

# STATES OF JERSEY ORDER PAPER

Tuesday, 7th December 1999

- A. COMMUNICATIONS BY THE BAILIFF
- B. TABLING OF SUBORDINATE LEGISLATION
- C. MATTERS RELATING TO COMMITTEE MEMBERSHIP
- D. PRESENTATION OF PAPERS

(a) Papers for information

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

Report of the Task Force set up to consider the review of financial regulation in the Crown Dependencies (the "Edwards Review"). R.C.43/99  
*Policy and Resources Committee.*

Jersey Mineral Study: progress report. R.C.44/99  
*Planning and Environment Committee.*

Television Licence Fee: rebate for senior citizens (P.180/99) - report. P.180/99  
*Committee for Postal Administration.* Rpt.

Jersey Law Commission: dégrèvement.  
*Legislation Committee.*

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

(b) Notification of Standing Order decisions

Decisions under delegated functions.  
*Finance and Economics Committee.*

**(c) Notification of acceptance of tenders**

Anne Port and Archirondel, St. Martin: replacement of pipelines  
*Public Services Committee.*

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

Draft Parish Rate (Administration) (Amendment No. 10) (Jersey) Law 200-. P.196/99  
*Legislation Committee.*

Draft Human Rights (Jersey) Law 200-. P.197/99  
*Legislation Committee.*

Draft Firearms (Amendment) (Jersey) Law 200-. P.198/99  
*Defence Committee.*

Senators and Deputies: terms of office. P.199/99  
*Deputy A. Breckon of St. Saviour.*

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

**(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**

**F. PRESENTATION OF PETITIONS**

**G. QUESTIONS**

Deputy M.F. Dubras of St. Lawrence will ask a question of the President of the Health and Social Services Committee about the services provided for persons with eating disorders.

Deputy M.F. Dubras of St. Lawrence will ask a question of the President of the Health and Social Services Committee about homeless persons.

Deputy P.V.F. Le Claire of St. Helier will ask a question of the President of the Sport, Leisure and Recreation Committee about Fort Regent swimming pool.

Deputy P.V.F. Le Claire of St. Helier will ask a question of the President of the Defence Committee about the recent emergency at La Collette.

**H. MATTERS OF PRIVILEGE**

**I. PERSONAL STATEMENTS**

**J. COMMITTEE STATEMENTS**

The President of the Policy and Resources Committee will make a statement about racial discrimination.

**K. PUBLIC BUSINESS**

States Building, Royal Square, St. Helier: designation for use as Magistrate’s Court.  
*Legislation Committee.*

Oriel House, York Street, St. Helier: lease of accommodation.  
*Planning and Environment Committee.*

Draft Transfer of Functions (Home Affairs Committee) (Jersey) Act 199 .

*Policy and Resources Committee.*

Draft Amendment (No.19) of the Standing Orders of the States of Jersey.  
*House Committee.*

Draft Trade Marks (Jersey) Law 199 . Lodged: 12th October 1999. <i>Finance and Economics Committee.</i>	P.153/99
La Sirene Guest House, St. Helier. Lodged: 12th October 1999. <i>Deputy A.S. Crowcroft of St. Helier.</i>	P.155/99
La Sirene Guest House, St. Helier (P.155/99): report. Presented: 30th November 1999. <i>Housing Committee.</i>	P.155/99 Rpt.
St. Helier Waterfront Leisure Complex: lease to CTP Limited - rescindment. Lodged: 12th October 1999. <i>Deputy A.S. Crowcroft of St. Helier.</i>	P.156/99
St. Helier Waterfront Leisure Complex: lease to CTP Limited - rescindment (P.156/99): report. P.156/99 Presented: 30th November 1999. <i>Policy and Resources Committee.</i>	Rpt.
Television Licence Fee: rebate for senior citizens. Lodged: 2nd November 1999. <i>Senator R.J. Shenton.</i>	P.180/99
Television Licence Fee: rebate for senior citizens (P.180/99) - report. Presented: 7th December 1999. <i>Committee for Postal Administration.</i>	P.180/99 Rpt.
Draft Education (Jersey) Law 1999 (Appointed Day) Act 199 . Lodged: 16th November 1999. <i>Education Committee.</i>	P.186/99
Draft Establishment Committee (Change of Name) (Jersey) Act 199 . Lodged: 16th November 1999. <i>Establishment Committee.</i>	P.187/99
Draft Family Allowances (Jersey) Regulations 199 . Lodged: 23rd November 1999. <i>Employment and Social Security Committee.</i>	P.190/99
Draft The Lloyds TSB (Jersey) Law 1997 (Appointed Day) Act 199 . Lodged: 23rd November 1999. <i>Finance and Economics Committee.</i>	P.191/99
Draft Amendment (No. 22) to the Tariff of Harbour and Light Dues. Lodged: 23rd November 1999. <i>Harbours and Airport Committee.</i>	P.192/99
Draft Amendment (No. 23) to the Tariff of Harbour and Light Dues. Lodged: 23rd November 1999. <i>Harbours and Airport Committee.</i>	P.193/99

