THE STATES assembled on Tuesday, 2nd November 2004 at 9.30 a.m. under the Presidency of the Deputy Bailiff, Michael Cameron St. John Birt, Esquire.

All members were present with the exception of –

Senator Philip Francis Cyril Ozouf – out of the Island Thomas John du Feu, Connétable of St. Peter– ill. Jacqueline Ann Hilton, Deputy of St. Helier– out of the Island

Prayers

Her Royal Highness Princess Alice, Duchess of Gloucester - message of condolence

The Deputy Bailiff informed members that following the death of Her Royal Highness Princess Alice, Duchess of Gloucester, a message of condolence would be sent by the Bailiff to the Duke of Gloucester.

Request for media presence

THE STATES agreed to allow the media access to the Chamber later that day for the purpose of filming in order to update their picture library.

Matters presented

The following matters were presented to the States -

Income Support System. Presented by the Employment and Social Security Committee.	R.C.48/2004.
Policy Review of the Social Insurance System in Jersey: Interim Report. Presented by the Employment and Social Security Committee.	R.C.49/2004.

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

Matters noted – land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 28th October 2004, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Harbours and Airport Committee, the renewal of the lease to Kufra Trading Limited of the Marina Shop (measuring 2,024 square feet), New North Quay, St. Helier, for a period o three years from 1st June 2004, at an annual rent of £17,250 to be reviewed annually in line with the Jersey Retail Price Index;
- (b) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with A.C. Mauger and Son (Holdings) Limited in respect of that part of La Rue Fondor Industrial Estate, St. Peter which belonged to the company over which the public was a beneficiary of ε

- restrictive covenant, in order to consent to a change of use to permit part of the warehouse to be leased to BDJ Limited for document storage and archiving in lieu of a builder's warehouse, and also to a change of use to permit an area currently used as a yard for the parking of two cars, subject to the payment by A.C. Mauger and Son (Holdings) Limited of reasonable surveyor's fees arising from the transaction;
 - (c) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with Mrs. Myrtle Evelyn de la Haye, née Stearn, for the purchase of land (measuring 31.5 square metres) to the north of "Kel Joyle", Longueville Road, St. Saviour, required to facilitate road works, for a consideration of £339 (representing a rate of £1 a square foot), on the basis that the granite wall currently forming the northern boundary of the property would be demolished and rebuilt so as to be set back from the road. It had also been agreed that Mrs. de la Haye's mains water pipe (located under the "front garden") would be re-routed so as to connect directly to the primary pipe situated under Longueville Road. The Committee would meet all construction costs relating to the demolition and reconstruction of the wall, the preparation and surfacing of the pavement and the supply of all labour and materials, including all labour and material costs associated with the re-routing of the mains water pipe, together with both parties' reasonable legal and professional fees arising from the transaction;
 - (d) as recommended by the Housing Committee, the lease to Les Amis Incorporated of No. 60 Les Cinc Chênes, St. Saviour, for a period of three years from 1st September 2004, terminable by either party serving six months notice in writing, at an annual rent of £3,899.48 payable monthly in advance, to include water rates and heating, to be reviewed annually in line with the yearly rental and charges increase applied to all Housing Committee rental stock. The occupiers of the property would be required to be residentially qualified under Regulations 1(1)(a)-(h) of the Housing (General) (Jersey) Regulations 1970, as amended. Each party would be responsible for its own legal and professional fees arising from the transaction;
 - (e) as recommended by the Environment and Public Services Committee, the extension of the lease to Mr. John Worrall Bartlett of Icho Tower, situated in St. Clemen's Bay, St. Clement, for one year from 29th September 2004, at an annual rent of £280 payable annually in advance, on the basis that each party would be responsible for its own legal costs arising from the transaction;
 - (f) as recommended by the Environment and Public Services Committee, the extension of the lease to Miss Jean de Carteret Marett of Seymour Tower, situated in St. Clement's Bay, St. Clement, for one year from 29th September 2004, at an annual rent of £315 payable annually in advance, on the basis that each party would be responsible for its own legal costs arising from the transaction;
 - (g) as recommended by the Environment and Public Services Committee, the termination of the lease to Mrs. Alison Crabtree, née Rogers, of a one-bedroom flat at Maison St. Louis, Highlands Lane St. Saviour, with effect from 20th October 2004, with rent payable up to that date;
 - (h) as recommended by the Environment and Public Services Committee, the lease to Mr. Iain Norris of ε three-bedroom house with garden known as No. 2 Howard Davis Farm, Trinity, forming part of the Howard Davis Farm complex, on the basis of tenant's internal repairing terms, for an initial period of one year from 1st October 2004, at an annual rent of £13,000, subject to annual review at the discretion of the Lessor, in accordance with the Jersey Retail Price Index thereafter, with the agreement to be terminable by either party upon three month's notice, on the basis that the Lessee was to be responsible for the payment of occupier rates and utility invoices;
 - (i) as recommended by the Education, Sport and Culture Committee, the lease to Rainbow Tots Limited of areas on the ground floor (measuring 844 square feet), on the first floor (measuring 333 square feet), an an additional fenced grass area (measuring 1,800 square feet) situated directly outside the Sports Pavilion, Les Quennevais Sports Centre, St. Brelade, for use for the purposes of a nursery and after school facilities only and for no other purpose whatsoever, for a period of nine years from 1st January 2003, at a commencing annual rent of £5,000 payable quarterly in advance, subject to review on the third and sixth years to market rental value, with interim rent to be reviewed annually in accordance with the Jersey Retail Price Index; and,

