

**THE STATES assembled on Tuesday,  
11th November 2003 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 Paul Vincent Francis Le Claire– out of the Island  
Kenneth Priaulx Vibert, Connétable of St. Ouen– out of the Island  
Alan Simon Crowcroft, Connétable of St. Helier– ill  
Jacqueline Jeannette Huet, Deputy of St. Helier– out of the Island  
Jeremy Laurence Dorey, Deputy of St. Helier– ill

Prayers read by the Greffier of the States

**Armistice Day – two minute silence**

THE STATES agreed to observe a two minute silence on the anniversary of Armistice Day, and accordingly observed the silence at 11.00 a.m.

**Subordinate legislation tabled**

The following enactments were laid before the States, namely –

Island Planning (Tree Preservation) (Saint Lawrence) (Jersey) Order 2003. <i>Environment and Public Services Committee.</i>	R&O 122/2003.
Island Planning (Fees) (No. 2) (Jersey) Order 2003. <i>Environment and Public Services Committee.</i>	R&O 123/2003.
Building Bye-Laws (Amendment No. 2) (Jersey) 2003. <i>Environment and Public Services Committee.</i>	R&O 124/2003.

**Matters presented**

The following matters were presented to the States –

Income Tax: introduction of higher rate (P.131/2003) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.131/2003. Com.
Proposed Ratification of the International Convention for Safety of Life at Sea, 1974 and Implementation of the Associated International Ship and Port Security Code (P.144/2003): comments. <i>Presented by the Finance and Economics Committee.</i>	P.144/2003. Com.(2)
States Members' remuneration: abolition of means testing (P.145/2003) – comments. <i>Presented by the Employment and Social Security Committee.</i>	P.145/2003. Com.

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

**Matters lodged**

The following matters were lodged “au Greffe” –

Jersey 65+ Health Plan. <i>Presented by the Employment and Social Security Committee.</i>	P.153/2003.
Draft The Law Society of Jersey Law 200-. <i>Presented by the Legislation Committee.</i>	P.154/2003.
Public Employees Contributory Retirement Scheme Committee of Management membership. <i>Policy and Resources Committee.</i>	P.155/2003.
Draft Housing (General Provisions) (Amendment No. 20) (Jersey) Regulations 200-. <i>Presented by the Housing Committee.</i>	P.156/2003.
Draft Road Traffic (No. 55) (Jersey) Regulations 200. <i>Presented by the Deputy of St. Martin and referred to the Home Affairs Committee.</i>	P.157/2003.

### **Additional meeting of the States – 25th November 2003**

THE STATES, adopting a proposition of Senator Philip Francis Cyril Ozouf, agreed to hold an additional meeting on Tuesday 25th November 2003.

### **Insurance relating to the vessel Solidor V – statement**

Senator Leonard Norman, President of the Harbours and Airport Committee, made a statement in the following terms –

“During last week’s States’ meeting it became clear that there was some confusion or misunderstanding regarding the status of the Harbours’ responsibility and the situation regarding insurance cover whilst the Solidor V was detained.

I accept that this was in part my fault for not fully understanding the implications behind the question of the Deputy of St. John and not being aware that some members were apparently in possession of what appeared to be a leaked memorandum or note.

I am grateful for this opportunity to clarify the matter.

There are two issues, which are separate, but may have become related, understandably, in the minds of some.

Firstly, the insurance of all vessels is the responsibility of their owners, whether that vessel is on the high seas or in port.

As ownership of the Solidor V did not change during its detention, the insurance remained the responsibility of the owner and in place. Therefore, if any damage had been incurred to, or by the vessel while in port, this would be a matter for the owners and their insurers.

If an owner is able to demonstrate that loss is caused by neglect, error, omission or advice by an officer of the States of Jersey or any employee, that owner could have a claim against the port operator’s or liability policies which are held under the States insurance programme.

This situation pertains whether a vessel is detained or plying its normal trade.

From this, members will understand that the States were not exposed to any financial risk while the

Solidor V was detained.

The second and unrelated issue relates to the implications of the apparently leaked document, which I was not aware of until late last Wednesday.

The granting and serving of the *ordre provisoire* sets in train a series of events which could have, in due course, resulted in ownership of the vessel being transferred to the States and sold to cover the outstanding debt and costs relating to the detainment. This was never a likely scenario, but as a matter of prudence and contingency the Harbours Department made enquiries of insurance brokers and the Lloyds market in London to establish the cost of insuring the vessel if ownership, and therefore responsibility for the insurance, transferred.