**G.H.C. COPPOCK**

**Greffier of the States**

2nd December 1999

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

29th November 1999

- (a) as recommended by the Public Services Committee, the purchase from -
- (i) Victor Hugo Properties Limited, of an area of land measuring 400 square feet situated at Greve D'Azette, St. Clement, for the sum of £400, with the Committee being responsible for both parties' reasonable legal costs arising from the transaction, all necessary accommodation works having been undertaken as part of the development of the site by Victor Hugo Properties Limited; and
  - (ii) Millennium Court (Jersey) Limited, of an area of land measuring 1,147 square feet (as designated on drawing no. M353/2) situated at Greve D'Azette, St. Clement, for the sum of £1,147, with the Committee being responsible for both parties' reasonable legal costs arising from the transaction, all necessary accommodation works having been undertaken as part of the development by Millennium Court (Jersey) Limited;
- (b) as recommended by the Public Services Committee, the lease to the Jersey Financial Services Commission of 1,126 square feet of basement storage area at Cyril Le Marquand House, The Parade, St. Helier, for a period of three years from 1st January 1999, at a commencing annual rent of £9,187 payable quarterly in advance, subject to review on 1st January each year when it would be increased by 2.5 per cent over the preceding year, with the rent being inclusive of occupancy costs including electricity, heating, water rates, lift maintenance and cleaning of communal areas.

**NOTIFICATION OF ACCEPTANCE OF TENDER UNDER RULE 5 OF THE PUBLIC FINANCES  
(GENERAL) (JERSEY) RULES 1967, AS AMENDED -  
FINANCE AND ECONOMICS COMMITTEE**

29th November 1999

The Committee noted that the Public Services Committee had accepted the lowest tender submitted for the replacement of existing pipelines at Anne Port and Archirondel, St. Martin, namely that submitted by P. Trant (Jersey) Limited in the sum of £396,045.81, in a contract period of 16 weeks.

The other tenders received (also in a contract period of 16 weeks) were as follows -

<u>Contractor</u>	<u>Amount</u>
M.J.Gleeson (Jersey) Limited	£411,042.31
Jayen (Jersey) Limited	£427,683.42

## **PROPOSITION**

### **STATES BUILDING, ROYAL SQUARE, ST. HELIER: DESIGNATION FOR USE AS MAGISTRATE'S COURT**

**THE STATES are asked to decide whether they are of opinion -**

in accordance with Article 1 of the Loi (1853) établissant la Cour pour la répression des moindres délits, to designate all, or any part, of the States Building, Royal Square, St. Helier, as a place for use by the Magistrate's Court.

LEGISLATION COMMITTEE



## Report

The Criminal Justice (Evidence and Procedure) (Jersey) Law 1997 came into force on 21<sup>st</sup> January, 1998. The purpose of the Law was to enable evidence to be given by means of video recordings and for unsworn evidence in certain circumstances to be given by children and generally for the conduct of proceedings where the victim of an alleged offence was a child. This new procedure enabled -

- (i) evidence through television links; and
- (ii) video recordings of testimony from child witnesses.

The facilities necessary for the provision of televised links and video evidence have been made available, for the purposes of both the Royal Court and the Magistrate's Court, in the States Building. It follows that the Magistrate may have to make use of these facilities by temporarily moving the location of the Magistrate's Court to the States Building. A case in which this will become necessary is presently before the Magistrate.

Attention has been drawn, however, to a provision in Article 1 of the *Loi* (1853) *établissant la Cour pour la répression des moindres délits* which might be construed as requiring an Act of the States specifically to approve the re-location of the Magistrate's Court for this purpose. On previous occasions, the States have adopted propositions of the then Public Works Committee designating an alternative location: an example of this was the Act of the States of 22<sup>nd</sup> November, 1983 designating the third floor of Cyril Le Marquand House as a location for the Magistrate's Court.

The existence of facilities for television and video links for evidence now requires the Magistrate to use the States Building and, for the avoidance of doubt, it is necessary for the States to designate the States Building as a location in which, pursuant to Article 1 of the *Loi* of 1853, the Magistrate can sit.