(j) as recommended by the Environment and Public Services Committee, the lease from the Waterfront Enterprise Board Limited of premises to be known as the Transportation Centre, Liberation Place, Esplanade, St. Helier, at a fixed annual rent of £50,000 plus an agreed additional annual sum in respect of service charge, for use solely as a transportation centre with the public being allowed to sub-let the premises to the local bus operator in accordance with terms set out in a report dated 23rd August 2004, from the Director of Property Services, on the basis that each party will be responsible for its own legal costs arising from the transaction.

Matters lodged

The following matters were lodged "au Greffe" -

Draft Police Procedures and Criminal Evidence (Jersey) Law 2003 (Appointed Day) (No. 2) Act 200. Presented by the Home Affairs Committee.	P.186/2004.
Draft Police Procedures and Criminal Evidence (Jersey) Law 2003 (Amendment) (Jersey) Regulations 200 Presented by the Home Affairs Committee.	P.187/2004.
Draft Family Allowances (Jersey) Regulations 200 Presented by the Employment and Social Security Committee.	P.188/2004.
Elizabeth Harbour Phase I warehouse – lease to Channel Express (Jersey) Limited. <i>Presented by the Harbours and Airport Committee</i> .	P.189/2004.
Elizabeth Harbour Phase I warehouse – lease to Ferryspeed (C.I.) Ltd. <i>Presented by the Harbours and Airport Committee.</i>	P.190/2004.

Draft The Law Society of Jersey Law 200- P.162/2004 Comments and Amendments

THE STATES resumed consideration of the draft The Law Society of Jersey Law 200-, and adopted Articles 19 and 20.

THE STATES commenced consideration of Article 21, and adopted an amendment of Deputy Roy George Le Hérissier of St. Saviour that in Article 21(1)(b), for the words"2 persons who are ordinary members of the Society and one person who is a lay member of the panel", there be substituted the words "2 persons who are lay members of the disciplinary panel and one person who is an ordinary member of the Society".

THE STATES adopted an amendment by Deputy Roy George Le Hérissier of St. Saviour that in Article 21(1)(c for the word "ordinary", there be substituted the word "lay".

