

**THE STATES assembled on Tuesday,  
12th February 2002 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache.**

**His Excellency the Lieutenant Governor,  
Air Chief Marshal Sir John Cheshire, K.B.E., C.B.,  
was present**

All members were present with the exception of -

Derek Ryder Maltwood, Deputy of St. Mary - ill  
Shirley Margaret Baudains, Deputy of St. Helier - absent

Prayers

#### **Princess Margaret - message of sympathy**

The Bailiff informed the Assembly that he had requested H.E. the Lieutenant Governor to forward to Her Majesty The Queen on behalf of the States and the public of the Island, the following message of sympathy -

“The Lieutenant-Governor, the Bailiff, the States and the People of Jersey have received with deep sorrow the news of the death of Her Royal Highness The Princess Margaret, and send Your Majesty their deepest sympathy.

Many Islanders will recall with affection her visit to Jersey in 1959, and subsequent private visits associated with charities she supported. Her work for charities dedicated to the welfare of disadvantaged children will be particularly remembered.

We hope that Your Majesty will be comforted by the knowledge of the affection in which The Princess Margaret was held.”

H.E. the Lieutenant Governor had received a reply in the following terms -

“The Queen has been deeply touched by the many messages of condolence received after the death of her sister, Princess Margaret.

Her Majesty would like to thank all those who have so thoughtfully sent her messages of comfort at this time of great sadness”.

The States observed one minute’s silence as a mark of respect.

#### **H.M. The Queen - Golden Jubilee**

The Bailiff informed the Assembly that His Excellency the Lieutenant Governor had sent the following message to Her Majesty The Queen on behalf of the States and the public of the Island on the occasion of the 50th anniversary of The Queen’s accession to the throne -

“The Lieutenant Governor, Bailiff, States and people of Jersey join together to send Your Majesty warmest congratulations on the occasion of the Fiftieth Anniversary of Your Majesty’s accession to the throne. We express the hope that this Jubilee Year, in which Your Majesty’s subjects unite in celebration of the occasion, will be both a happy and a peaceful one for Your Majesty and for the members of the Royal Family.”

His Excellency the Lieutenant Governor had received a reply in the following terms -

“Prince Philip and I have been deeply touched by the many kind messages about the Golden Jubilee.

This anniversary is for us an occasion to acknowledge with gratitude the loyalty and support which we have received from so many people since I came to the Throne in 1952. It is especially an opportunity to thank all those of you who help others in your own local communities through public or voluntary service. I would like to think that your work will be particularly recognised during this Jubilee year.

I hope also that this time of celebration in the United Kingdom and across the Commonwealth will not simply be an occasion to be nostalgic about the past. I believe that, young or old, we have as much to look forward to with confidence and hope as we have to look back on with pride.

I send my warmest good wishes to you all.

Elizabeth R.”

### **Tribute to the late Mr. Hendricus Adolphus Vandervliet, former member of the States**

The Bailiff paid tribute to the late Hendricus Adolphus Vandervliet, former Deputy of St. Lawrence.

The States observed one minute’s silence as a mark of respect.

### **Subordinate legislation tabled**

The following enactments were laid before the States, namely -

**Road Racing (Karts) (Jersey) Order 2002. R & O 7/2002.**

**Mental Health (Review Tribunal) (Members Fees) (Amendment No. 3) (Jersey) Order 2002. R & O 8/2002.**

### **Matters presented**

The following matters were presented to the States -

**Agriculture and Fisheries: Policy Report 2001 (P.126/2001): comments - P.126/2001 Com. (2).**  
Presented by the Finance and Economics Committee.

**Agriculture and Fisheries: Policy Report 2001 (P.126/2001): comments - P.126/2001 Com. (3)**  
Presented by the Policy and Resources Committee.

**Machinery of Government: composition and role of Privileges and Procedure and Scrutiny Committees (P.175/2001): comments - P.175/2001 Com.(3)**  
Presented by the Policy and Resources Committee.

**Machinery of Government: method of appointment of Chief Minister and Council of Ministers (P.3/2002): comments - P.3/2002 Com.**  
Presented by the Policy and Resources Committee.

**Draft Fire Precautions (Amendment) (Jersey) Law 200- (P.10/2002): addendum - P.10/2002. Rpt.**  
Presented by the Home Affairs Committee.

**Fairfield, La Rue des Landes, St. Peter: purchase (P.18/2002): comments - P.18/2002. Com.**  
Presented by the Finance and Economics Committee.

THE STATES ordered that the said reports be printed and distributed

The following matters were presented on 5th February 2002 -

**Housing Committee Strategic Policy Report 2002 - 2006 (P.2/2002): comments - P.2/2002 Com.**  
Presented by the Finance and Economics Committee.

THE STATES ordered that the said report be printed and distributed.

### **Machinery of Government: the composition and election of the States Assembly - P.179/2001**

THE STATES noted that the President of the Policy and Resources Committee had instructed the Greffier of the States to withdraw the proposition Machinery of Government: the composition and election of the States Assembly (P.179/2001 lodged "au Greffe" on 20th November 2001) in accordance with Standing Order 22 (3).

### **Draft States' Reform (Election of Senators) (Jersey) Law 200- P.6/2002**

THE STATES noted that the President of the Policy and Resources Committee had instructed the Greffier of the States to withdraw the proposition Draft States' Reform (Election of Senators) (Jersey) Law 200- (P.6/2002 lodged "au Greffe" on 15th January 2002) in accordance with Standing Order 22(3).