I hope that this statement clarifies matters and reassures members.”

### **A Tobacco Strategy for Jersey – P.109/2003**

#### **Comments – P.109/2003 Com.; amendments and comments to amendments– P.109/2003 Amd. P.109/2003 Amd.(2); P.109/2003 Amd.(2)Com.**

THE STATES commenced consideration of a proposition of the Health and Social Services Committee concerning a Tobacco Strategy for Jersey and adopted an amendment of Deputy Alan Breckon of St. Saviour that at the end of paragraph 1(b) there be inserted the words “including financial assistance for those seeking to stop smoking”.

Members present voted as follows –

#### **“Pour” (25)**

##### **Senators**

Le Maistre, Syvret, Kinnard, M. Vibert, E. Vibert.

##### **Connétables**

St. Mary, St. Clement, Trinity, St. Lawrence.

##### **Deputies**

Duhamel(S), Breckon(S), St. Martin, Baudains(C), Troy(B), Scott Warren(S), Le Hérissier(S), Fc (H), Bridge(H), Martin(H), Southern(H), Bernstein(B), Ryan(H), Taylor(C), St. Peter, De Faye(H).

#### **“Contre” (12)**

##### **Senators**

Le Sueur, Lakeman, Routier, Ozouf.

##### **Connétables**

St. Brelade, St. John, St. Peter.

##### **Deputies**

Trinity, Ferguson(B), St. Mary, St. Ouen, Grouville.

THE STATES, following consideration, rejected amendments of Senator Edward Philip Vibert that at the end of paragraph 1(c) there be inserted the words “, provided that the measures outlined in the strategy shall apply equally to all licensed premises where alcohol is sold and consumed”, and after sub-paragraph 1(g)(vi), after the words “eating places” there be inserted the words “and in all licensed premises where alcohol is sold and consumed”.

Members present voted as follows –

**“Pour” (11)**

**Senators**

E. Vibert.

**Connétables**

St. Clement, Trinity.

**Deputies**

Duhamel(S), St. Martin, Dubras(L), Troy(B), Le Hérissier(S), Bridge(H), Ryan(H), Hilton(H).

**“Contre” (32)**

**Senators**

Le Maistre, Syvret, Norman, Kinnard, Le Sueur, Lakeman, Routier, M. Vibert, Ozouf.

**Connétables**

St. Martin, St. Brelade, St. Mary, St. John, St. Peter, St. Lawrence, Grouville.

**Deputies**

Trinity, Breckon(S), St. John, Baudains(C), Voisin(L), Scott Warren(S), Fox(H), Martin(H), Souther (H), Bernstein(B), Ferguson(B), St. Ouen, Taylor(C), Grouville, St. Peter, De Faye(H).

THE STATES, adopting the proposition, as amended, of the Health and Social Services Committee concerning a Tobacco Strategy for Jersey, referred to their Act dated 18th November 1999, in which they approved a five-year Substance Misuse Strategy, which included the intention to take action on tobacco after considering measures taken in other countries, and –

- (1) endorsed the strategy for concerted and co-ordinated action to reduce the harm to individuals and the community caused by the use of tobacco dated 2nd April 2003 and approved the key strategic aims and objectives set out in the Tobacco Strategy for Jersey, namely –
  - (a) to monitor smoking-related diseases, smoking prevalence and the impact of the tobacco strategy;
  - (b) to promote and support a comprehensive smoking-cessation programme including financial assistance for those seeking to stop smoking;
  - (c) to restrict smoking in workplaces, States’ buildings and other public places;
  - (d) to reduce the number of young people starting to smoke;
  - (e) to protect non-smokers from passive smoking and promote non-smoking as the social norm;
  - (f) to develop a media strategy to further raise public awareness of the dangers of smoking;
  - (g) to employ fiscal and legislative measures in order to address the demand for, and the supply of, tobacco products including –
    - (i) increasing impôts duties on tobacco products over and above the level of inflation each year;
    - (ii) increasing the penalties regarding breaches of existing legislation relating to tobacco products;
    - (iii) enforcing existing legislation relating to tobacco products;
    - (iv) banning local tobacco advertising;

- (v) extending the law regarding tobacco sales to minors by increasing the age of purchase from 16 to 18;
  - (vi) introducing legislation to ban smoking in public eating places; and
  - (vii) introducing legislation regarding the siting of vending machines selling tobacco products;
- (2) requested the Health and Social Services Committee, in conjunction with the Finance and Economics and Home Affairs Committees and any other Committee concerned, to take steps to bring forward for approval as appropriate the necessary legislative and policy changes referred to above; and
  - (3) requested the Health and Social Services Committee to report to the States within a period of three years on the progress of the implementation of the strategy.