Members present voted as follows –

POUR: 31

CONTRE: 8

Senator S. Syvret Senator W. Kinnard Senator P.F. Routier Senator E.P. Vibert Senator R.J. Shenton Connétable of St. Martin Senator L. Norman Senator T.A. Le Sueur Connétable of St. Brelade Connétable of St. Clement Deputy G.C.L. Baudains (C) Deputy J.B. Fox (H)

Connétable of St. Saviour Connétable of St. Mary Connétable of St. Helier Connétable of Trinity Connétable of St. Lawrence Connétable of Grouville Connétable of St. John Deputy of Trinity Deputy R.C. Duhamel (S) Deputy A. Breckon (S) Deputy J.J. Huet (H) Deputy of St. Martin Deputy T.J. Le Main (H) Deputy M.F. Dubras (L) Deputy P.N. Troy (B) Deputy C.J. Scott Warren (S) Deputy L.J. Farnham (S) Deputy R.G. Le Hérissier (S) Deputy G.P. Southern (H) Deputy S.C. Ferguson (B) Deputy of St. Mary Deputy of St. Ouen Deputy P.J.D. Ryan (H) Deputy of Grouville Deputy of St. Peter

Deputy M.A. Taylor (C) Deputy G.W.J. de Faye (H)

Article 21, as amended, was adopted.

THE STATES commenced consideration of Article 22 and rejected an amendment of Deputy Roy George Le Hérissier of St. Saviour that for paragraph (3) there be substituted the following paragraphs-

"(3) The disciplinary committee shall sit in public unless –

- (a) on the application of the complainant or the practitioner; and
- (b) for reasons that the disciplinary committee shall state in writing, the disciplinary committee decides to sit privately.
- (4) There shall be a right of appeal, in accordance with Article 24, against a decision of the disciplinary committee on an application to which paragraph (3) refers.",

and the existing paragraphs (4), (5) and (6) be renumbered as (5), (6) and (7).

Members present voted as follows -

POUR: 6

CONTRE: 36

Senator E.P. Vibert Deputy of St. Martin Deputy J.L. Dorey (H) Deputy R.G. Le Hérissier (S) Deputy G.P. Southern (H) Deputy of St. Peter Senator J.A. Le Maistre Senator S. Syvret Senator L. Norman Senator W. Kinnard Senator T.A. Le Sueur Senator P.F. Routier Senator M.E. Vibert Senator R.J. Shenton Connétable of St. Martin Connétable of St. Saviour

Connétable of St. Brelade Connétable of St. Mary Connétable of St. Clement Connétable of St. Helier Connétable of Trinity Connétable of St. Lawrence Connétable of Grouville Connétable of St. John Deputy of Trinity Deputy R.C. Duhamel (S) Deputy A. Breckon (S) Deputy J.J. Huet (H) Deputy T.J. Le Main (H) Deputy M.F. Dubras (L) Deputy G.C.L. Baudains (C) Deputy P.N. Troy (B) Deputy C.J. Scott Warren (S) Deputy L.J. Farnham (S) Deputy J.B. Fox (H) Deputy J.A. Bernstein (B) Deputy S.C. Ferguson (B) Deputy of St. Mary Deputy of St. Ouen Deputy M.A. Taylor (C) Deputy of Grouville Deputy G.W.J. de Faye (H)

Article 22 was adopted.

THE STATES commenced consideration of Article 23 and rejected an amendment of Deputy Roy George Le Hérissier that in Article 23(1)(b) for the words'either by way of a public reprimand or a private rebuke, by so reprimanding or rebuking", there be substituted the words "by way of a public reprimand, by so reprimanding".

Members present voted as follows -

POUR: 12	CONTRE: 23	ABSTAIN: 0
Senator J.A. Le Maistre Senator E.P. Vibert Connétable of St. Mary Deputy R.C. Duhamel (S) Deputy of St. Martin Deputy J.L. Dorey (H) Deputy P.N. Troy (B) Deputy R.G. Le Hérissier (S) Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy J.A. Bernstein (B) Deputy of St. Peter	Senator L. Norman Senator W. Kinnard Senator P.F. Routier Connétable of St. Martin Connétable of St. Brelade Connétable of St. Clement Connétable of St. Clement Connétable of St. Lawrence Connétable of St. Lawrence Connétable of St. John Deputy of Trinity Deputy of St. John Deputy of St. John Deputy T.J. Le Main (H) Deputy M.F. Dubras (L) Deputy G.C.L. Baudains (C) Deputy S.C. Ferguson (B) Deputy of St. Mary Deputy of St. Mary Deputy of St. Ouen	

Deputy P.J.D. Ryan (H) Deputy M.A. Taylor (C) Deputy of Grouville Deputy G.W.J. de Faye (H)

Article 23 was adopted.