### **Matters noted - land transactions**

THE STATES noted an Act of the Finance and Economics Committee dated 6th February 2002 recording the following decisions of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land -

- (a) as recommended by the Harbours and Airport Committee, the renewal of the lease from the National Trust for Jersey of the site of the Back Leading Light, Bonne Nuit, St. John for a period of 21 years deemed to have commenced from 25th March 1993, for an annual rent of £1 to be payable as a lump sum at the commencement of the lease, with an option to extend the lease, on the basis that the land would be used solely for the erection of the beacon or light and that consent would be obtained from the National Trust for Jersey in respect of any future changes to either the design, size, shape or colour of the beacon light. The Committee was to be responsible for both parties' reasonable legal costs arising from this transaction;
- (b) as recommended by the Public Services Committee, the purchase from the Jersey New Waterworks Company Limited of an area of land (measuring 4,779 square feet) situated to the north of Handois Reservoir required in order to construct an underground pumping station, for a consideration of £5,000 which sum includes £4,779 for the freehold interest in the land and a one-off payment of £221 for the temporary working area (measuring 4,628 square feet). Continuous vehicular and pedestrian rights, egress and service rights were to be granted, in perpetuity, to the area and the Committee was to be responsible for both parties' reasonable legal costs arising from this transaction;
- (c) as recommended by the Public Services Committee, the entering into of a Deed of Arrangement with

Mr. Kenneth Moore and Mrs. Susan Mary Moore, née Andrews, in order to ratify encroachments by their property Bay View Cottage, La Grande Route des Sablons, Grouville towards the adjacent sea wall (namely, the opening windows and door and any portion of the property which might overhang the sea wall, including parts of the roof, rainwater guttering and fascia), with the surface water drainage of the property to be permitted to be directed through an aperture in the sea wall on the basis that the owners would have an obligation to ensure that the drainage facility was kept clear of all debris, rubbish and other material. The beneficiaries of the contract were to pay to the Committee a sum of £15,000 in consideration of the rights to be granted within the contract and that the public would not bear any future liability for any damage with might occur on any part of the property as a result of damage or repair to that part of the sea wall adjacent to the property which the public was unable to rectify due to the proximity of Bay View Cottage to the sea wall structure. Both parties would be afforded the usual access rights to maintain their respective properties under the standard terms and conditions, reflective of the position of the sea wall. Mr. and Mrs. Moore were to be responsible for both parties' reasonable legal costs arising from this transaction.

### **Matter noted - acceptance of tender**

THE STATES noted an Act of the Finance and Economics Committee dated 6th February 2002, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Education Committee had accepted the lowest tender for the redevelopment of Grands Vaux Primary School, St. Helier, namely that submitted by Stansell QVC (Tender B) in the sum of £3,872,009.00 in a contract period of 65 weeks.

### **Matters lodged**

The following matters were lodged "au Greffe" -

**Draft Children (Jersey) Law 200- (P.200/2001): amendments - P.200/2001 Amd.**  
Presented by the Health and Social Services Committee.

**Draft Gambling (Gaming and Lotteries) (Amendment No. 14) (Jersey Regulations 200- P.19/2002.**  
Presented by the Gambling Control Committee.

**Overdale Assessment and Rehabilitation Unit: approval of drawings - P.20/2002.**  
Presented by the Health and Social Services Committee.

**Albert Pier Café, St. Helier: renewal of concession - P.21/2002.**  
Presented by the Deputy of Trinity.

**Draft Public Finances (Administration) (Amendment No. 10) (Jersey) Law 200- P.22/2002.**  
Presented by the Finance and Economics Committee.

**Machinery of Government: establishment of a Privileges and Procedures Committee - P.23/2002.**  
Presented by the Policy and Resources Committee.

**Draft Road Traffic (No. 53) (Jersey) Regulations 200- P.24/2002.**  
Presented by the Home Affairs Committee.

### **Arrangement of public business for the present meeting**

THE STATES acceded to the request of the President of the Agriculture and Fisheries Committee that consideration of the Agriculture and Fisheries: policy report 2001 (P.126/2002 lodged "au Greffe" on 14th August 2001) be deferred from the present meeting to a later date.

THE STATES agreed to consider the following matters as the first items of public business -

Projet de Loi (200-) concernant la Police Honorifique de St. Martin- P.7/2002 (re-issue).  
Logé le 22 janvier 2002.  
*Comité de Législation.*

Projet de Loi (200-) concernant la Police Honorifique de St. Ouen- P.8/2002 (re-issue).  
Logé le 22 janvier 2002.  
*Comité de Législation.*

Draft Fire Precautions (Amendment) (Jersey) Law 200- P.10/2002.  
Lodged: 29th January 2002.  
*Home Affairs Committee.*

Draft Banking Business (Amendment No. 3) (Jersey) Law 2002 (Appointed Day) Act 200- P.11/2002.  
Lodged: 29th January 2002.  
*Finance and Economics Committee.*

Draft Collective Investment Funds (Amendment No. 3) (Jersey) Law 2002 (Appointed Day) Act 200- P.12/2002.  
Lodged: 29th January 2002.  
*Finance and Economics Committee.*

Draft Financial Services (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200- P.13/2002.  
Lodged: 29th January 2002.  
*Finance and Economics Committee.*

Draft Insurance Business (Amendment No. 3) (Jersey) Law 2002 (Appointed Day) Act 200- P.14/2002.  
Lodged: 29th January 2002.  
*Finance and Economics Committee.*

Waterfront Enterprise Board Limited: appointment of States director - P.15/2002.  
Lodged: 29th January 2002.  
*Policy and Resources Committee.*

Draft Marriage and Civil Status (Jersey) Law 2001 (Appointed Day) Act 200- P.16/2002.  
Lodged: 29th January 2002.  
*Etat Civil Committee.*

Draft Summer Time (Amendment) (Jersey) Law 200- P.17/2002.  
Lodged: 29th January 2002.  
*Legislation Committee*

Fairfield, La Rue des Landes, St. Peter: purchase- P.18/2002.  
Lodged: 29th January 2002.  
*Harbours and Airport Committee.*

#### **Arrangement of public business for the next meeting on 26th February 2002**

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 26th February 2002 -

Constitution and membership of the States: referendum - P.147/2001.  
Lodged: 9th October 2001.  
*Senator P.V.F. Le Claire.*

Constitution and membership of the States: referendum (P.147/2001): comments - P.147/2001 Com.  
Presented: 13th November 2001.  
*Human Resources Committee.*

Constitution and membership of the States: referendum (P.147/2001): comments - P.147/2001 Com.(2).  
Presented: 13th November 2001.  
*Finance and Economics Committee.*

Draft Children (Jersey) Law 200- P.200/2001.  
Lodged: 18th December 2001.  
*Health and Social Services Committee.*

