

**THE STATES assembled on Tuesday,  
18th February 2003 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 –

Senator Christopher Gerard Pellow Lakeman – ill  
Francis Herbert Amy, Connétable of Grouville – ill  
Philip Francis Ozouf, Connétable of St. Saviour – ill  
Alan Simon Crowcroft, Connétable of St. Helier – ill  
Alan Breckon, Deputy of St. Saviour – ill  
Celia Joyce Scott Warren, Deputy of St. Saviour – ill  
Geoffrey John Grime, Deputy of St. Mary – out of the Island

Prayers

**Interception of Communications (Jersey) Law 1993: Report of the Commissioner for 2002 – R.C.6/2003**

The Bailiff presented to the States the annual report of the Commissioner, Sir John Nutting Bt., Q.C., made under the Interception of Communications (Jersey) Law 1993, and informed members that, in pursuance of the provisions of Article 9(8) of the Law, a confidential Appendix had been excluded from the report.

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

**Subordinate legislation tabled**

The following enactments were laid before the States, namely –

Island Planning (Fees) (Jersey) Order 2003.	R&O 4/2003.
Building Bye-Laws (Amendment) (Jersey) 2003.	R&O 5/2003.
Misuse of Drugs (Modification) (Jersey) Order 2003.	R&O 7/2003.
Misuse of Drugs (Designation) (Amendment No. 5) (Jersey) Order 2003.	R&O 8/2003.
Misuse of Drugs (General Provisions) (Amendment No. 7) (Jersey) Order 2003.	R&O 9/2003.
Motor Traffic (Public Service Vehicles (Conditions of Fitness)) (Jersey) Order 2003.	R&O 10/2003.
Motor Vehicles (Driving Licences) (Jersey) Order 2003.	R&O 11/2003.
Motor Vehicles (Driving Licences) (Amendment) (Jersey) Order 2003.	R&O 12/2003.

## Matters presented

The following matters were presented to the States –

States of Jersey Law 1966, as amended: delegation of functions – Health and Social Services Committee. <i>Presented by the Health and Social Services Committee.</i>	R.C.5/2003.
States Members' expense allowance and minimum income. <i>Presented by the Finance and Economics Committee.</i>	R.C.7/2003.
Commission Amicale: membership (P.4/2003) – comments. <i>Presented by the Policy and Resources Committee.</i>	P.4/2003. Com.
Jersey Heritage Trust: amendments to constitution (P.37/2002) – comments. <i>Presented by the Education, Sport and Culture Committee.</i>	P.37/2002. Com.
School Milk: provision for the years 2003, 2004 and 2005 (P.7/2003) – comments. <i>Presented by the Economic Development Committee.</i>	P.7/2003. Com.

The following matter was presented on 11th February 2003 –

Births, marriages and deaths in 2002: statement. <i>Presented by the Home Affairs Committee.</i>	R.C.4/2003.
---	-------------

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 12th February 2003, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Environment and Public Services Committee, the lease from Mr. Neville Francis Le Boutillier of office accommodation (measuring 2,503 square feet) at the property Nos. 24/26 Bat Street, St. Helier, being required for occupation by departments under the administration of the Economic Development Committee, for a period of nine years deemed to have commenced from 1st March 2003, at a commencing annual rent of £40,000 (exclusive) payable quarterly in advance on the usual quarter days. The lessor had agreed to a rent free period for the first 25 days of the agreement, therefore the first rental payment would be made on 25th March 2003, and quarterly thereafter. The rent was to be reviewed every three years in line with the Jersey Retail Price Index (based on the December 2002 Index number). The lessee would have the option to break the lease at the end of the third year upon giving to the lessor six months prior written notice. The lessee was to be responsible for internal repairs including all mechanical, electrical, fire alarm and plumbing repairs/maintenance, plus lift maintenance/insurance. The lessor would remain responsible for external and structural repairs and maintenance and external decoration. The lessee was to be responsible for payment of all utilities consumed on the premises, parochial occupier's rates and the cleaning of the demised premises including the veranda. The lessor would, throughout the lease, at his expense keep the property in which the demised premises sit insured. The lessor's consent to assign or sub-let would not be unreasonably

withheld. Each party would be responsible for its own legal costs in relation to this transaction. In addition, it had also been agreed that the office furniture currently within the demised premises would be left in situ and that it was either utilised by the occupying departments or disposed of as necessary. For the avoidance of doubt the lease was to be in the name of the Environment and Public Services Committee but responsibility in fulfilling the terms and conditions of the agreement would lie with the Economic Development Committee;

