

STATES OF JERSEY ORDER PAPER

Tuesday, 22nd June 1999

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Royal Court (Amendment No. 14) Rules 1999. R & O 9398.
Superior Number of the Royal Court.

Money Laundering (Jersey) Order 1999. R & O 9399.

Investment Business (Appointed Day) (Jersey) Order 1999. R & O 9401.

Investment Business (Amendment) (Jersey) Order 1999. R & O 9402.

Investment Business (Exemption) (Jersey) Order 1999. R & O 9403.

Investment Business (Exemption No. 2) (Jersey) Order 1999. R & O 9404.

Investment Business (Exemption No. 3) (Jersey) Order 1999. R & O 9405.

Investment Business (Exemption No. 4) (Jersey) Order 1999. R & O 9406.
Finance and Economics Committee.

Fire Service (General Provisions) (Amendment No. 18) (Jersey) Order 1999. R & O 9407.
Defence Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

Matters presented under Standing Order 6A(1)(a)

Regulation of Undertakings and Development: quarterly manpower report as at 31st March 1999.
R.C.24/99

Finance and Economics Committee.

Year 2000 date change: position report. R.C.25/99

Establishment Committee.

Social rented and first-time buyer housing: proposals for future funding (P.74/99): comments.
P.74/99

Finance and Economics Committee. Com.(2)

Jersey Financial Services Commission: annual report for 1998.

Finance and Economics Committee.

Employment and Social Security Committee: annual report and accounts for 1998.

Employment and Social Security Committee.

Matters presented under Standing Order 6A(1)(b)

(b) Notification of Standing Order decisions

Decisions under delegated functions.

(c) Notification of acceptance of tenders

(d) Papers to be lodged “au Greffe” under Standing Order 17A(1)(a)

Draft Arbitration (Amendment) (Jersey) Law 199 . P.78/99
Finance and Economics Committee.

Draft Ansbacher (Jersey) Limited (Jersey) Law 1999 (Appointed Day) Act 199 P.79/99
Finance and Economics Committee.

Le Geyt Flats, Le Geyt Road, St. Saviour: Phase IV refurbishment - approval of drawings.
P.80/99
Housing Committee.

Draft Boats and Surf-Riding (Control) (Amendment No. 18) (Jersey) Regulations 199 . P.81/99
Harbours and Airport Committee.

Operation of jet aircraft: authorisation. P.83/99
Harbours and Airport Committee.

Establishment of Housing Development Fund. P.84/99
Finance and Economics Committee.

Jersey Society for the Prevention of Cruelty to Animals: grant and loan. P.85/99
Finance and Economics Committee.

(e) Notification of Papers lodged “au Greffe” under Standing Order 17A(1)(b)

Lodged on 15th June 1999

States Resource Plan 1999 P.77/99
Policy and Resources Committee.

(f) Papers for consideration by the States in Committee under Standing Order 38A

E. STATEMENTS AND PROPOSITIONS RELATING TO THE ARRANGEMENT OF PUBLIC BUSINESS AT THIS OR ANY SUBSEQUENT MEETING

THE STATES are asked to agree that the following matters lodged "au Greffe" will be considered at the next meeting on 6th and 7th July 1999 -

States Resource Plan 1999. P.77/99
Lodged: 15th June 1999.
Policy and Resources Committee.

Social rented and first-time buyer housing: proposals for future funding. P.74/99
Lodged: 25th May 1999.
Housing Committee.

Social rented and first-time buyer housing: proposals for future funding (P.74/99): comments
P.74/99
Presented: 25th May 1999. Com.
Establishment Committee.

Social rented and first-time buyer housing: proposals for future funding (P.74/99): comments.
P.74/99
Presented: 22nd June 1999. Com.(2)
Finance and Economics Committee.

Establishment of Housing Development Fund. P.84/99
Lodged: 22nd June 1999.
Finance and Economics Committee.

Draft Arbitration (Amendment) (Jersey) Law 199 . P.78/99
Lodged: 22nd June 1999.
Finance and Economics Committee.

Draft Ansbacher (Jersey) Limited (Jersey) Law 1999 (Appointed Day) Act 199 . P.79/99
Lodged: 22nd June 1999.
Finance and Economics Committee.