Draft Children (Jersey) Law 200- (P.200/2001): amendments - P.200/2001 Amd.  
Lodged: 12th February 2002.  
*Health and Social Services Committee.*

Draft Adoption (Amendment No. 5) (Jersey) Law 200 P.201/2001.  
Lodged: 18th December 2001.  
*Health and Social Services Committee.*

Draft Day Care of Children (Jersey) Law 200- P.202/2002.  
Lodged: 18th December 2001.  
*Education Committee.*

Draft Criminal Justice (Evidence of Children) (Jersey) Law 200- P.203/2001.  
Lodged: 18th December 2001.  
*Legislation Committee.*

Draft Petroleum (Amendment) (Jersey) Law 200- P.9/2002.  
Lodged: 29th January 2002.  
*Home Affairs Committee.*

### **Jersey's Gross National Product and tax revenues - questions and answers (Tape No. 716)**

Senator Stuart Syvret asked Senator Frank Harrison Walker, President of the Finance and Economics Committee, the following questions -

“The Committee’s document ‘The Future of our Tax and Spend Policies’ provides the following information in respect of income tax revenues for the year 1999 -

“Income tax revenues from companies amounted to £197 million in 1999, or 61 per cent of the total Income tax revenues from salary and wage earners amounted to £85 million, or 26 per cent of the total Income tax revenues from the self employed and investment holders amounted to £42 million, or 13 per cent of the total, in that same year”.

The same document goes on to detail the annual percentage change in gross income tax revenue and three sub-divisions in separate charts for the period 1990-2000.

1. Will the President provide for the Assembly a single graph for the period 1990-2000 upon which is shown the following four lines -

cumulative change in GNP  
cumulative change in tax revenue from companies  
cumulative change in tax revenue from salary and wage earners

cumulative change in tax revenue from self employed and investment holders?

2. Will the President ascribe actual annual cash amounts to the tax revenue streams identified in question 1?
3. If there is any significant variation between the three tax revenue streams, identified in question 1, over the ten year period, will the President provide for the Assembly an explanation of the causes of such variation?"

The President of the Finance and Economics Committee replied as follows -

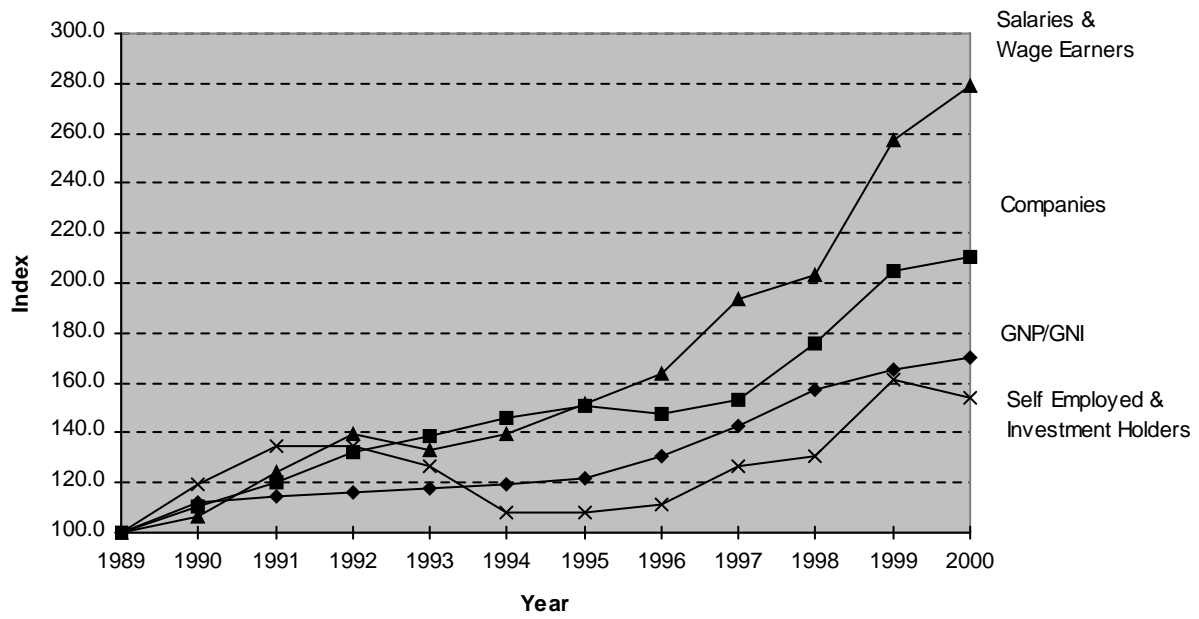
- "1. The graph shows a presentation of the information requested based on indices calculated from the actual cash amounts provided as the answer to Question 2. The graph starts at 1989 to enable the increase in 1990 to be presented on the graph.

It should be noted that the GNP/GNI figure for 2000 is still provisional. Changes to the 2000 figure may well lead to retrospective changes to GNP/GNI for earlier years.





Tax Revenues v GNP/GNI from 1989-2000



2.

*Salaries and wage earners*

<i>Companies</i>							
<i>Year</i>	<i>£m</i>	<i>Increase</i>	<i>Index</i>	<i>Year</i>	<i>£m</i>	<i>Increase</i>	<i>Index</i>
		<i>%</i>				<i>%</i>	
1989	96		100.0	1989	33		100.0
1990	106	10.4	110.4	1990	35	6.1	106.1
1991	115	8.5	119.8	1991	41	17.1	124.2
1992	127	10.4	132.3	1992	46	12.2	139.4
1993	133	4.7	138.5	1993	44	-4.3	133.3
1994	140	5.3	145.8	1994	46	4.5	139.4
1995	145	3.6	151.0	1995	50	8.7	151.5
1996	142	-2.1	147.9	1996	54	8.0	163.6
1997	147	3.5	153.1	1997	64	18.5	193.9
1998	169	15.0	176.0	1998	67	4.7	203.0
1999	197	16.6	205.2	1999	85	26.9	257.6
2000	202	2.5	210.4	2000	92	8.2	278.8

