

# STATES OF JERSEY ORDER PAPER

Tuesday, 12th February 2002

**A. COMMUNICATIONS BY THE BAILIFF**

**B. TABLING OF SUBORDINATE LEGISLATION**

*(Explanatory note attached)*

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

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

**C. MATTERS RELATING TO COMMITTEE MEMBERSHIP**

**D. PRESENTATION OF PAPERS**

**(a) Papers for information**

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

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

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

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

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

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

Presented on 5th February 2002

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

In accordance with Standing Order 22(3) the President of the Policy and Resources Committee had instructed the Greffier to withdraw the proposition regarding Machinery of Government: the composition and election of the States Assembly (P.179/2001 lodged "au Greffe" on 20th November 2001) and the draft States' Reform (Election of Senators) (Jersey) Law 200- (P.6/2002 lodged "au Greffe" on 15th January 2002).

#### **(b) Notification of Standing Order decisions**

6th February 2002

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

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

6th February 2002

Grands Vaux Primary School: redevelopment.  
*Education Committee.*

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

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

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

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

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

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

Machinery of Government: establishment P.23/2002.

of a Privileges and Procedures Committee.  
*Policy and Resources Committee.*

- (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**

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at the next meeting to be held on 26th February 2002 -

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

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

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

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

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

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

## **F. PRESENTATION OF PETITIONS**

## **G. QUESTIONS**

The Deputy of St. John will ask a question of the President of the Public Services Committee regarding the traffic flow in New Street, St. Helier.

Deputy J.A. Martin of St. Helier will ask a question of the President of the Policy and Resources Committee regarding the future location of responsibility for States' rental housing.

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Tourism Committee regarding the Jersey Clipper.

The Deputy of St. John will ask a question of the President of the Human Resources Committee regarding the employment of environmental officers.

Senator S. Syvret will ask a question of the President of the Policy and Resources Committee regarding Flamanville Nuclear Power station

Deputy P.F.C. Ozouf of St. Helier will ask a question of the President of the Housing Committee regarding housing policy.

The Deputy of St. Martin will ask questions of the President of the Housing Committee regarding its request for information from States' tenants about income.

The Deputy of St. John will ask a question of the President of the Etat Civil Committee regarding the Census.

Senator S. Syvret will ask a question of the President of the Policy and Resources Committee regarding the Machinery of Government implementation group.

Deputy R.G. Le Hérisier of St. Saviour will ask a question of the President of the Public Services Committee regarding claims made in respect of the Cavern.

Senator S. Syvret will ask questions of the President of the Finance and Economics Committee regarding Jersey's Gross National Product and tax revenues.

The Deputy of St. John will ask a question of the President of the Policy and Resources Committee regarding the distribution of the Human Rights booklet.

**H. MATTERS OF PRIVILEGE**

**I. PERSONAL STATEMENTS**

## **J. COMMITTEE STATEMENTS**

The President of the Home Affairs Committee will make a statement regarding the Prison Work Experience Scheme.

## **K. PUBLIC BUSINESS**

Agriculture and Fisheries: policy report P.126/2001.  
2001.  
Lodged: 14th August 2001.  
*Agriculture and Fisheries Committee.*

Agriculture and Fisheries: policy report P.126/2001.  
2001. (P.126/2001) - amendments. Amd.  
Lodged: 18th December 2001.  
*Agriculture and Fisheries Committee.*

Agriculture and Fisheries: policy report P.126/2001.  
2001 (P.126/2001) - comments. Com.  
Presented: 25th September 2001.  
*Human Resources Committee.*

Agriculture and Fisheries: policy report P.126/2001.  
2001 (P.126/2001) - comments. Com.(2)  
Presented: 12th February 2002.  
*Finance and Economics Committee.*

Draft Housing (General Provisions) P.199/2001.  
(Amendment No. 16) (Jersey) Regulations  
200-.  
Lodged: 11th December 2001.  
*Housing Committee.*

Draft Housing (General Provisions) P.199/2001.  
(Amendment No. 16) (Jersey) Regulations Com.  
200- (P.199/2001); comments.  
Presented: 15th January 2002.  
*Finance and Economics Committee.*