- (b) as recommended by the former Planning and Environment Committee (now subsumed into the Environment and Public Services Committee), the sale to the undermentioned owners of dwellings known as No. 3 and No. 4 Le Clos Lauren, Belle Vue, La Route des Quennevais, StBrelade, of two small areas of land adjoining the southern end of the respective gardens –
  - (i) Mr. Raoul Sanders Gear and Mrs. Amanda Lucy Gear, née Wright (No. 4 Le Clos Lauren)– for a consideration of £100; and,
  - (ii) Mr. Trevor Louis Bernard Rousseau and Mrs. Andrea Rousseau, née Hull (No. 3 Le Clos Lauren)– for a consideration of £100;

on the basis that each party would be responsible for its own legal costs associated with this transaction;

- (c) as recommended by the former Sport, Leisure and Recreation Committee (now subsumed into the Education, Sport and Culture Committee), the entering into of a Deed of Arrangement with Mr. Nicholas Albert Le Gallais, owner of Les Huriaux Cottage, La Moye, St. Brelade, in order to reaffirm the right previously granted in respect of Les Huriaux Cottage to use an existing water pipe which passed under public land at Les Creux Country Park, St. Brelade, for a consideration of £200 to be paid by Mr. Le Gallais, on the basis that Mr. Le Gallais would be responsible for both parties' legal costs associated with this transaction.

## **Matters lodged**

The following matters were lodged “au Greffe” –

Draft Fishing Vessels (Safety Provisions) (Jersey) Regulations 200- (P.13/2003): amendments. <i>Presented by Deputy G.C.L. Baudains of St. Clement.</i>	P.13/2003. Amd.
Manual Workers' Joint Council: membership. <i>Presented by the Policy and Resources Committee.</i>	P.15/2003.
Draft Parish Rate (Administration) (Amendment) (Jersey) Law 200- <i>Presented by the Connétable of St. Martin, and referred to the Legislation Committee.</i>	P.16/2003.
Field 126, La Grande Route de la Côte, St. Clement: construction of homes. <i>Presented by Deputy G.C.L. Baudains of St. Clement, and referred to the Environment and Public Services Committee.</i>	P.17/2003.
Construction Industry: grant of licences. <i>Presented by the Economic Development Committee.</i>	P.18/2003.
Mont Orgueil development strategy: appointment of independent expert. <i>Presented by Deputy R.C. Le Hérissier of St. Saviour, and referred to the Environment and Public Services and the Education, Sport and Culture Committees.</i>	P.19/2003.

Tax Liability of essentially employed public sector employees. P.20/2003.  
*Presented by Deputy P.N. Troy of St. Brelade.*

The following matters were lodged on 11th February 2003 –

Draft Fishing Vessels (Safety Provisions) (Jersey) Regulations 200-. P.13/2003.  
*Presented by the Harbours and Airport Committee.*

Draft Police Procedures and Criminal Evidence (Jersey) Law 2003 (Appointed Day) P.14/2003.  
Act 200-.  
*Presented by the Home Affairs Committee.*

### **Arrangement of public business for the next meeting on 4th March 2003**

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 4th March 2003 –

Jersey Heritage Trust: amendments to constitution. P.37/2002.  
Lodged: 19th March 2002.  
*Deputy G.C.L. Baudains of St. Clement.*

Jersey Heritage Trust: amendments to constitution (P.37/2002) – comments. P.37/2002.  
Presented: 18th February 2003 Com.  
*Education, Sport and Culture Committee.*