<i>GNP/GNI</i>			<i>Self-employed and investment holders</i>				
<i>£m</i>	<i>Increase</i>	<i>Index</i>	<i>£m</i>	<i>Increase</i>	<i>Index</i>		
	<i>%</i>			<i>%</i>			
1989	1114		100.0	1989	26		100.0
1990	1253	12.5	112.5	1990	31	19.2	119.2
1991	1273	1.6	114.3	1991	35	12.9	134.6
1992	1297	1.9	116.4	1992	35	0.0	134.6
1993	1310	1.0	117.6	1993	33	-5.7	126.9
1994	1334	1.8	119.7	1994	28	-15.2	107.7
1995	1358	1.8	121.9	1995	28	0.0	107.7
1996	1454	7.1	130.5	1996	29	3.6	111.5
1997	1593	9.6	143.0	1997	33	13.8	126.9
1998	1756	10.2	157.6	1998	34	3.0	130.8
1999	1845	5.1	165.6	1999	42	23.5	161.5
Est 2000	1894	2.7	170.0	2000	40	-4.8	153.8

3. I shall deal with the tax revenue stream from each sector in turn, starting with the yield from the company sector, moving on to the yield from salary and wage earners, and finally, dealing with the self employed and investment holders.

Tax revenues from the company sector increased by £106 million over the period in question, a percentage increase of 110 per cent. This compares to a 70 per cent increase in GNP/GNI for the same period. Company tax revenues in Jersey accounted for some 61 per cent of total tax revenues throughout that period, in marked contrast to the UK where corporation tax accounted for some 10 per cent of UK Government income streams in 2000.

The share of tax revenues from salary and wage earners has risen by £59 million during the period in question, much lower in absolute terms than that from the company sector, although the percentage increase during that period was 179 per cent. This increase has been driven by rising wages, although the decision of the States to freeze personal allowances for much of the decade and exemption limits for a number of years towards the end of the decade, will also have had a material effect.

Unlike the two sectors just mentioned, the increase in the tax contribution paid by the self employed and investment holders in the period in question was only £14 million, a percentage increase of 54 per cent. It is likely that the relatively small increase in tax revenues from investment holders was mainly due to the sharp fall in interest rates during the 1990s, in contrast, for example, to salaries and wages, which grew strongly during this same period. The decline in stock markets world-wide may also have had an effect.

These figures show that the overall tax burden has increased by considerably more than the increase in GNP/GNI during the period. Without these increases it would have been impossible to fund the level of public expenditure, which has been growing considerably faster than the increase in either GNP/GNI or income tax revenues, over the same period.

The Finance and Economics Committee is currently in the process of doing much more work to try to understand all the factors which determine the flow of tax revenues from companies and households in the Island. The Committee is particularly anxious to understand more clearly the ways in which tax revenues from the different sectors vary during the course of the economic cycle. This work will assist in the development of the fiscal strategy which is currently being led by my Committee.”

#### **Traffic flow in New Street, St. Helier - question and answer (Tape No. 716)**

The Deputy of St. John asked the Deputy of St. Peter, President of the Public Services Committee, the following questions -

“As the former filter-in-turn in New Street has been abandoned, giving traffic from Devonshire Place priority and thereby causing tail backs up Val Plaisant as far as Stopford Road, what action does the Public Services Committee intend to take to resolve this problem?”

The President of the Public Services Committee replied as follows -

“As intended, the overall numbers of vehicles queuing on the approaches to the Devonshire Place/Val Plaisant junction have reduced since the Committee approved a temporary traffic measure to give priority to Devonshire Place traffic over Val Plaisant traffic and remove the filter-in-turn.

Traffic levels were carefully monitored before the change was introduced and have continued to be since. Prior to the change, during the morning peak period, 44 - 67+ vehicles were queuing on the approach to the junction, the vast majority in Devonshire Place. Since the change, the numbers queuing have reduced to the range 15 - 45 vehicles, predominantly but not exclusively on the Val Plaisant approach.

In the light of these results, Members will appreciate that overall traffic flow has improved and the Committee would consider it a retrograde measure to re-introduce filter-in-turn at this junction, at the present time.”

#### **Future location of responsibility for States' rental housing - question and answer (Tape No. 716)**

Deputy Judith Ann Martin of St. Helier asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following question -

“In the Committee's Implementation Plan on the Machinery of Government, there is very little mention where the Housing Department's core functions will be. Would the President advise where responsibility for States tenants and the Housing rental stock will lie following the introduction of ministerial government?”

The President of the Policy and Resources Committee replied as follows -

“The Deputy asks an extremely important question, but one to which, at present, I can provide no simple answer. Publication of the Implementation Plan, and in particular Section 7 of that plan, indicated where Committee thinking had reached in relation to possible rearrangements for the better delivery of public service functions. However, it was published in order not to show the final picture, but to consult and generate debate.

The Implementation Plan suggests that the Housing Committee should remain during the proposed transitional period commencing December 2002 but that thereafter, within the new arrangements and from

whichever date it is agreed by the States that these should take effect, it would not have its own ministry and it will be necessary to consider, during the transition period, how the Committee's existing responsibilities should be reallocated.

I can, however, assure the Deputy and this Assembly that proper attention is being paid to the need to place responsibility for States' tenants and the housing stock at the appropriate level within the proposed new structures and that clear political accountability for these important areas will be maintained."

#### **Jersey Clipper - question and answer** (Tape No. 716)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked the Deputy of Grouville, President of the Tourism Committee, the following question -

"The Tourism Committee receives several million pounds each year to promote tourism and has just received a further £10 million over five years. In light of the aforementioned, will the President-

- (a) agree that the Jersey Clipper is, amongst other matters, a very cost-effective means of marketing Jersey and that, outside of private sponsorship, the Committee is the logical source of funding for such an enterprise;
- (b) explain why the Committee did not see fit to sponsor the Jersey Clipper in 2002 and give assurances that, should the Jersey Clipper require funding in future years, the Committee will supply the necessary funding?"

The President of the Tourism Committee replied as follows -

"(a) The Tourism Committee was the largest single sponsor of the last race with an initial £20,000 which was topped up by £9,800 in order to participate in the New York stopover and to enhance the stopover arrangements in Jersey.

