

**THE STATES assembled on Tuesday,
1st April 2003 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Michael Cameron St. John Birt, Esquire.**

**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 Wendy Kinnard – ill
Senator Edward Philip Vibert – out of the Island
Francis Herbert Amy, Connétable of Grouville – ill
Jacqueline Jeanette Huet, Deputy of St. Helier– out of the Island

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Public Finances (General) (Amendment No. 23) (Jersey) Rules 2003.	R&O 20/2003.
Collective Investment Funds (Recognised Funds) (Rules) (Jersey) Order 2003.	R&O 21/2003.
Gambling (Gaming and Lotteries) (Gaming Machines) (Jersey) Order 2003.	R&O 22/2003.
Diseases of Animals (Sheep and Goat Spongiform Encephalopathy) (Jersey) Order 2003.	R&O 23/2003.
Road Racing (Karts) (Jersey) Order 2003.	R&O 24/2003.
Road Racing (Hill Climbs and Sprints) (Jersey) Order 2003.	R&O 25/2003.
Community Provisions (Control of Dual-Use Items and Technology) (Application) (Amendment No. 2) (Jersey) Order 2003.	R&O 26/2003.

Matters presented

The following matters were presented to the States –

General Reserve: grant of additional funds to 31st December 2002. <i>Presented by the Finance and Economics Committee.</i>	R.C.16/2003.
Regulation of Undertakings and Development (Jersey) Law 1973, as amended: policy statement. <i>Presented by the Economic Development Committee.</i>	R.C.17/2003.
States Rental Waiting List.	R.C.18/2003.

Presented by the Housing Committee.

Office of Fair Trading establishment (P.97/2002) – comments. P.97/2002.
Presented by the Economic Development Committee. Com.(3)

Mont Orgueil development strategy: appointment of independent expert P.19/2003.
(P.19/2003) – comments. Com.(3)
Presented by the Policy and Resources Committee.

Mont Orgueil development strategy: appointment of independent expert P.19/2003.
(P.19/2003) – comments. Com.(4).
Presented by the Finance and Economics Committee.

The following matters were presented on 25th March 2003 –

Public Lotteries: report for 2002. R.C.14/2003.
Presented by the Economic Development Committee.

Freedom of Information: Consultation Paper. R.C.15/2003.
Presented by the Privileges and Procedures Committee.

Mont Orgueil development strategy: appointment of independent expert P.19/2003.
(P.19/2003) – comments. Com.(2)
Presented by the Environment and Public Services Committee.

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 26th March 2003, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the former Agriculture and Fisheries Committee, (now subsumed into the Economic Development Committee), the sale to Mr. Geoffrey Richard Foulerton of Field No. 442, Le Mont de la Mare, St. Catherine, St. Martin, (measuring 1.3.20 vergées access to which was from the adjoining B62 main road), for a consideration of £6,100, subject to the terms of a Wayleave Agreement with the Jersey Electricity Company Limited passed before the Royal Court in September 2002, permitting the public to retain the Postal Box and Directional Traffic Signs as currently established on the land, with each party to be responsible for its own legal costs arising from this transaction;
- (b) as recommended by the Environment and Public Services Committee, the variation of the existing lease to Two Way Properties Limited of the first floor offices at Thorp House, Rouge Bouillon, St. Helier (until 31st July 2005), so as to establish Mr. Terrance William Cooper as a guarantor in place of Computer Solutions Limited, in respect of which a satisfactory financial reference had been received; and to surrender back to the public one of the two car parking spaces previously designated to the lessee under the terms of a ‘side letter’ annexed to the lease document, on the basis that the proposals were not considered to be prejudicial to the public’s interest as lessor, with the lessee to be responsible for the Committee’s legal fees and expenses arising from this transaction;
- (c) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with Mr. Anthony John Palmer, Mrs. Jennifer Stephens Palmer, née Gould, and Mrs. Florence Ada Gould, née Stephens (the Grantees), the joint owners of No. 9 Wesley Street, St. Helier, for a consideration of £10, in order to permit surface water drainage to be taken from No. 9 Wesley Street through the publicly-owned property Nos. 37 Wesley Street, St. Helier, subject to the work in relation to the drainage rights being undertaken at no cost to the public and to the reasonable satisfaction of the Chief Executive

Officer of the Housing Department, and with the Grantees to be responsible for the Committee's reasonable legal and professional fees arising from this transaction;

- (d) as recommended by the Housing Committee, the assignment of the lease (until 14th January 2020, subject to three-yearly open market rent reviews) of Shop B, Jardin du Soleil, First Tower, St. Helie (present tenants Edgar Holdings Limited) to Mr. Alex Keith Harrison and Miss Emma Jane Vida Jeffrey, to be guaranteed by Mr. Ian William Harrison, with the assignor to be responsible for the Committee's reasonable legal costs arising from this transaction; and,
- (e) as recommended by the Harbours and Airport Committee, the sale to Lakeside Residential Homes Limited of an area of land (measuring approximately 570 square metres) at La Rue de la Commune St. Peter, for a consideration of £8,000, on the basis that the vendor would contribute a further £500 towards any legal costs incurred by the Committee.