Draft Fire Service (Amendment No. 5) (Jersey) Law 200. P.3/2003.  
Lodged: 21st January 2003.  
*Home Affairs Committee.*

School milk: provision for the years 2003, 2004 and 2005. P.7/2003.  
Lodged: 28th January 2003.  
*Deputy G.P. Southern of St. Helier.*

School milk: provision for the years 2003, 2004 and 2005 (P.7/2003): comments P.7/2003.  
Presented: 18th February 2003.  
*Economic Development Committee.*

Simultaneous Electronic Voting: replacement for ‘appel nominal’. P.10/2003.  
Lodged: 4th February 2003.  
*Privileges and Procedures Committee.*

Draft Police Procedures and Criminal Evidence (Jersey) Law 2003 (Appointed Day) P.14/2003.  
Act 200-.  
Lodged: 11th February 2003.  
*Home Affairs Committee.*

Construction Industry: grant of licences. P.18/2003.  
Lodged: 18th February 2003.  
*Economic Development Committee.*

Draft Fishing Vessels (Safety Provisions) (Jersey) Regulations 200-. P.13/2003.

Lodged: 11th February 2003.  
*Harbours and Airport Committee.*

Draft Fishing Vessels (Safety Provisions) (Jersey) Regulations 200-.  
(P.13/2003): amendments.  
Lodged: 18th February 2003.  
*Deputy G.C.L. Baudains of St. Clement.*

P.13/2003.  
Amd.

**Public Transportation Consultant's report on the new transport centre – question and answer (Tape No. 808)**

The Deputy of St. John asked Deputy Maurice François Dubras of St. Lawrence, President of the Environment and Public Services Committee, the following question –

- “(a) As the new transport centre plans have been agreed, can the President explain the rationale of using the Island Site instead of the Weighbridge, when a report prepared by Public Transportation Consultants Steer Davies Gleave, which was made public in July 1999, stated that there was no need to move the bus station from the Weighbridge.
- (b) Could the President inform members of the cost of the Steer Davies Gleave Report?”

The President of the Environment and Public Services Committee replied as follows –

- “(a) The Deputy's question appears to be based on an incorrect assumption as the Committee has not yet received an application for the Island site from the Waterfront Enterprise Board Limited.

However, the States have decided on three occasions that the Transportation Centre should be located on the Island Site:

- (i) during the 1987 Island Plan debate;
- (ii) in December 1997 on the WEB debate; and,
- (iii) in the 2002 Island Plan debate.

During 1999, Steer Davies Gleave were advisors jointly to the former Public Services and Planning and Environment Committees on the layout of the new transportation centre. They advised that, on the one hand, the Weighbridge was slightly more convenient to bus users from the centre of town; however, and on the other hand, it was recognised that the existing location offered no possibility for future expansion. Steer Davies Gleave's opinion was also qualified, being subject to a further survey of the existing bus operation carried out under summer peak conditions.

The former Public Services Committee did not accept its consultants' suggested layout for the Weighbridge as it had major concerns about traffic movements and the potential effects of congestion in the Fort Regent tunnel.

The former Public Services and Planning and Environment Committees together accepted Steer Davies Gleave's recommended option for the Island Site, with a layout which informed the Planning brief.

- (b) The consultant's fee for all the advice which culminated in its report was £14,450.”

**Sale of dwellings on a shared equity basis – question and answer (Tape No. 808)**

Deputy Geoffrey Peter Southern of St. Helier asked Deputy Terence John Le Main of St. Helier, President of the Housing Committee, the following question –

“Paragraph 3.6.3 of the report accompanying the Housing Committee’s Strategic Policy (P.2/2002) states –

‘the Committee proposes to investigate the possibility of introducing schemes for the part sale of dwellings on a shared equity basis. A working party set up by the Committee will report on this matter in 2002.’

- (a) Will the President inform members what progress has been made on this issue?;
- (b) will the President indicate when the Committee expects to receive the working party’s report?”