<p>Machinery of Government: method of appointment of Chief Minister and Council of Ministers.  Lodged: 15th January 2002.  <i>Deputy R.C. Duhamel of St. Saviour.</i></p>	P.3/2002.
<p>Machinery of Government: method of appointment of Chief Minister and Council of Ministers (P.3/2002): comments.  Presented: 12th February 2002.  <i>Policy and Resources Committee.</i></p>	P.3/2002. Com.
<p>Projet de Loi (200-) concernant la Police Honorifique de St. Martin.  Logé le 22 janvier 2002.  <i>Comité de Législation.</i></p>	P.7/2002. (re-issue)
<p>Projet de Loi (200-) concernant la Police Honorifique de St. Ouen.  Logé le 22 janvier 2002.  <i>Comité de Législation.</i></p>	P.8/2002. (re-issue)
<p>Draft Fire Precautions (Amendment) (Jersey) Law 200-.  Lodged: 29th January 2002.  <i>Home Affairs Committee.</i></p>	P.10/2002.
<p>Draft Banking Business (Amendment No. 3) (Jersey) Law 2002 (Appointed Day) Act 200-.  Lodged: 29th January 2002.  <i>Finance and Economics Committee.</i></p>	P.11/2002.
<p>Draft Collective Investment Funds (Amendment No. 3) (Jersey) Law 2002 (Appointed Day) Act 200-.  Lodged: 29th January 2002.  <i>Finance and Economics Committee.</i></p>	P.12/2002.

Draft Financial Services (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200-. Lodged: 29th January 2002. <i>Finance and Economics Committee.</i>	P.13/2002.
Draft Insurance Business (Amendment No. 3) (Jersey) Law 2002 (Appointed Day) Act 200-. Lodged: 29th January 2002. <i>Finance and Economics Committee.</i>	P.14/2002.
Waterfront Enterprise Board Limited: appointment of States director. Lodged: 29th January 2002. <i>Policy and Resources Committee.</i>	P.15/2002.
Draft Marriage and Civil Status (Jersey) Law 2001 (Appointed Day) Act 200-. Lodged: 29th January 2002. <i>Etat Civil Committee.</i>	P.16/2002.
Draft Summer Time (Amendment) (Jersey) Law 200- Lodged: 29th January 2002. <i>Legislation Committee</i>	P.17/2002.
Fairfield, La Rue des Landes, St. Peter: purchase. Lodged: 29th January 2002. <i>Harbours and Airport Committee.</i>	P.18/2002.



Fairfield, La Rue des Landes, St. Peter: P.18/2002.  
purchase (P.18/2002) - comments. Com.  
Presented: 12th February 2002.  
*Finance and Economics Committee.*

**C.M. NEWCOMBE**

**Greffier of the States**

7th February 2001

**NOTE:** Members are reminded to bring their A4 copy of the Agriculture and Fisheries: policy report 2001 with them.

## **Explanatory Note regarding subordinate legislation tabled at this meeting.**

### **R & O 7/2002**

The purpose of this Order is to allow the Jersey Kart and Motor Club to close the Ronez road loop in St. John, between 9.30 a.m. and 2 30 p.m. on each of the Sundays specified in the Schedule to the Order, for the purpose of holding motor races with karts.

The Order was made on 31st January 2002.

### **R & O 8/2002**

The purpose of this Order is to increase the fees payable to members of the Mental Health Review Tribunal for the sittings that they attend.

The increase follows an examination of the present fees that have been in force since 1st January 1992. The new fees will be £200 for the Chairman or Vice-Chairman (instead of £100), £170 for a medical member (instead of £85), £60 for a lay member (instead of £30) and £60 (instead of £30) when a hearing is resumed. The increased fees are payable for all sittings of the Tribunal from 1st January 2002 onwards.

The Order was made on 6th February 2002 and came into force forthwith.

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

6th February 2002

- (a) as recommended by the Harbours and Airport Committee, the renewal of the lease from the National Trust for Jersey of the site of the Back Leading Light, Bonne Nuit, St. John for a period of 21 years deemed to have commenced from 25th March 1993, for an annual rent of £1 to be payable as a lump sum at the commencement of the lease, with an option to extend the lease, on the basis that the land would be used solely for the erection of the beacon or light and that consent would be obtained from the National Trust for Jersey in respect of any future changes to either the design, size, shape or colour of the beacon light. The Committee was to be responsible for both parties' reasonable legal costs arising from this transaction;
  
- (b) as recommended by the Public Services Committee, the purchase from the Jersey New Waterworks Company Limited of an area of land (measuring 4,779 square feet) situated to the north of Handois Reservoir required in order to construct an underground pumping station, for a consideration of £5,000 which sum includes £4,779 for the freehold interest in the land and a one-off payment of £221 for the temporary working area (measuring 4,628 square feet). Continuous vehicular and pedestrian rights, egress and service rights were to be granted, in perpetuity, to the area and the Committee was to be responsible for both parties' reasonable legal costs arising from this transaction;
  