Le Geyt Flats, Le Geyt Road, St. Saviour: Phase IV refurbishment - approval of drawings.
P.80/99
Lodged: 22nd June 1999.
Housing Committee.

Draft Boats and Surf-Riding (Control) (Amendment No. 18) (Jersey) Regulations 199 . P.81/99
Lodged: 22nd June 1999.
Harbours and Airport Committee.

Draft Licensing (No. 13) (Jersey) Regulations 199 . P.82/99
Lodged: 22nd June 1999.
Tourism Committee.

Operation of jet aircraft: authorisation. P.83/99
Lodged: 22nd June 1999.
Harbours and Airport Committee.

THE STATES are asked to note that, in accordance with Standing Order 22(3), the President of the Policy and Resources Committee has instructed the Greffier of the States to withdraw the proposition on the capital programme 2000 - 2002 (P.254/98 lodged "au Greffe" on 24th November 1998).

F. PRESENTATION OF PETITIONS

G. QUESTIONS

The Deputy of St. John will ask a question of the President of the Agriculture and Fisheries Committee about the dumping of potatoes.

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Finance and Economics Committee about the development of a leisure complex on the Waterfront.

Deputy G.C.L. Baudains of St. Clement will ask questions of the President of the Planning and Environment Committee about the development of an hotel on the Waterfront.

Senator S. Syvret will ask questions of the President of the Finance and Economics Committee about recommendations in the States Audit Commission report for the audit year 1998/99.

Senator S. Syvret will ask questions of the President of the Policy and Resources Committee about service reviews.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

Outsourcing policy: paragraph (c). P.59/99
Lodged: 11th May 1999 (paragraphs (a) & (b) adopted on 8th June 1999).
Policy and Resources Committee.

Regulation of public sector employment. P.67/99
Lodged: 18th May 1999.
Establishment Committee.

Draft Statutory Nuisances (Jersey) Law 199 : continuation of second reading. P.40/98
Lodged: 17th March 1998. (Preamble and Articles 1 to 3 adopted on 13th April 1999).
Health and Social Services Committee.

Draft Statutory Nuisances (Jersey) Law 199 . (P.40/98): amendment.P.36/99
Lodged: 16th March 1999. (Amendments to Articles 1 and 2 adopted on 13th April 1999).
Health and Social Services Committee.

Draft Statutory Nuisances (Jersey) Law 199 . (P.40/98): second amendment.P.76/99
Lodged: 8th June 1999.
Deputy G.C.L. Baudains of St. Clement.

Draft Conservation of Wildlife (Jersey) Law 199 . P.223/98
Lodged: 2nd November 1998.
Planning and Environment Committee.

Draft Conservation of Wildlife (Jersey) Law 199 . (P.223/98): amendments. P.29/99
Lodged: 2nd March 1999.
Planning and Environment Committee.

Draft Conservation of Wildlife (Jersey) Law 199 . (P.223/98): second amendments. P.49/99
Lodged: 13th April 1999.
Deputy of Grouville.

Draft Conservation of Wildlife (Jersey) Law 199 . (P.223/98): third amendments. P.56/99
Lodged: 27th April 1999.
Deputy G.C.L. Baudains of St. Clement.

Draft Conservation of Wildlife (Jersey) Law 199 . (P.223/98): fourth amendments.
Planning and Environment Committee.
(attached).

Draft Conservation of Wildlife (Jersey) Law 199 . (P.223/98): report.P.223/98
Presented: 2nd March 1999. Rpt.
Planning and Environment Committee.

Draft Regulation of Undertakings and Development (Amendment No. 10) (Jersey) Regulations
199 . P.69/99.
Lodged: 25th May 1999.
Finance and Economics Committee.

Marine leisure industry: lease of land to Channel Islands Marine Limited. P.70/99
Lodged: 25th May 1999.
Harbours and Airport Committee.

Marine leisure industry: lease of land to GT Marine Limited. P.71/99
Lodged: 25th May 1999.
Harbours and Airport Committee.

Mr. D.R. Manning: grant of a loan (Field 1007, St. John). P.72/99
Lodged: 25th May 1999.
Finance and Economics Committee.

Draft Criminal Hoaxes (Jersey) Law 199 . P.75/99
Lodged: 8th June 1999.
Defence Committee.