The President of the Housing Committee replied as follows –

“(a) In April 2002, the Working Party commissioned Mark Boleat to prepare a report on Low Cost Home Ownership which was received by the Housing Committee in May 2002. One of the report’s conclusions was that the traditional shared equity scheme, involving part-rent and part-purchase, had nothing to offer Jersey given the current relationship between rent and mortgage payments. In other words, anyone who could afford to part-rent and part-purchase could almost certainly afford to purchase the whole property.

However, the Report did recommend further investigation of a new scheme currently available in the U.K., known as ‘Homebuy’. Under this scheme the Committee, if selling its own stock, would only initially receive a percentage, say 75 per cent, of the value of the property and would receive no rental for the remainder. The Committee would not recover the full value until such time, perhaps many years later, when the property was sold or the part owner decided to buy the whole. If developing a new property for sale, the Committee would be required to expend capital funds of which, say, 25 per cent would be indefinitely ‘locked up’ in the properties sold.

Clearly a scheme which either reduces considerably the return on assets sold or requires significant capital outlay, is not, at present, an attractive proposition.

(b) As stated, the Committee has already received this preliminary report but will be giving further thought to shared equity schemes at its next policy meeting on 17th March 2003, with the intention, in due course, to report its findings to the States.”

#### **Emergency service access on St. Helier’s ring road – question and answer (Tape No. 808)**

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Wendy Kinnard, President of the Home Affairs Committee, the following question –

“With regard to pavement widening, bollard installation and other similar road alterations within St. Helier’s ring road undertaken during the last few years, would the President –

- (a) advise whether the emergency services were fully consulted prior to such alterations?
- (b) state whether the emergency services have indicated that any such roads have become more difficult to use, for example, by having to mount the pavement, or have become impassable for use as a result of these alterations and, if so, would the President advise which roads are involved and give a brief description of the problems?”

The President of the Home Affairs Committee replied as follows –

“This answer covers the States of Jersey Police and the Fire and Rescue Service, but I understand that the

President of Health and Social Services can respond in respect of the Ambulance Service.

- (a) Both emergency services normally have excellent contact with the Public Services Department and the Parish of St. Helier and plans are submitted for comment on all major road calming measures. Unfortunately, the Fire and Rescue Service report that this consultation did not extend to the series of new traffic bollards that have recently been installed in some areas of St. Helier.
- (b) The Fire and Rescue Service has concerns about the siting of some of these installations as they make the passage of fire appliances, particularly the Aerial Ladder Platform, through the town difficult and often result in an increase in attendance times at emergency incidents. The Fire and Rescue Service has already experienced routes being impassable and drivers are often required to mount pavements in order to maintain progress. The Service is concerned that the position of some bollards, when combined with illegal parking, will make roads and corners impassable.

The Fire and Rescue Service currently has concerns about the siting of traffic calming bollards at the following positions-

1. **Corner of Grove Street and Halkett Place:**– the position of this bollard makes turning the corner into Grove Street difficult. If vehicles are illegally parked near this junction, access to Grove Street could be denied.
2. **Corner of Devonshire Place and New Street:**– the position of these bollards make it very difficult for the Aerial Ladder Platform to access New Street from Devonshire Place. Consequently, this appliance is now forced to access the New Street area via Rouge Bouillon, Midvale Road and Val Plaisant, a longer route than that via Great Union Road.
3. **Near Top of Old St. John’s Road:**– access up this very steep hill is made more difficult for heavy appliances by the chicanes, bollards and planters installed along a considerable portion of the road.
4. **Corner of Conway Street and Bond Street:**– the position of bollards makes turning the corner into Bond Street difficult.

The Fire and Rescue Service is currently in discussion with the Parish authorities over these problem areas.”

#### **Legislation for the registration and issue of passports for all equines – question and answer (Tape No. 808)**

The Deputy of St. John asked Deputy Francis Gerald Voisin of St. Lawrence, President of the Economic Development Committee, the following question –

“The United Kingdom government is introducing new legislation that will require all equines, including horses, ponies, donkeys and mules, irrespective of their age or status, to be registered and issued with a passport identifying the animal by the end of 2003. This will bring the United Kingdom into line with European legislation and the passport will be valid for the life of the animal and will not need to be renewed annually.