- (c) as recommended by the Public Services Committee, the entering into of a Deed of Arrangement with Mr. Kenneth Moore and Mrs. Susan Mary Moore, née Andrews, in order to ratify encroachments by their property Bay View Cottage, La Grande Route des Sablons, Grouville towards the adjacent sea wall (namely, the opening windows and door and any portion of the property which might overhang the sea wall, including parts of the roof, rainwater guttering and fascia), with the surface water drainage of the property to be permitted to be directed through an aperture in the sea wall on the basis that the owners would have an obligation to ensure that the drainage facility was kept clear of all debris, rubbish and other material. The beneficiaries of the contract were to pay to the Committee a sum of £15,000 in consideration of the rights to be granted within the contract and that the public would not bear any future liability for any damage with might occur on any part of the property as a result of damage or repair to that part of the sea wall adjacent to the property which the public was unable to rectify due to the proximity of Bay View Cottage to the sea wall structure. Both parties would be afforded the usual access rights to maintain their respective properties under the standard terms and conditions, reflective of the position of the sea wall. Mr. and Mrs. Moore were to be responsible for both parties' reasonable legal costs arising from this transaction.

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

6th February 2002

1. The Education Committee had, by Act dated 23rd January 2002, accepted the lowest tender for the redevelopment of Grands Vaux Primary School, St. Helier, namely that submitted by Stansell QVC (Tender B) in the sum of £3,872,009.00 in a contract period of 65 weeks.

The other tenders received were as follows -

<u>Contractor:</u>	<u>Amount:</u>
Stansell QVC Limited (Tender A)	£3,883,509.00
Camerons Limited	£3,933,030.00
Hacquoil and Cook Limited	£4,026,351.54
J.P. Mauger Limited	£4,189,346.00
J.F. Marett and Son Limited	£4,288,115.00

## QUESTION PAPER

(See Item G)

The Deputy of St. John will ask the following question of the President of the Public Services Committee -

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

Deputy J.A. Martin of St. Helier will ask the following question of the President of the Policy and Resources Committee -

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

Deputy G.C.L. Baudains of St. Clement will ask the following question of the President of the Tourism Committee -

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

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

The Deputy of St. John will ask the following question of the President of the Human Resources Committee -

“How many environmental officers, in addition to the States Environmental Adviser, are employed by the various States’ Committees and their departments, and what is the total annual salary cost to the Island for all the above officers?”

Senator S. Syvret will ask the following question of the President of the Policy and Resources Committee -

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

- (a) Would the President inform the Assembly whether the Island authorities received official notice of the incident before it became public knowledge, and if not, has the Island yet received an official communication on the subject?

- (b) will the President inform the Assembly what, if any, official arrangements exist for communication on nuclear issues between the Island authorities and the relevant agencies in France?
- (c) will the President undertake to attempt to obtain a detailed account of the incident from the relevant agencies in France?"

Deputy P.F.C. Ozouf of St. Helier will ask the following question of the President of the Housing Committee -

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

The Deputy of St. Martin will ask the following questions of the President of the Housing Committee -

- “1. The Housing Department has recently circulated a letter to States tenants which reminded them, that tenants may be required to supply the Housing Department with documentary evidence of the Tenants’ current income and savings and the savings of any spouse or partner.

Would the President advise members -

- (a) whether his Committee has the legal right to request the above information if, in the first instance, the Tenant is requesting rent rebate, and secondly, if the Tenant is not seeking Rent Rebate?
- (b) if Tenants do supply the information, will the President give his assurance that the information is data protected?

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

Would the President advise Members-

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



The Deputy of St. John will ask the following question of the President of the Etat Civil Committee -

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

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

Senator S. Syvret will ask the following question of the President of the Policy and Resources Committee -

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

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

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

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

Deputy R.G. Le Hérisssier of St. Saviour will ask the following question of the President of the Public Services Committee -

“Would the President -

- (a) indicate the costs of analysing and countering the claims submitted by Balfour Beatty for work on the Cavern?
- (b) identify the organisation and/or consultants employed to undertake these tasks and the payments made to each of them?
- (c) identify the reasons as to why the claims submitted by Balfour Beatty diverged so significantly from their initial tender?



- (d) advise members what procedures and policies are in place to ensure that the chances of such a massive claim recurring have been minimised?"

Senator S. Syvret will ask the following questions of the President of the Finance and Economics Committee -

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

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

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

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

cumulative change in GNP

cumulative change in tax revenue from companies

cumulative change in tax revenue from salary and wage earners

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

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

The Deputy of St. John will ask the following question of the President of the Policy and Resources Committee -

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

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