G.H.C. COPPOCK

Greffier of the States

Note: Members are reminded that the States have agreed to meet on Tuesday 29th June 1999 if the public business set down for this meeting is not completed.

17th June 1999

**Explanatory Note regarding subordinate legislation
tabled at this Meeting**

(See Item B)

R & O 9398

Work on phase 2 of the Public Registry computer system known as "PRIDE" is now proceeding rapidly and it is anticipated that the new system will be functional by August 1999. Under the new system the registers containing the contracts, obligations etc. as well as the indexes ("Table") will be kept in a computer form rather than in a paper form. The computer system will have the capacity to print out in a paper form.

The purpose of the draft Rules is to allow for the proposed change and to make consequential repeals of various sections of various statutes so that the registers no longer have to be kept in a paper form.

The Rules were made on 7th June 1999 and came into force forthwith.

R & O 9399

Article 37 of the Proceeds of Crime (Jersey) Law 1999 requires the Finance and Economics Committee (after consulting the Jersey Financial Services Commission) to prescribe procedures, to be maintained by persons who carry on financial services business, for the purposes of forestalling and preventing money laundering.

These relate to the identification of customers, record-keeping, internal reporting, and staff training.

By this Order, the Committee prescribes such procedures. The Order is based on the United Kingdom Money Laundering Regulations 1993 (S.I. 1993, No. 1933), with minor adaptations.

The Order, which was made on 8th June 1999, will come into force on the same day as the Proceeds of Crime (Jersey) Law 1999, namely the 1st July 1999.

R & O 9401

This Order appoints 1st July 1999 for the purposes of Article 40(1) of the Investment Business (Jersey) Law 1998.

The Order was made on 14th June 1999.

R & O 9402

The purpose of this Order is to amend the Investment Business (Jersey) Law 1998 to exempt from its provisions insurance companies when dealing with the proceeds of long-term insurance business.

The Order was made on 14th June 1999 and comes into force on 1st July 1999.

R & O 9403

The purpose of this Order is to exempt advisors in respect of certain regulated investment schemes known in the financial industry as "special purpose vehicles" from the obligation to register under the Investment Business (Jersey) Law 1998.

The Order was made on 14th June and comes into force on 1st July 1999.

R & O 9404

The purpose of this Order is to exempt from certain provisions of the Investment Business (Jersey) Law 1998 insurance

companies when carrying on investment business.

The Order was made on 14th June 1999 and comes into force on 1st July 1999.

R & O 9405

The purpose of this Order is to exempt from the requirement to register under the Investment Business (Jersey) Law 1998 certain persons who have no place of business on the Island (and are not companies incorporated in the Island) but who carry on certain restricted investment business on the Island.

The Order was made on 14th June 1999 and comes into force on 1st July 1999.

R & O 9406

The purpose of this Order is to exempt the advisors in respect of certain regulated investment schemes intended solely for professional or sophisticated investors from the obligation to register under the Investment Business (Jersey) Law 1998.

The Order was made on 14th June 1999 and comes into force on 1st July 1999.

R & O 9407

The purpose of this Order is -

- (a) to remove the upper age limit and all height limits for entry into the Fire Service; and
- (b) to increase the period of probationary service for fire service officers (other than maintenance supervisors or mechanics) who are not already serving on probation from 18 months to 2 years.

The Order was made on 17th June 1999 and comes into force forthwith.