THE STATES noted that, consequential to rejecting the amendment to Article 22 and 23 by Deputy Roy George Le Hérissier of St. Saviour, subsequent further proposed amendments to Articles 23, 24 and 26 of Deputy Ro George Le Hérissier of St. Saviour were deemed to have been withdrawn.

THE STATES adopted Articles 24 to 36.

THE STATES commenced consideration of Article 37 and adopted an amendment of Deputy Roy George Le Hérissier of St. Saviour that inArticle 37(2) for the words "the members of the disciplinary panel to whom sub-paragraph (a) of Article 18(1) refers, there be substituted the words "members of the disciplinary panel under Article 18(4)".

Article 37, as amended, was adopted.

THE STATES adopted Article 38.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled The Law Society of Jersey Law 200-, as amended.

Court and Case Costs: investigation – P.138/2004 Comments

THE STATES commenced consideration of a proposition of Deputy Alan Breckon of St. Saviour concerning Court and Case Costs: investigation and adopted paragraph (a)(i).

Members present voted as follows -

POUR: 38

Senator L. Norman

CONTRE: 2

Connétable of Grouville

Schator L. Norman	Connetable of Orouvine
Senator W. Kinnard	Deputy M.A. Taylor (C)
Senator T.A. Le Sueur	
Senator P.V.F. Le Claire	
Senator P.F. Routier	
Senator M.E. Vibert	
Senator E.P. Vibert	
Senator R.J. Shenton	
Connétable of St. Saviour	
Connétable of St. Brelade	
Connétable of St. Mary	
Connétable of St. Clement	
Connétable of St. Helier	
Connétable of Trinity	
Connétable of St. John	
Deputy of Trinity	
Deputy R.C. Duhamel (S)	
Deputy A. Breckon (S)	
Deputy J.J. Huet (H)	
Deputy of St. Martin	

Deputy T.J. Le Main (H) Deputy M.F. Dubras (L) Deputy G.C.L. Baudains (C) Deputy J.L. Dorey (L) Deputy P.N. Troy (B) Deputy C.J. Scott Warren (S) Deputy L.J. Farnham (S) Deputy R.G. Le Hérissier (S) Deputy J.B. Fox (H) Deputy J-A. Bridge (H) Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy J.A. Bernstein (B) Deputy S.C. Ferguson (B) Deputy of St. Ouen Deputy P.J.D. Ryan (H) Deputy of St. Peter Deputy G.W.J. de Faye (H)

THE STATES adopted paragraph (a)(ii).

Members present voted as follows -

POUR: 24

CONTRE: 16

Senator L. Norman Senator P.V.F. Le Claire Senator M.E. Vibert Senator E.P. Vibert Senator R.J. Shenton Connétable of St. Mary Connétable of Grouville Connétable of St. John Deputy R.C. Duhamel (S) Deputy A. Breckon (S) Deputy J.J. Huet (H) Deputy of St. Martin Deputy G.C.L. Baudains (C) Deputy J.L. Dorey (H) Deputy C.J. Scott Warren (S) Deputy R.G. Le Hérissier (S) Deputy J.B. Fox (H) Deputy J-A. Bridge (H) Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy J.A. Bernstein (B) Deputy S.C. Ferguson (B) Deputy P.J.D. Ryan (H) Deputy of St. Peter

Senator W. Kinnard Senator T.A. Le Sueur Senator P.F. Routier Connétable of St. Saviour Connétable of St. Brelade Connétable of St. Clement Connétable of St. Helier Connétable of Trinity Deputy of Trinity Deputy T.J. Le Main (H) Deputy M.F. Dubras (L) Deputy P.N. Troy (B) Deputy L.J. Farnham (S) Deputy of St. Ouen Deputy M.A. Taylor (C) Deputy G.W.J. de Faye (H)