The race provides benefits for many sectors of the community, including the tourism sector.

- (b) The Tourism Department is party to the negotiations which are continuing between the Organising Committee in Jersey and Clipper Ventures. The Tourism Committee has not received an approach for financial support for the 2002 race."

#### **Employment of environment officers - question and answer** (Tape No. 716)

The Deputy of St. John asked Deputy Jeremy Laurence Dorey of St. Helier, President of the Human Resources Committee, the following question-

"How many environmental officers, in addition to the Environmental Adviser, Policy and Resources Department, are employed by the various States' Committees and their departments, and what is the total annual salary cost to the Island for all the above officers?"

The President of the Human Resources Committee replied as follows -

"It can be difficult to define an "environmental" post - most of the jobs at Planning and Environment, Agriculture and Fisheries and Public Services Departments might be included wholly or partly in some definitions.

For the purposes of answering this question I have limited the response to posts which are predominantly involved in the preservation of the natural environment and the prevention of pollution of all kinds.

In addition to the Environmental Adviser, Policy and Resources Department, there are currently 30 officers whose main role could be said to fit this definition.

The full annual cost of these officers to the Island, including social security and pension is £1,344,000.”

### **Flamanville Nuclear Power station - question and answer** (Tape No. 716)

Senator Stuart Syvret asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following question -

“On 21st January 2002, an emergency incident took place at the Flamanville nuclear power station.

- (a) would the President inform the Assembly whether the Island authorities received official notice of the incident before it became public knowledge, and if not, has the Island yet received an official communication on the subject?
- (b) will the President inform the Assembly what, if any, official arrangements exist for communication on nuclear issues between the Island authorities and the relevant agencies in France?
- (c) will the President undertake to attempt to obtain a detailed account of the incident from the relevant agencies in France?”

The President of the Policy and Resources Committee replied as follows -

- “(a) On 21st January the EDF issued a short statement to the French media concerning the incident in question. Further detailed information was released by EDF on 25th January and this, together with the first media release, was copied to Jersey, Guernsey, Alderney and the British Embassy in Paris on that same day. Since that first notification, further information has been provided to those same authorities on 29th January and 1st February.
- (b) Under a bilateral agreement with France dating from 1986 the responsibility for notifying the Channel Island authorities of any nuclear incident which might have cross border significance rests with the Lord Chancellor’s Office. In this case, the incident in question did not have cross border implications and therefore, this official channel of communication was not initiated.

However, it has been recognised for some time that, for a serious incident in France that might affect the Islands, this system would be too slow and cumbersome and, in June 2001, a series of meetings between the UK, French and Channel Island authorities commenced with the object of formulating a separate agreement. This agreement will probably take the form of a Memorandum of Understanding that will, inter alia, allow for the French Prefecture to notify the Island Authorities directly and immediately of any event. It is hoped that this agreement will be ready for signature this summer.

In the meantime, and pending the ratification of this proposed agreement, there is demi-official level contact with France, through which the Islands receive notification of all less serious incidents (such as the one in question) and through which we would be informed immediately of any serious event where there was likely to be a radioactive release that might affect the Islands.

- (c) Copies of reports prepared by the Agency for the Security of Nuclear Installations (DSIN), which investigates all level one and above events, are received in the course of normal procedure. In this instance, we have been advised that a copy of the report will be with us shortly.”

### **Housing policy - question and answer** (Tape No. 716)

Deputy Philip Francis Cyril Ozouf of St. Helier asked Deputy Terence John Le Main of St. Helier, President of

the Housing Committee, the following question -

- “(a) Does the President recognise that Census data is an important component for the development of Housing Policy?
- (b) Would the President confirm the Committee will be formulating future Housing Policy, based on the results of the 2001 Census?
- (c) If the answer to (b) is in the negative, would the President give members an explanation?”

The President of the Housing Committee replied as follows -

- “(a) Yes.
- (b) Yes, the latest Census information is always bound to be a major factor in formulating Housing Committee policy.
- (c) N/A.”

**Request for information from States’ tenants about income - questions and answers (Tape No. 716)**

The Deputy of St. Martin asked Deputy Terence John Le Main of St. Helier, President of the Housing Committee, the following questions -

- “1. The above mentioned letter also warned Tenants that if they are under 50 years of age and their financial circumstances are such that they could easily afford alternative accommodation, the Committee may be obliged to ask them to move, in order to make way for families which are in far greater need.

Would the President advise Members-

- (a) Under what circumstances would his Committee seek to evict such Tenants?
  - (b) Whether it is morally appropriate to evict good Tenants who are paying the rent required by the Housing Committee?
  - (c) Whether the eviction would be sustainable within the Human Rights legislation?
- 2. The above mentioned letter also warned Tenants that if they are under 50 years of age and their financial circumstances are such that they could easily afford alternative accommodation, the Committee may be obliged to ask them to move, in order to make way for families which are in far greater need.

Would the President advise Members -

- (a) Under what circumstances his Committee would seek to evict such Tenants?
- (b) Whether it is morally appropriate to evict good Tenants who are paying the rent required by the Housing Committee?
- (c) Whether the eviction would be sustainable within the Human Rights legislation?”

The President of the Housing Committee replied as follows -

- “1. (a) Under Clause 1(xi) of the Housing Committee tenancy agreement,  
“the Tenant shall annually, if so required, supply the landlord with documentary evidence of the

Tenant's current income and savings and the income and savings of any spouse or partner"

The Committee's legal right, under the tenancy agreement, to request such information applies whether or not the tenant is requesting rent subsidy.

- (b) I can assure all tenants of the Housing Committee that financial information provided by them will not be disclosed to other parties without the express permission of the tenant.
2. (a) The Committee will only seek to evict tenants from States rental accommodation if their financial circumstances are such that they can easily move to alternative private accommodation. Eviction will only be pursued if tenants have refused to move after having been given due notice by the Committee to do so.
- (b) States rental accommodation is provided for those in need, not for those with the funding to enable them to house themselves in the private sector. It would be morally inappropriate to leave wealthy tenants in States rental accommodation while there remained a long waiting list of those in need.
  - (c) Article 8(1) of the European Convention on Human Rights provides, so far as it is relevant, that everyone has the right to respect for his home. That right is a qualified right and interference with it is permissible provided that the interference satisfies specified criteria.