This proposition therefore seeks the approval of the States in order to be certain that this technical requirement enabling the Magistrate's Court to perform its functions has been met.

On previous occasions (as stated above) similar propositions have been brought by the Public Works Committee (as it then was) but, on this occasion it was felt that the Legislation Committee was the appropriate Committee to present the proposition having proposed the legislation under which children were able to give evidence through television links and under which video recordings of testimony from child witnesses were able to be received in evidence.

## **PROPOSITION**

### **ORIEL HOUSE, YORK LANE, ST HELIER: LEASE OF ACCOMMODATION**

**THE STATES are asked to decide whether they are of opinion -**

- (a) to approve the leasing on behalf of the public from Jayka Investments Limited of part of the first and second-floor office accommodation at Oriel House, York Lane, St. Helier, (comprising 3,470 square feet of floor space) to accommodate a training centre for public sector employees, for a period of nine years from 1st January 2000, with the lessee having an option to terminate the lease at the end of the fifth year upon giving the lessor one year's notice in writing, at an annual rent of £72,895 (representing a rate of £23 per square foot for the first floor and £18 per square foot for the second floor) with a six week rent-free fitting-out period and with the rent to be reviewed every three years in line with open market rental value;
- (b) to authorise the Greffier of the States to sign the lease on behalf of the public;
- (c) to authorise the Treasurer of the States to pay the rent as it becomes due.

#### **PLANNING AND ENVIRONMENT COMMITTEE**

- Notes:
- 1. The Establishment Committee supports the proposition.
  - 2. The Finance and Economics Committee supports the proposition.

## Report

The Establishment Committee has for some time been seeking suitable premises for use as a dedicated Training and Resources Centre for public sector employees, due to the number of events being held each year and the rising costs being incurred in hiring premises. Whilst the requirement for training accommodation has increased, there is also a need to secure suitable venues for assessment centre meetings, panels, NVQ requirements and health and safety training. The average cost of hiring venues over the last three years 1996/97/98 has equated to £151,488 per annum. Ideally, a property in close proximity to Cyril Le Marquand House was preferred, due to the amount of time being spent by organisers to set up various venues, and time taken travelling between different events and the offices at Cyril Le Marquand House. To ensure a co-ordinated approach, the Personnel Department undertook a review and established that ten Committees would make use of facilities provided by the Establishment Committee, and in view of the savings to be made, suitable accommodation of up to 4,500 square feet was to be sought as a Resources Centre for training and development.

There is currently no office accommodation existing within the States portfolio to meet this requirement, but the preferred long-term option will be to locate this facility in premises within the public ownership.

It has been agreed that the lease should be in the name of the Planning and Environment Committee, with the Establishment Committee agreeing to indemnify the Planning and Environment Committee in relation to all costs associated with the lease agreement.

Various properties have been identified and discounted for various reasons, but now terms and conditions have been negotiated with Jayka Investments Limited as owners of Oriel House, York Lane, St. Helier, for the lease of a property within 50 metres of Cyril Le Marquand House, subject to States' approval.

<b>Lessor</b>	-	Jayka Investments Limited
<b>Lessee</b>	-	Planning and Environment Committee, for and on behalf of the Public of the Island of Jersey, to be utilised by the Establishment Committee.
<b>Demise</b>	-	Oriel House, York Lane, St. Helier
		Part 1st Floor Unit 4 - 648 square feet
		Part 1st Floor Unit 5 - 1,439 square feet
		2nd Floor - 1,383 square feet
		Total - 3,470 square feet
<b>Lease term</b>	-	An internal repairing lease for a period of nine years from the commencement of the lease, which is deemed to be 1st January 2000, with the tenant's option to break the lease at the end of the fifth year of the term, having given one year's prior notice to the landlord to that effect without penalty.
<b>Commencing rental</b>	-	1st Floor Unit @ £23 per square foot 2nd Floor Unit @ £18 per square foot (Overall rental value equating to £21 per square foot)
		Total commencing rental - £72,895 per annum
<b>Rent review</b>	-	The rent is to be reviewed at the end of every third year of the term to the open market value at the time.
<b>Fitting-out period</b>	-	The lessee is granted a rent-free period of six weeks for the fitting out of the property, to take effect from the deemed commencement of the lease.
<b>Repairing and insuring obligation</b>	-	The lessee's repairing obligation is for internal repairing and decoration only, and to include building insurance.