Would the President inform members whether the Committee is taking action to mirror this legislation and, if so, would he advise members when it is expected to be put in place?”

The President of the Economic Development Committee replied as follows –

“Yes, the Committee is taking action. The Department is monitoring the legislative developments in the U.K. and will bring forward the necessary legislation for Jersey in good time to ensure that the movement of

equines between Jersey and other European countries can continue. The timing obviously needs to coincide closely with the U.K. timetable.”

### **Human Rights – question and answer (Tape No. 808)**

The Deputy of St. Martin asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following question –

- “(a) Being mindful that the United Nations Conventions on the Rights of the Child and for the Elimination of Discrimination Against Women have been ratified by and for the U.K. for many years, what plans are there to ensure that these important Conventions are ratified for Jersey in the near future?
- (b) Is there any constitutional or other barrier which prevents the incorporation of the U.N. Covenant on Economic, Social and Cultural Rights into the domestic law of Jersey and are there any plans so to do?
- (c) Is Jersey required to prepare a Human Rights Plan of Action as recommended under the 1993 Vienna Declaration and Programme of Action and if so, what progress has been made with its preparation?”

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

#### **United Nations Conventions on the Rights of the Child**

- (a) In 1994, the Insular Authorities were asked by the United Kingdom Government whether its ratification of the Convention should be extended to Jersey. The response given was that although Jersey confirmed that it did wish for this to happen, it was recognised that certain deficiencies in the Island’s domestic laws needed to be addressed first, in order that the Island could meet obligations under the Convention.

Since then, the majority of those legal deficiencies have been corrected and I am advised that the only remaining substantive issue relates to Article 32 of the Convention which covers – “the right of children to be protected from economic exploitation and from performing work that is likely to be hazardous or to interfere with a child’s education, or to be harmful to a child’s health or physical, mental, spiritual, moral or social development”.

Members will recall that, following an unsuccessful attempt by a former Education Committee in 1994, in May 2001 the Health and Social Services Committee, as previously constituted, made an Order entitled ‘Employment of Children (General Provisions) (Jersey) Order 2001’. Members may also recall that following expressions of concerns by States members and other interested parties, that Committee agreed to revoke that Order in July 2001, in order to allow time for further consultation and to obtain further legal advice. To date that is where the matter rests.

However, I confirm that as soon as the child employment issues are resolved, and of course as long as there are no further legal impediments uncovered, the Policy and Resources Committee will consider requesting the United Kingdom to ratify the United Nations Convention on the Rights of the Child on Jersey’s behalf.

#### **United Nations Convention on the Elimination of Discrimination against Women**

In 1998, the Policy and Resources Committee of the day, published R.C.30/1998 in which it recommended that Jersey should not join in Her Majesty’s Government’s ratification of the United Nations Convention on the Elimination of all forms of Discrimination against Women. In that report the Committee advised that –

- (i) it was in agreement with the findings of a group of interested persons, brought together by the then



Deputy Imogen Nicholls of Grouville and which included Senator Wendy Kinnard, representatives of Soroptomist International, Whitely 90, the Jersey Women's Refuge, a journalist, a local business woman and a local lawyer; and,

- (ii) had concluded that the Convention should not be adopted wholesale, but that a formal process should be initiated in consultation with the relevant Committees of the States for promoting and progressing of various matters covered by the Convention that are of particular relevance for the Island.

Since 1998, some success has been achieved in relation to women's rights, through the development of particular policies to provide support to women in work and on child care issues. It is also true to say that no issues of substance have been brought to the attention of the previous two Policy and Resources Committees that would have led them to conclude that that earlier decision was in any way flawed. However, given the passage of time and the fact that the world has, in many ways, moved on, I suggest it is time for this matter to be looked at again and I will therefore be raising it with the Policy and Resources Committee in the near future.