ABSTAIN: 0

THE STATES, adopting paragraph (b), adopted a proposition of Deputy A. Breckon of St. Saviour, and

- (a) agreed that the Finance and Economics Committee should appoint appropriately qualified independent consultants to investigate and report to the Committee on the following matters
 - (i) the reasons for the increase in Court and case costs since 1998, and the manner in which such

costs are incurred, accounted for and managed at the present time;

- (ii) the legal fees paid by the States to Mourant du Feu and Jeune (Mourants) for their services in representing the States in the litigation involving Les Pas Holdings Limited;
- (b) requested the Finance and Economics Committee to make funding available of up to £50,000 to fund the commissioning of the report;
- (c) charged the Finance and Economics Committee to present the report to the States as soon as it is received.

Deputy Jennifer-Anne Bridge of St. Helier- attendance

Deputy Jennifer-Anne Bridge of St. Helier, having returned to the Island arrived in the Chamber during consideration of the proposition of Deputy Alan Breckon of St. Saviour concerning Court and Case Costs investigation, (P.138/2004 lodged "au Greffe" on 20th July 2004), and was present for the remainder of the sitting.

Draft Education (Revocation of Provided School) (Jersey) Regulations 200- P.161.2004 (re-issue)

THE STATES, in pursuance of Article 3 of the Education (Jersey) Law 1999, made Regulations entitled the Education (Revocation of Provided School) (Jersey) Regulations 2004.

Bellozanne Scrap Metal Yard, Bellozanne Valley, St. Helier: lease to Picot and Rouille Limited-P.170/2004

Amendment and Comments

THE STATES commenced consideration of a proposition of the Environment and Public Services Committee concerning the lease of the Bellozanne Scrap Metal Yard, Bellozanne Valley to Picot and Rouille Limited, and an amendment of Deputy Robert Charles Duhamel of St. Saviour that in paragraph (a), for the words'9 years', there be substituted the words "2 years' and there be deleted the words "with the rent to be reviewed every 3 years in line with market value,".

After discussion, Deputy John Benjamin Fox of St. Helier sought leave to propose that the States move to the consideration of the next item on the Order Paper. The Deputy Bailiff ruled that, in accordance with Standing Order 27(1), it appeared to him that the proposition was an abuse of the procedure of the States and it was therefore, disallowed.

THE STATES, after further discussion, rejected a proposition of Deputy Peter Nicholas Troy of St. Brelade that the States move to the consideration of the next item on the Order Paper.

Members present voted as follows –

POUR: 18

Senator P.V.F. Le Claire Senator E.P. Vibert Senator R.J. Shenton Connétable of St. Mary Connétable of St. Clement Connétable of St. Helier Connétable of Trinity Connétable of Grouville Senator L. Norman Senator W. Kinnard Senator T.A. Le Sueur Senator P.F. Routier Deputy M.E. Vibert Connétable of St. Brelade Connétable of St. John Deputy of Trinity

CONTRE: 19

Deputy R.C. Duhamel (S)	Deputy A. Breckon (S)
Deputy of St. Martin	Deputy J.J. Huet (H)
Deputy G.C.L. Baudains (C)	Deputy T.J. Le Main (H)
Deputy P.N. Troy (B)	Deputy J.L. Dorey (H)
Deputy C.J. Scott Warren (S)	Deputy F.G. Voisin (S)
	Deputy R.G. Le Hérissier
Deputy J.B. Fox (H)	(S)
Deputy J-A. Bridge (H)	Deputy J.A. Bernstein (B)
Deputy G.P. Southern (H)	Deputy of St. Ouen
Deputy S.C. Ferguson (B)	Deputy P.J.D. Ryan (H)
Deputy of St. Peter	Deputy M.A. Taylor (C)
	Deputy G.W.J. de Faye (H)

THE STATES rejected an amendment by Deputy Robert Charles Duhamel of St. Saviour that in paragraph (a) for the words "9 years", there be substituted the words "2 years" and there be deleted the words "with the rent to be reviewed every 3 years in line with market value,".