- External repair -** The lessee shall be responsible for the three-yearly external decoration by way of a fair proportional service charge, based upon the square footage of the property, but any external decoration will not include repairs, maintenance or making good of the property.
- User clause -** Offices.
- Service charge -** The landlord shall produce to the tenant on the expiry of each calendar year service charge accounts relating to the expenditure items recoverable for common areas by way of service charge, including both the foncier and occupier rates.
- Rates -** The lessee shall be responsible for both foncier and occupier rates.
- Costs -** Each party to bear their own costs in relation to this transaction.

**States of Jersey Law 1966**

TRANSFER OF FUNCTIONS (HOME AFFAIRS COMMITTEE) (JERSEY) ACT 199-

(Promulgated on the \_\_\_\_\_ day of \_\_\_\_\_ 199-)

**STATES OF JERSEY**

The \_\_\_\_\_ day of \_\_\_\_\_ 199-

**THE STATES**, in pursuance of Article 29 of the States of Jersey Law 1966, <sup>[1]</sup> as amended, <sup>[2]</sup> and all other powers enabling them in that behalf, have made the following Act -

**1.** There are hereby transferred to the Home Affairs Committee all the functions of the Prison Board.

**2.**-(1) In the construction of, and for the purposes of, any enactment (including an enactment of the Parliament of the United Kingdom extended to the Island by Order in Council), or any judgment, award, contract, certificate or other document passed or made before the coming into force of this Act, anything which is, or is to be construed as, a reference to the Prison Board or its officers shall, so far only as may be necessary for and in consequence of the transfer of functions effected by this Act, be construed as a reference to the Home Affairs Committee or its officers.

(2) The transfer of functions effected by this Act shall not prejudice the operation of any appointment, determination, direction, instruction, approval, consent, requirement, authorization or other thing made, given or done by the Prison Board in relation to the functions transferred by this Act and before the coming into force thereof, but such matter shall, if then in force, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the Home Affairs Committee.

(3) Anything commenced before the coming into force of this Act by or under the authority of the Prison Board may, so far as it relates to any functions transferred by this Act, be carried on and completed by or under the authority of the Home Affairs Committee.

(4) Where at the coming into force of this Act any legal proceeding is pending to which the Prison Board is a party and the proceeding has reference to any of the functions transferred by this Act, the Home Affairs Committee shall be substituted in the proceeding for the Prison Board, and the proceeding shall not abate by reason of the substitution.

**3.** This Act may be cited as the Transfer of Functions (Home Affairs Committee) (Jersey) Act 199- and shall come into force on the fourteenth day of December 1999.

*Greffier of the States.*

**Explanatory Note**

The purpose of this Act is to transfer to the Home Affairs Committee all the functions of the Prison Board.

**States of Jersey Law 1966**

DRAFT AMENDMENT (No. 19) OF THE STANDING ORDERS OF THE STATES OF JERSEY

**STATES OF JERSEY**

The \_\_\_\_\_ day of \_\_\_\_\_ 1999

**THE STATES**, in pursuance of Article 27 of the States of Jersey Law 1966,<sup>[3]</sup> as amended, have made the following amendments of the Standing Orders of the States of Jersey<sup>[4]</sup> -

- 1. In sub-paragraph (c) of paragraph (1A) of Standing Order No. 41 (Appointment of Committee Presidents and Committees) the words “Prison Board” and “Occupation and Liberation Committee” shall be deleted.
- 2. These Standing Orders may be cited as the Amendment (No. 19) of the Standing Orders of the States of Jersey and shall come into force on the ninth day of December 1999.

**Explanatory Note**

The main purpose of these Amendments of Standing Orders is to remove the name of the Prison Board from the list of States Committees that is set out in the Standing Order relating to the appointment of Committee Presidents and Committees. This action is consequential on the States decision of 1<sup>st</sup> December 1999 to establish a Home Affairs Committee with responsibilities for the prison service. The opportunity is taken also to remove the name of the Occupation and Liberation Committee which ceased to function some time ago.

**STATES MEMBERS LUNCHEON**

**Old Library**

**I will require lunch at today’s meeting.**

**Signed.....**

**Name.....**

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

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[1] Recueil des Lois, Volume 1966-1967, page 16.

[2] Recueil des Lois, Volume 1996-1997, page 803.

[3] Recueil des Lois, Volume 1966-1967, page 15.

[4] Nos. 4858, 5217, 5531, 5934, 6099, 6213, 6530, 6531, 6800, 7587, 7678, 8030, 8129, 8218, 8630, 8727, 8761, 8837, 8858, 8958 and 9470.