- (b) In following the United Kingdom Government's lead on this, the Policy and Resources Committee presently has no plans to promote legislation which would have the effect of incorporating the U.N. Covenant on Economic, Social and Cultural Rights fully into domestic law. However, just like the United Kingdom, the content of the Covenant is borne in mind when relevant policy and legislative issues are being considered and, in taking executive decisions, the relevant Committees will also want to act consistently with the Covenant.
- (c) Given the particular phrasing of the question, the Policy and Resources Department has consulted with the Lord Chancellor's Department. The Lord Chancellor's Department has, in turn, consulted with the Foreign and Commonwealth Office which has confirmed that this Declaration does not place any obligation on member states as it is not a treaty or convention and is not registered on the FCO treaty database. It appears to be nothing more than a declaration made following the world conference on human rights in Vienna in 1993."

**Jersey Heritage Trust's development strategy for Mont Orgueil Castle – questions and answers (Tape No. 808)**

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee, the following questions –

- “1. With regard to the Jersey Heritage Trust's Development Strategy for Mont Orgueil Castle, has the Committee been informed by the Trust –
  - (a) how the forecast increase in admission income of £102,000 as detailed in paragraph 9.2.3. was calculated? and,
  - (b) whether the works in the Development Plan have been costed and whether any remaining balance of the £3m grant will be sufficient to cover these costs?”
- 2. Is the Committee satisfied that the works detailed in the Plan comply with the Trust's obligations under the terms of the Usufruct and the States' obligations to international conventions?”

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

- “1. (a) The position with regard to the forecast increase in admission income for Mont Orgueil was clearly set out on pages 145 and 146 of the Development Strategy document. The projected increase in admission is in fact £80,000, and not £102,000, and the underlying assumptions behind the calculation are set out in Note 1, page 146 of the document. It states – *“Following the completion*

*of the proposed development it is assumed that visitor numbers will increase by 20 per cent and that the castle's enhanced attraction will justify a price increase of 20 per cent above the 2002 levels. In the absence of any development over the next three years, income would continue to decline at the recent rate of around 5 per cent per annum”.*

- (b) The works in the Development Plan have been costed. There is a ‘P.70-style’ committee comprising the Chairman of the Trust, a trustee, the Director and two senior staff of the Jersey Heritage Trust, a representative of the States Treasury, the Architect and the Quantity Surveyor. Only last week they received Cost Plan Report No. 6 and Cost Management Report No. 18 from the Quantity Surveyor. A copy of the minutes of each meeting is circulated to the Treasury.

The Audit and Risk Management Division of the States Treasury reviewed the Trust’s capital expenditure controls process in May 2002. The report on the review confirmed that best practice procedures were being followed. Two recommendations, which were fully implemented, were made to enhance the control of capital expenditure procedures rather than denote any major weaknesses.

At the present time the Trust believes that, provided there are no significant further delays, projected costs as now known can, and will, be met without increased States’ funding.

2. The terms of the Usufruct are repeated in section 1.3 of the Development Strategy. In summary, they require the Jersey Heritage Trust to maintain, restore and develop the Castle and ensure its preservation for future generations, promote its historical legacy and preserve its historical and archaeological integrity. These aims may be achieved in differing ways, but the Finance and Economics Committee is satisfied that the actions proposed by the Jersey Heritage Trust are not contrary to its obligations under the terms of the Usufruct.

The Trust is well aware that Jersey has ratified the Granada and Valetta Conventions and believes that the Development Strategy complies with all the guidelines set down in those conventions. The Finance and Economics Committee has no view on this matter, but compliance will be determined by the Environment and Public Services Committee as a result of a recent planning application.”

#### **Confidentiality clauses which cover conditions of service for senior civil servants – question and answer** (Tape No. 808)

Deputy Roy George Le Hérisser of St. Saviour asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following question –

“Would the President clarify whether it is desirable, and the intention of the Committee when employing senior civil servants, to retain the need for confidentiality clauses which cover conditions of service, or whether a more open policy should prevail?”

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

“The stated policy of a former Establishment Committee in 1999, to which I referred in my response to a question from the Deputy from St John on 4th February 2003, was not to publicise personal salaries. Subsequent former Establishment and Human Resources Committees have followed this declared policy which still remains in force.