ABSTAIN: 0

Members present voted as follows -

POUR: 14

Senator P.V.F. Le Claire Senator L. Norman Senator W. Kinnard Senator E.P. Vibert Senator TA. Le Sueur Connétable of St. Mary Connétable of St. Clement Senator P.F. Routier Connétable of St. Helier Senator M.E. Vibert Deputy R.C. Duhamel (S) Senator R.J. Shenton Deputy of St. Martin Connétable of St. Brelade Deputy G.C.L. Baudains (C) Connétable of Trinity Deputy P.N. Troy (B) Connétable of Grouville Deputy C.J. Scott Warren (S) Connétable of St. John Deputy R.G. Le Hérissier (S) Deputy of Trinity Deputy A. Breckon (S) Deputy J.B. Fox (H) Deputy G.P. Southern (H) Deputy J.J. Huet (H) Deputy of St. Peter Deputy T.J. Le Main (H) Deputy J.L. Dorey (H) Deputy F.G. Voisin (L) Deputy J-A. Bridge (H) Deputy J.A. Bernstein (B) Deputy S.C. Ferguson (B) Deputy of St. Ouen Deputy P.J.D. Ryan (H) Deputy M.A. Taylor (C) Deputy G.W.J. de Faye (H)

CONTRE: 23

THE STATES resumed consideration of the proposition of the Environment and Public Services Committee concerning the lease of the Bellozanne Scrap Metal Yard, Bellozanne Valley to Picot and Rouille Limited, and, after further discussion, Senator Michael Edward Vibert sought leave to propose that the States move to the consideration of the next item on the Order Paper. The Deputy Bailiff ruled that, in accordance with Standing Order 27(1), it appeared to him that the proposition was an abuse of the procedure of the States and it was therefore, disallowed.

THE STATES, adopting a proposition of the Environment and Public Services Committee, -

(a) approved the lease by the public to Picot and Rouille Limited of the property known as Bellozanne Scrap Metal yard to facilitate the collection, processing and disposal of scrap metal in the Island, for a period

- of 9 years deemed to have commenced on 25th December 2003 at a commencing rental of £58,000 per annum payable quarterly in advance, with the rent to be reviewed every 3 years in line with market value, with the agreement include a condition that Picot and Rouille Limited would sign a concurrent Operator Service Level Agreement with the Committee detailing the operational procedures of this facility;
 - (b) authorised the Attorney General and the Greffier of the States to sign the lease; and,
 - (c) authorised the Treasurer of the States to receive any payment to the public as it became due.

Members present voted as follows -

POUR: 18

CONTRE: 16

Senator L. Norman Senator T.A. Le Sueur Senator P.F. Routier Senator M.E. Vibert Connétable of St. Brelade Connétable of Trinity Connétable of St. John Deputy of Trinity Deputy A. Breckon (S) Deputy J.J. Huet (H) Deputy T.J. Le Main (H) Deputy J.L. Dorey (H) Deputy F.G. Voisin (L) Deputy J.A. Bernstein (B) Deputy of St. Ouen Deputy P.J.D. Ryan (H) Deputy M.A. Taylor (C) Deputy G.W.J. de Faye (H) Senator W. Kinnard Senator P.V.F. Le Claire Senator E.P. Vibert Senator R.J. Shenton Connétable of St. Mary Connétable of St. Clement Connétable of St. Helier Connétable of Grouville Deputy R.C. Duhamel (S) Deputy of St. Martin Deputy G.C.L. Baudains (C) Deputy P.N. Troy (B) Deputy C.J. Scott Warren (S) Deputy J.B. Fox (H) Deputy G.P. Southern (H) Deputy S.C. Ferguson (B)

THE STATES rose at 6.25 p.m.

M.N. DE LA HAYE

ABSTAIN: 0

Greffier of the States.