Paragraph (2) of Article 8 provides, so far as it is relevant, that there shall be no interference by a public authority with the exercise of this right except such as in accordance with the Law and is necessary in democratic society for the protection of the rights and freedoms of others. If a tenant is sufficiently wealthy to self-house in the private sector but continues to occupy States rental accommodation, the purpose of providing the accommodation is frustrated at the expense of those in real need of such accommodation.

Provided that it can be shown that the notice to quit was served and the eviction carried out in accordance with the Law and it can also be shown that there remains a number of applicants in need of social rented housing the eviction of a wealthy tenant is considered to be sustainable within the Human Rights Legislation."

#### **Census - question and answer (Tape No. 716)**

The Deputy of St. John asked Deputy Philip Francis Cyril Ozouf of St. Helier, President of the Etat Civil Committee, the following question -

"I understand that in correspondence between the President of the Housing Committee and the Policy and Resources Committee dated 23rd January 2002, it is stated that the Consul for Portugal has registered in the region of 15,500 Portuguese Nationals living and working in the Island.

Would the President advise members how many foreign nationals were registered in the recent Census?"

The President of the Etat Civil Committee replied as follows -

"Firstly let me say that the Committee welcomes the opportunity to put to rest the unfounded notions held in some quarters with regard to the quality of the 2001 Census.

In my statement to this Assembly on 23rd October and in answer to questions on 13th November of last year, I said that the 2001 Census constituted the most accurate, comprehensive and informative census ever conducted in this Island. The undercount was addressed for the first time and was estimated to be less than 1 per cent.



Turning to the question itself, I must admit to some difficulty in that the first sentence is totally irrelevant to the question posed in his second sentence. The Portuguese Consul has made quite clear that the number of Portuguese nationals he has registered is accumulated over time and is not the number now living or working in the Island. I would like to close this particular matter for good by quoting the Consul himself, verbatim. In a letter copied to me he stated:

The Census therefore remains the most accurate assessment of the population and nothing should be derived from a passing comment which does not stand up to any scrutiny.

The Census did not register individuals; it recorded information. The difference in definition is subtle but important: "to register" implies the compilation of a database to be used in the future at an individual, personal level; "to record" means to take a snapshot at a particular instant in time with a view to demographic (that is, non-individual) analysis. The 2001 Census set out to do, and indeed accomplished the latter. Census staff are forbidden by law from disclosing information about individual people or households.

The States agreed that the 2001 Census would not record nationality, but would record place of birth, ethnic and cultural background and languages spoken. Place of birth gives a good approximation to nationality, but it is not the same thing.

The Deputy does not make clear what he means by "foreign". If he means non-Jersey-born, there were 41,339 foreigners resident on Census day, or 47 per cent of the population. Of those, 2,002 said they were born in the Irish republic, 29,239 elsewhere in the British Isles, 5,138 in Portugal (including Madeira), 1,093 in France, 1,152 in other EU or EEA countries and 2,715 elsewhere.

Since the initial release of the total population figure, a number of Census Bulletins have been released. Information from the 2001 Census is already being used to help numerous Committees develop their strategies. The Census Bulletins provide a sound platform for rational discourse and are based on scrupulously recorded data and meticulous analysis - not on misrepresentation, rumour and hearsay."

### **Machinery of Government implementation group - question and answer (Tape No. 716)**

Senator Stuart Syvret asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following question -

"On 13th February 2001, the States adopted the following proposition -

- "(a) that no procedure for the implementation of changes to the machinery of Government should be put in place until such time as the States had decided whether, and to what extent, the recommendations of the Review Panel on the Machinery of Government should be accepted;
- (b) that prior States approval should be given to the implementation procedure of any changes to the Machinery of Government and, in particular -
  - (i) the membership and terms of reference of any implementation group; and
  - (ii) the wording and timing of any form of opinion poll, ballot or referendum of the public."

Part (a) of this proposition was fulfilled in the States decision of 28th September, 2001. Subsequently, the Committee established a number of sub-committees, made up of States members, that assisted in the production of the Implementation Plan.

Will the President inform the Assembly why the Policy and Resources Committee did not follow the States decision of 13th February 2001 and seek prior States approval for 'the membership and terms of reference of any implementation group'?"

The President of the Policy and Resources Committee replied as follows -

“The Policy and Resources Machinery of Government Reform Sub Committees are not implementation groups. They are properly constituted sub Committees, as provided for in Article 32 of the States of Jersey Law 1966, whose role has been to provide valuable advice and support to the Policy and Resources Committee in developing and bringing forward proposals for change.

All proposals for changes to the machinery of government, as outlined in the Committee’s Implementation Plan, will continue to be submitted to the States and, if a proposal for change is approved, the membership and terms of reference of any implementation group required to deliver such change, will be brought to this Assembly for approval. The report and proposition the Committee has lodged “au Greffe” today, seeking approval to the establishment of a Privileges and Procedures Committee, and the fact that the Committee has already said it intends to come forward with proposals for the establishment of a special group to further examine matters pertaining to the composition and election of States members, testify to the fact that the Policy and Resources Committee intends to continue to adhere to the States’ requirements approved on 13th February 2001.”

**Claims made in respect of the Cavern - question and answer (Tape No. 716)**

Deputy Roy George Le Hérissier of St. Saviour asked the Deputy of St. Peter, President of the Public Service Committee, the following question -

“Would the President -

- (a) indicate the costs of analysing and countering the claims submitted by Balfour Beatty for work on the Cavern?
- (b) identify the organisation and/or consultants employed to undertake these tasks and the payments made to each of them?
- (c) identify the reasons as to why the claims submitted by Balfour Beatty diverged so significantly from their initial tender?
- (d) advise members what procedures and policies are in place to ensure that the chances of such a massive claim recurring have been minimised?”

The President of the Public Services Committee replied as follows -

- “(a) May I preface my answers by emphasizing that a full Report on the entire Cavern Project, as promised by my predecessor, is being prepared and will be completed by the end of March 2002 for presentation to the States.