The Policy and Resources Committee has not yet had an opportunity to consider the advantages and disadvantages of retaining confidentiality in connection with pay and terms and conditions of service of senior civil servants and I am not, therefore, in a position to respond formally at this stage. However, the matter will shortly be considered by the Policy and Resources Committee and, when it has had an opportunity to develop its own policy on this matter, the Committee will put it to the Assembly.”

## **Members expenses and income support allowance – statement**

Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee, made a statement in the following terms –

“On 21st May 2002, the States were notified by R.C.18/2002 of the details for members expenses, income support and allowable income thresholds for 2002.

Regrettably, I must advise the Assembly that the amounts included in that report were incorrect.

The amounts published in R.C.18/2002, for 2002, were based upon the wrong Jersey Retail Price Index percentage. Instead of the December 2001 rate of 3.1 per cent, the figure for the September 2001 rate of 4.2 per cent was used to increase the 2001 amounts. The 1.1 per cent difference in these rates has led to the 2002 allowances being overstated by £98 per annum, and £294 per annum for expenses and income support respectively.

As the erroneous increases were applied to both expenses and income support, all current States members, and those who left the House at the end of last year, are affected. The amount of the overpayment will vary from member to member. However, the maximum overpayment for members receiving expenses and full income support over the last 5 quarters is £490.

Members can be reassured that the arrangements for calculating and paying these allowances have been thoroughly reviewed and more rigorous control and checking arrangements introduced. The Treasurer is writing to each member apologising for the error, advising of the amounts involved and proposing repayment arrangements.

On behalf of my Committee I would like to express my sincere apologies for the error which gave rise to these overpayments.”

## **War against Iraq – P.12/2003 and amendment – P.12/2003 Amd.**

THE STATES commenced consideration of a proposition of Deputy Geoffrey Peter Southern of St. Helier concerning War against Iraq and adopted an amendment of the Policy and Resources Committee that for the words “without a fresh United Nations mandate, following clear evidence of the need for war” there be substituted the words “unless sanctioned by the United Nations”.

After discussion Deputy Robert Charles Duhamel of St. Saviour proposed that the States move to the consideration of the next item on the Order Paper which proposition was rejected.

Members present voted as follows –

### **“Pour” (17)**

#### **Senators**

Norman, Walker.

#### **Connétables**

St. Brelade, St. Clement.

#### **Deputies**

Trinity, Duhamel(S), Huet(H), Le Main(H), Voisin(L), Farnham(S), Fox(H), Bernstein(B), Ferguson(B),

St. Ouen, Ryan(H), Taylor(C), De Faye(H).

**“Contre” (27)**

**Senators**

Le Maistre, Syvret, Kinnard, Le Sueur, Le Claire, Routier, Vibert, Ozouf.

**Connétables**

St. Martin, St. Ouen, St. Mary, St. John, St. Peter, Trinity, St. Lawrence.

**Deputies**

St. John, Dubras(L), Baudains(C), Dorey(H), Troy(B), Le Hérissier(S), Bridge(H), Martin(H), Southern (H), Grouville, St. Peter, Hilton(H).

THE STATES adopted the proposition of Deputy Geoffrey Peter Southern of St. Helier, as amended, and agreed that it was the view of the Assembly that no military action should be taken by the governments of the United States of America and the United Kingdom against Iraq unless sanctioned by the United Nations; and requested the Bailiff to transmit the view of the Assembly to Her Majesty’s Government with a request that the opinion of the States be also forwarded to the government of the United States of America by Her Majesty’s Government.

Members present voted as follows –

**“Pour” (27)**

**Senators**

Le Maistre, Syvret, Kinnard, Le Sueur, Routier, Vibert, Ozouf.

**Connétables**

St. Martin, St. Ouen, St. Mary, St. John, St. Peter, Trinity.

**Deputies**

St. Martin, St. John, Dubras(L), Baudains(C), Dorey(H), Farnham(S), Le Hérissier(S), Bridge(H), Martin (H), Southern(H), St. Ouen, Grouville, St. Peter, Hilton(H).