Members present voted as follows –

**“Pour” (37)**

**Senators**

Le Maistre, Syvret, Kinnard, Le Sueur, Routier, M. Vibert, E. Vibert.

**Connétables**

St. Mary, St. John, St. Peter, St. Clement, Trinity, St. Lawrence.

**Deputies**

Trinity, Duhamel(S), Breckon(S), St. Martin, St. John, Le Main(H), Dubras(L), Troy(B), Voisin(L Scott Warren(S), Le Hérisier(S), Fox(H), Bridge(H), Martin(H), Southern(H), Bernstein(B Ferguson(B), St. Mary, St. Ouen, Ryan(H), Taylor(C), Grouville, St. Peter, Hilton(H).

**“Contre” (8)**

**Senators**

Norman, Ozouf.

**Connétables**

St. Martin, St. Saviour, St. Brelade, Grouville.

**Deputies**

Baudains(C), De Faye(H).

Senator Frank Harrison Walker and Deputy Lyndon John Farnham of St. Saviour declared an interest and withdrew from the Chamber prior to the consideration of this matter.

**Succession Rights for children born out of wedlock – P.121/2003**

THE STATES adopting a proposition of the Legislation Committee decided –

- (a) that the Wills and Successions (Jersey) Law 1993 should be amended so as to permit any person domiciled in Jersey to dispose of moveable estate as that person thought fit subject to paragraph (b) below;
- (b) that the Royal Court should have a jurisdiction to make such order as it thought fit in the administration of moveable estate of a person who had died domiciled in Jersey so as to provide a proper sum out of that estate for the maintenance and support of that person’s dependents;

- (c) that succession to moveable estate on intestacy should devolve in such a way that ensured all children of the deceased had the same rights whether they be born inside or outside wedlock; and,
- (d) that new provision should be made for executors and administrators dealing with the administration of the estate of the deceased in good faith.

Members present voted as follows –

**“Pour” (40)**

**Senators**

Le Maistre, Syvret, Kinnard, Le Sueur, Lakeman, Routier, M. Vibert, Ozouf, E. Vibert.

**Connétables**

St. Brelade, St. Mary, St. John, St. Peter, St. Clement, Trinity, St. Lawrence, Grouville.

**Deputies**

Trinity, Duhamel(S), St. Martin, St. John, Le Main(H), Dubras(L), Baudains(C), Troy(B), Scott Warren(S), Le Hérissier(S), Fox(H), Bridge(H), Martin(H), Southern(H), Bernstein(B), Ferguson(B), St. Mary, St. Ouen, Ryan(H), Taylor(C), Grouville, St. Peter, De Faye(H).

**“Contre” (0)**

**Jersey Legal Information Board: introduction of ‘user pays’ charges – P.139/2003**

THE STATES, adopting a proposition of the Finance and Economics Committee, referred to their Act dated 24th June 2003 in which they agreed that no new ‘user pays’ charges would be introduced by Committees of the States without any such charge receiving prior in principle approval by the States Assembly and agree that, with effect from 1st January 2004, commercial users accessing the unreported judgements in the password protected area of the Jersey Legal Information Board website should be charged such annual sums as might be determined from time to time by the Board after consultation with the Finance and Economics Committee.

Members present voted as follows –

**“Pour” (32)**

**Senators**

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

**Connétables**

St. Brelade, St. John, St. Peter, St. Clement, Trinity, St. Lawrence, Grouville.

**Deputies**

Duhamel(S), St. Martin, Dubras(L), Baudains(C), Troy(B), Scott Warren(S), Le Hérissier(S), Fox(H), Southern(H), Bernstein(B), Ferguson(B), St. Mary, St. Ouen, Ryan(H), Taylor(C), Grouville, St. Peter, De Faye(H).

**“Contre” (4)**

**Senators**

E. Vibert.

**Deputies**

St. John, Bridge(H), Martin(H).

Senator Christopher Gerard Pellow Lakeman declared an interest and withdrew from the Chamber prior to the consideration of this matter.

THE STATES rose at 5.35 p.m.

**M.N. DE LA HAYE**

*Greffier of the States.*