noted that a Scrutiny Panel would be conducting hearings on this matter on 29th November 2012 and that it was likely to complete its review and produce a report thereon in early course.