**“Contre” (17)**

**Senators**

Norman, Walker, Le Claire.

**Connétables**

St. Brelade, St. Lawrence.

**Deputies**

Trinity, Duhamel(S), Huet(H), Le Main(H), Troy(B), Voisin(L), Fox(H), Bernstein(B), Ferguson(B), Ryan(H), Taylor(C), De Faye(H).

One member abstained from voting.

**Change in Presidency**

The Bailiff retired from the Chair during consideration of the proposition of Deputy Geoffrey Southern of St. Helier concerning War on Iraq (P.12/2003), and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

**Draft Crime and Security (Jersey) Law 200- P.210/2002**

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

**Commission Amicale: membership – P.4/2003 and comments – P.4/2003 Com.**

THE STATES, adopting a proposition of Senator Jean Amy Le Maistre, agreed that the following members should be appointed to the Jersey delegation to the Commission Amicale –

The Bailiff of Jersey (Joint Chairman)  
Senator J.A. Le Maistre  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Connétable of St. Ouen  
Deputy of St. Martin  
Deputy J-A. Bridge of St. Helier  
Deputy M.A. Taylor of St. Clement  
Deputy of St. Peter.

**Draft Housing (General Provisions) (Amendment No. 18) (Jersey) Regulations 200- P.8/2003**

THE STATES, having commenced consideration of the preamble to the draft Housing (General Provisions) (Amendment No. 18) (Jersey) Regulations 2003, and on a proposition of Deputy Terence John Le Main of St. Helier, President of the Housing Committee, agreed to defer consideration of this item to their next meeting to be held on 4th March 2003, at which it would be taken as the first item of Public Business.

**Grainville School, St. Saviour: Redevelopment Phase 2 – art, design and technology block – approval of drawings – P.9/2003**

THE STATES, adopting a proposition of the Education, Sport and Culture Committee –

- (a) approved drawings nos. 1875G/19, 100 to 107, 110 to 117, 128 to 132, 143 to 145, 156 to 161 and BL01 to BL06 showing the proposed new Art, Design and Technology block to be constructed within the grounds of Grainville School, St. Saviour; and,
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

**Chief Executive to the Council of Ministers and Head of the Public Service: appointment – P.11/2003**

THE STATES, adopting a proposition of the Policy and Resources Committee, referred to their Act dated 28th September 2001, in which they agreed that the States would establish an independent Appointments Commission which, as its first task, would recommend to the States a person for appointment as Chief Executive, and –

approved the appointment of Mr. William David Ogley as Chief Executive to the Council of Ministers and Head of the Public Service, as recommended by the Appointments Commission.

**Field 790, l'Avenue de la Reine Elizabeth II, St. Peter – P.240/2002  
Comments – P.240/2002 Com.**

THE STATES rejected a proposition of the Deputy of St. John that –

- (a) field No. 790, l'Avenue de la Reine Elizabeth II, St. Peter should be retained in public ownership until such time as the Harbours and Airport Committee, after consultation with any other Committees as appropriate, was satisfied that there was no immediate or long term use for the land by the public; and
- (b) if, after consultation, the Committee concluded that there was no such use, the land should be offered for sale to the highest bidder following a competitive tendering process.

Members present voted as follows –

**“Pour” (6)**

**Deputies**

Duhamel(S), Huet(H), St. Martin, St. John, Baudains(C), Grouville.

**“Contre” (31)**

**Senators**

Le Maistre, Norman, Kinnard, Le Sueur, Routier, Vibert.

**Connétables**

St. Martin, St. Ouen, St. Brelade, St. Mary, St. John, St. Peter, St. Clement, Trinity, St. Lawrence.

**Deputies**

Trinity, Le Main(H), Dorey(H), Troy(B), Farnham(S), Le Hérissier(S), Fox(H), Bridge(H), Martin(H), Southern(H), Ferguson(B), St. Ouen, Taylor(C), St. Peter, Hilton(H), De Faye(H).

THE STATES rose at 5.20 p.m.

**M.N. DE LA HAYE**

*Greffier of the States.*