**NOTIFICATION OF STANDING ORDER DECISIONS -
FINANCE AND ECONOMICS COMMITTEE
(delegated functions)**

14th June 1999

- (a) as recommended by the Planning and Environment Committee, the renewal of the lease to Mr. Vernon Stuart Pallot of Field No. 724, La Pre de la Reine, Grouville, for a period of three years from 25th December 1998, at an annual rent of £150 but otherwise on the same terms as the existing lease, with each party to be responsible for its own legal costs arising from the transaction;
- (b) as recommended by the Health and Social Services Committee, the renewal of the lease to Mr. Francis Raymond Marquer of the property known as No. 2 The Denes, Princess Place, Grève d'Azette, St. Clement, for a period of three years deemed to have commenced on 25th March 1999, at an annual rent of £7,540, with rent reviews to be held annually in line with the Jersey Retail Prices Index, with each party to be responsible for its own legal costs arising from the transaction;
- (c) as recommended by the Health and Social Services Committee, the renewal of the lease to Miss Lois Hesford of the upper flat and garage at La Pouclée Lodge, La Pouquelaye, St. Helier, for a period of three years from 26th March 1998 at an annual rent of £7,091, with the rent to be reviewed every 12 months in line with the Jersey Retail Prices Index, on the basis that each party would be responsible for the payment of its own legal costs arising from the transaction. (The Committee rescinded paragraph (c) of its Act No. 1 of 22nd May 1998 accordingly);
- (d) as recommended by the Public Services Committee, the acquisition from Monterey Hotel Limited of an area of land (measuring 79 feet) at the junction of St. Saviour's Road and Stopford Road, St. Helier, required for road widening purposes, for the sum of £79, with the purchaser to be responsible for both parties legal costs arising from the transaction;
- (e) as recommended by the Public Services Committee, the acquisition from Maison Belleville Limited of an area of land (measuring 264 square feet) at the junction of St. Saviour's Road and Wellington Road, St. Helier, required for road widening purposes, for the sum of £264, with the purchaser to be responsible for both parties legal costs arising from the transaction.

PAGE 19, ARTICLE 7 -

For paragraph (2) substitute the following paragraph -

“(2) Paragraph (1) does not apply -

- (a) to any person acting with authority of and in accordance with a licence; or
- (b) where the act which would otherwise constitute an offence under it relates to a dead protected wild bird or anything derived from such a bird which is shown to have been killed otherwise than in contravention of this Law or was lawfully imported.”.

PAGE 28, ARTICLE 15 -

For paragraph (1) substitute the following paragraph -

“(1) Subject to paragraph (4), it shall be an offence for any person to release or allow to escape into the wild

-

- (a) any animal or bird which is of a kind which is not ordinarily resident in or a regular visitor to the Island in a wild state; or
- (b) any pheasant (*Phasianus colchicus*), red-legged partridge (*Alectoris rufa*) or partridge (*Perdix perdix*).”.

PAGES 29-30, ARTICLE 16 -

In paragraph (2) -

- (a) *after the words “a licence” insert the words “, other than a licence authorizing the release of pheasants (*Phasianus colchicus*), red-legged partridges (*Alectoris rufa*) or partridges (*Perdix perdix*) into the wild,”;*
- (b) *in sub-paragraph (b), after the words “any wild bird” insert the words “or wild animal”;*
- (c) *in sub-paragraph (h), for the words “or fisheries” substitute the words “, fisheries or other forms of property, whether movable or immovable.”.*

PLANNING AND ENVIRONMENT COMMITTEE

Report

Public consultation on the draft Conservation of Wildlife (Jersey) Law 199- has identified some minor points which should be addressed.

1. The Committee has accepted that pheasants and partridges have been bred and released into the wild for many years, and the population is now established in the Island. Accordingly the Committee, with the support of local experts, has concluded that pheasants are “wild birds” within the context of this Law. The result is that the draft Law would prohibit the keeping of pheasants *Phasianus colchicus* and partridges (*Alectoris rufa* and *Perdix perdrix*) but would not regulate their release.

The proposed amendments to the draft Law will -

- amend Article 7(2) [p.19] to allow the sale of dead wild birds (which will include pheasants and partridges) which have been lawfully killed or imported, without the need for a licence;
 - amend Article 15(1) [p.28] to make it an offence to release pheasants and partridges into the wild without a licence;
 - amend Article 16(2) [p.29] to allow the Committee to licence the release of pheasants and partridges into the wild. The Committee will carefully consider the effects of the release of pheasants and partridges on the environment when applications for licences are received.
2. An amendment is proposed to Article 16(2)(b) to allow the granting of a licence for the purpose of attaching any identifying or tracking device to a wild animal (as well as a wild bird) or examining such a device.
 3. A further amendment to Article 16(2) is intended to comply more closely with Article 9 of the Berne Convention. On legal advice, this will now be achieved by adding “other forms of property whether movable or immovable” to sub-paragraph (h).

STATES MEMBERS LUNCHEON

No.3 Committee Room

I will require lunch at today's Sitting.

Signed.....

Name.....

Please hand this slip to an usher before 10.00 a.m. today