The dispute with Balfour Beatty extended from 1995 until the settlement was reached on 24th December 2001. The total cost of all of the advisers over this period was £3,213,708. In addition to this, it was necessary to retain a few key members of the site staff, who had supervised the construction on behalf of the Committee, for their specialist knowledge of the work and to co-ordinate the work on the claims. The additional cost of this is £495,941, giving a total cost of analysing and countering the claims of £3,709,649.

- (b) The list of the 19 organisations and consultants involved in this process, the area in which they specialised, the time involved, and the payments made to them are as follows:

Merricks, legal advisers, from 1995 to 1999	£432,054
Hammond Suddards Edge, legal	£379,040

advisers, took over in 2000 (but the same individual)	
CRC Consultants, contractual and commercial consultants, from 1996	£960,401
Geo-Engineering, geotechnical consultants, from 1995	£293,093
Donaldson Associates, tunnelling consultants, from 1995	£492,066
University of Leeds Innovations Limited, provision of services of The Engineer, Professor C.J. Mulready, from 1997	£214,709

Dr. O.T. Blindheim, geotechnical and tunnelling consultant, from 1996	£115,206
Dr. W. Weber, tunnelling machinery consultant, from 1996	£26,044
Dr. N. Barton, rock stabilisation consultant, from 1997	£1,800
Dr. T. Mellors, geotechnical consultant, from 1999	£45,838
Golders Associates, hydrogeological and geotechnical consultants, from 1998 to 1999	£99,763
Insitu Solutions, hydrogeological and geotechnical consultants, took over from Golders in 2000 (but the same individual)	£40,269
National Radiological Protection Board, radon advisers, from 1997	£2,475
Vibroch, blasting and vibration advisers, from 1996	£52,599
Soil Mechanics Limited, geotechnical and site investigation advisers, from 2000	£26,892
J. Bowcock, mediation adviser, from 1996	£1,775
Tillyard, quantity surveyors, from 1995	£4,805
K. Pickavance, programme and contractual adviser, from 1999	£2,814
Sintef/ NTNU, laboratory testing	£9,674
Administrative and secretarial, from 1997	£12,391
<b>TOTAL</b>	<b>£3,213,708</b>

- (c) Balfour Beatty claimed that the ground conditions encountered in the shafts, in the tunnels, and in the cavern were significantly different in many respects from the information obtained by the site investigation (carried out by a specialist company, prior to the contract). This covered aspects such as rock hardness, rock abrasivity, the fracture nature of the rock, the spacing of geological features, amount of groundwater inflow, etc. The Contractor claimed that its rate of progress had been hindered by these conditions, resulting in delays to completion, loss of productivity and additional costs. It also claimed that the problems encountered with the tunnelling machines were, as a result of the different ground conditions, the responsibility of the Employer.

All of these issues were claimed by the Contractor to have resulted in its costs escalating to £35.1 million.

Members are aware that these claims were settled at a total figure of £15.75 million. The full Report will provide all relevant details of the claims and the basis of their rejection.”

- (d) [not included].

#### **Distribution of Human Rights booklet - questions and answers (Tape No. 716)**

The Deputy of St. John asked Senator Pierre François Horsfall, President of the Policy and Resources Committee

the following questions -

“In relation to the Human Rights booklet recently delivered to households by Jersey Post, can the President -

- (a) give details of the numbers printed, who designed and distributed the booklet?
- (b) advise whether or not the work was put out to tender?
- (c) if the work was not put out to tender, will he give reasons for not having done so?”

The President of the Policy and Resources Committee replied as follows -

“(a) Number of booklets printed: 45,000.

The original design was kindly given to the Human Rights Working Group free of charge from the Citizenship Foundation in the United Kingdom. This meant all original art work was free. The remaining changes to the text and images, to put the booklet to a Jersey context, were produced by Addendum Media. As is the norm with such work, Addendum Media handled the process of providing the price for printing, having received quotes from a number of companies.

The booklet was distributed by Jersey Post.

- (b) This particular piece of work was not put out to tender for reasons made clear in the answer to question (c).
- (c) The production of this booklet was the third part of the Human Rights Working Group awareness campaign. The first two parts involved the production of human rights mouse-mats, and display stands for circulation around the Parish Halls.

These two projects were put out to tender to two companies, and Addendum Media was selected due to them being significantly cheaper than the other company. Having established a relationship with this designer (Addendum Media), and more importantly, with all the art work on file, considerable savings were made by not having to pay for the re-scanning of pictures and images with a new designer.”

### **Prison Work Experience Scheme - statement**

The President of the Home Affairs Committee made a statement in the following terms -

“Since 1995 HM Prison has operated a work experience scheme for prisoners. For those who are serving the final months of their sentences it has proved an effective method of re-integrating them into the community. The scheme is, however, costly to administer: approximately £11,500 per year.

In order that the scheme remains financially viable, deductions are made from prisoners’ earnings. Up until the beginning of this year, those deductions were set at 30 per cent of gross earnings, together with an additional deduction to cover any cash advance provided by the prison for canteen purchases.

These actions mirror similar arrangements at UK prisons. When their legality was challenged in the UK, the Home Affairs Committee (which had assumed responsibility for the Prison in 2000) sought the opinion of the Attorney General. He advised that there was nothing wrong with making a deduction but that the former Prison Board did not, in fact, give the authority for deductions to be made from the wages of prisoners taking part in the current scheme. It was also discovered that work experience forms did not correctly explain why deductions were made.

The deductions have now been reduced to 20 per cent of gross earnings to more accurately reflect the cost of administration. All prisoners currently on the scheme will receive a refund of any deductions made over and above this level. Any other person who believes that they may be entitled to a partial refund of deductions made under the scheme is being invited to contact the Prison Governor.”

**Projet de Loi (200-) concernant la Police Honorifique de St. Martin- P.7/2002 (re-issue)**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Projet de Loi (200-) concernant la Police Honorifique de St. Martin.

**Projet de Loi (200-) concernant la Police Honorifique de St. Ouen- P.8/2002 (re-issue)**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Projet de Loi (200-) concernant la Police Honorifique de St. Ouen.

**Draft Fire Precautions (Amendment) (Jersey) Law 200- P.10/2002; Addendum - P.10/2002 Rpt**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Fire Precautions (Amendment) (Jersey) Law 200-.

**Draft Banking Business (Amendment No. 3) (Jersey) Law 2002 (Appointed Day) Act 200- P.11/2002**

THE STATES, in pursuance of Article 3(2) of the Banking Business (Amendment No. 3) (Jersey) Law 2002 made an Act entitled the Banking Business (Amendment No. 3) (Jersey) Law 2002 (Appointed Day) Act 2002.

**Draft Collective Investment Funds (Amendment No. 3) (Jersey) Law 2002 (Appointed Day) Act 200- P.12/2002**

THE STATES, in pursuance of Article 3(2) of the Collective Investment Funds (Amendment No. 3) (Jersey) Law 2002, made an Act entitled the Collective Investment Funds (Amendment No. 3) (Jersey) Law 2002 (Appointed Day) Act 2002.

**Draft Financial Services (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200- P.13/2002**

THE STATES, in pursuance of Article 6(2) of the Financial Services (Amendment) (Jersey) Law 2002, made an Act entitled the Financial Services (Amendment) (Jersey) Law 2002 (Appointed Day) Act 2002.

**Draft Insurance Business (Amendment No. 3) (Jersey) Law 2002 (Appointed Day) Act 200- P.14/2002**

THE STATES, in pursuance of Article 8(2) of the Insurance Business (Amendment No. 3) (Jersey) Law 2002 made an Act entitled the Insurance Business (Amendment No. 3) (Jersey) Law 2002 (Appointed Day) Act 2002.

**Waterfront Enterprise Board Limited: appointment of States Director - P.15/2002**

THE STATES adopting a proposition of the Policy and Resources Committee -

- (a) appointed Connétable Alan Simon Crowcroft of St. Helier to serve as a States' Director of the Waterfront Enterprise Board Limited with immediate effect and until 31st March 2003;

(b) instructed the Greffier of the States to notify the company of the States' decision.

**Draft Marriage and Civil Status (Jersey) Law 2001 (Appointed Day) Act 200- P.16/2002**

THE STATES, in pursuance of Article 84 of the Marriage and Civil Status (Jersey) Law 2001 made an Act entitled the Marriage and Civil Status (Jersey) Law (Appointed Day) Act 2002.

**Draft Summer Time (Amendment) (Jersey) Law 200- P.17/2002 (re-issue)**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Summer Time (Amendment) (Jersey) Law 200-.

**Fairfield, La Rue des Landes, St. Peter: purchase - P.18/2002  
Comments - P.18/2002 Com**

THE STATES adopting a proposition of the Harbours and Airport Committee -

- (a) approved the purchase of the property known as Fairfield and a portion of the adjacent garden, La Rue des Landes, St. Peter, shown hatched on Drawing No. 1717/01/37 from Mr. Daniel Gayet ar Mrs. Jill Gayet (née Davis) for£210,000 (two hundred and ten thousand pounds), with each party to be responsible for its respective legal fees;
- (b) authorised the Attorney General and the Greffier of the States to pass on behalf of the Public any contract it may be necessary to pass in connection with the said property and any interest therein; and
- (c) authorised the payment or discharge of any expenses incurred in connection with the purchase of the property and any interest therein from the Planning and Environment Committee's Vote of Credit C0904 "Acquisition of Land - Major Reserve".

Members present voted as follows -

**"Pour" (41)**

**Senators**

Horsfall, Le Maistre, Stein, Quérée, Bailhache, Norman, Kinnard, Le Sueur.

**Connétables**

Grouville, St. Martin, St. Ouen, Trinity, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. J St. Clement, St. Helier.

**Deputies**

H. Baudains(C), Trinity, Duhamel(S), Routier(H), Layzell(B), Grouville, Huet(H), St. Martin, St. Joh Le Main(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, Troy(B), Voisin(L), Scott Warren(S), Farnham(S) Le Hérissier(S), Ozouf(H), Fox(H), Martin(H).

**"Contre" (6)**

**Senators**

Syvret, Le Claire.

## **Connétables**

St. Peter.

## **Deputies**

Breckon(S), G. Baudains(C), Dorey(H).

## **Change in Presidency**

The meeting resumed after the lunch adjournment under the Presidency of the Greffier of the States, Miss Catherine Mary Newcombe.

## **Draft Housing (General Provisions) (Amendment No. 16) (Jersey) Regulations 200 P.199/2001 Comments - P.199/2001 Com**

THE STATES, in pursuance of Articles 10 and 15 of the Housing (Jersey) Law 1949, as amended, made Regulations entitled the Housing (General Provisions) (Amendment No. 16) (Jersey) Regulations 2002.

Members present voted as follows -

**“Pour” (42)**

## **Senators**

Horsfall, Le Maistre, Stein, Bailhache, Norman, Kinnard, Le Sueur, Le Claire, Lakeman.

## **Connétables**

St. Martin, Trinity, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. John, St. Peter, St. Cler  
St. Helier.

## **Deputies**

H. Baudains(C), Trinity, Duhamel(S), Routier(H), Breckon(S), Grouville, St. Martin, St. John, Le Ma  
(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, Dorey(H), Troy(B), Voisin(L), Scott Warren(S), Farnha  
(S), Le Hérisier(S), Ozouf(H), Fox(H), Bridge(H), Martin(H).

**“Contre” (3)**

## **Senators**

Quérée, Syvret.

## **Deputies**

Layzell(B).

## **Machinery of Government: method of appointment of Chief Minister and Council of Ministers - P.3/2002 Comments - P.3/2002 Com**

THE STATES, having commenced consideration of Machinery of Government: method of appointment of Chief Minister and Council of Ministers (P.3/2002) lodged “au Greffe” on 15th January 2002 by Deputy Robert Charles Duhamel of St. Saviour, acceded to his request to withdraw the matter.



THE STATES rose at 4.25 p.m.

**C.M. NEWCOMBE**

*Greffier of the States.*