Matters lodged

The following matters were lodged "au Greffe" –

- | | |
|---|------------|
| Public right of access to information, financial and other records of the States of Jersey.
<i>Presented by Deputy A. Breckon of St. Saviour and referred to the Policy and Resources, Finance and Economics and Privileges and Procedures Committees.</i> | P.34/2003. |
| Draft Motor Traffic (No. 10) (Jersey) Regulations 200.
<i>Presented by the Home Affairs Committee.</i> | P.35/2003. |
| Former Gorey Youth Centre, La Chèvre Rue, Grouville: proposed sale.
<i>Presented by the Environment and Public Services Committee.</i> | P.36/2003. |

The following matters were lodged on 25th March 2003 –

- | | |
|--|------------|
| Code of Conduct for elected Members of the States.
<i>Presented by the Privileges and Procedures Committee.</i> | P.32/2003. |
| Waterfront Enterprise Board Limited: dissolution.
<i>Presented by Senator S. Syvret.</i> | P.33/2003. |

Draft Health Care (Registration) (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200- P.35/20003 – withdrawn

THE STATES noted that in accordance with Standing Order 22(3), the President of the Health and Social Services Committee had instructed the Greffier of the States to withdraw the proposition concerning the draft Health Care (Registration) (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200-, (P.25/2003 lodged "au Greffe" on 18th March 2003 and set down for consideration at the present meeting).

Arrangement of public business for the next meeting on 29th April 2003

THE STATES, having agreed not to meet on 8th April 2003, confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 29th April 2003 –

- | | |
|--|------------|
| Draft Water (Amendment No. 2) (Jersey) Law 200.
Lodged: 4th March 2003. | P.24/2003. |
|--|------------|

Environment and Public Services Committee.

Code of Conduct for elected Members of the States.

P.32/2003.

Lodged: 25th March 2003.

Privileges and Procedures Committee.

Draft Motor Traffic (No. 10) (Jersey) Regulations 200.

P.35/2003

Lodged: 1st April 2003.

Home Affairs Committee.

Status of legislation relating to the confiscation of alcohol – question and answer (Tape No. 815)

The Deputy of St. Martin asked Senator Wendy Kinnard, President of the Home Affairs Committee, the following question –

“On 21st May 2002, the States, in adopting the proposition regarding Confiscation of Alcohol; introduction of legislation, (P.46/2002), approved in principle the introduction of legislation to permit police officers to confiscate alcohol in certain circumstances and charged the Home Affairs Committee to prepare the necessary draft legislation.

On 24th September 2002, in response to questions regarding the steps taken to comply with the States’ decision, the President stated that –

‘The Committee had only discussed the issue only once before issuing instructions to the Law Draftsman to prepare the appropriate amendments to the Policing of Roads, Parks and Beaches Regulations. When these amendments are drafted the Committee will waste no time in bringing them to the States’.

Will the President inform the Assembly when the Committee intends to present the draft legislation to the States for approval?”

The President of the Home Affairs Committee replied as follows –

“In September 2002, as stated by the former President of the Home Affairs Committee, law drafting instructions were issued to the Law Draftsman to prepare the appropriate amendments to the Policing of Roads, Parks and Beaches Regulations.

However, the information provided to the Law Draftsman was not sufficient for the amendments to be drafted. Further research was consequently carried out, and a report was taken to the Home Affairs Committee at its meeting in February.

The Committee approved the report, and more detailed drafting instructions have now been submitted to the Law Draftsman. Once the amendments have been drafted, the Committee will bring them to the States.”

Assisted House Purchase Scheme – questions and answers (Tape No. 815)

The Deputy of St. John asked Deputy Terence John Le Main of St. Helier, President of the Housing Committee the following questions –

- “1. (a) Will the President inform members of any limits that apply to the purchase price of property under the Assisted House Purchase Scheme?
- (b) Will the President inform members whether the Committee intends to bring the matter of the Assisted House Purchase Scheme to the States for debate, and, if so, when?

2. Will the President inform members whether or not the Committee is reviewing its policy on the acquisition of property in a company name, and, if so, whether this matter will be brought to the States for debate, and when?"

The President of the Housing Committee replied as follows –

- “1. (a) There is no limit to the purchase price of property under the Assisted House Purchase Scheme other than that the property must be one suitable for occupation by a person falling within Regulation 1 (1)(a)-(j).
 - (b) The Assisted House Purchase Scheme represents long-standing States policy. At the present time the Housing Committee has no plans, other than as described in the answer to question 2, to change any aspect of the Scheme, and therefore the question of a States debate does not arise.
2. I made the Housing Committee’s position quite clear with regard to the Regulations relating to the acquisition of individual residential property in a company name in the statement I made to the States on 25th September 2001, and a copy of that statement has been circulated to members today.

I suspect the questioner is intending to refer to proposals that the Committee has agreed, in principle, in respect of applicants who are eligible for a loan under the Assisted House Purchase Scheme. These proposals relate to such individuals being able to purchase individual property through the medium of a company in their individual ownership, which would enable the Housing Committee, the Law Officers, and the Treasury to be free of the administration of both purchasing and continuing to own residential property, whilst enabling the Housing Committee to maintain control of occupation of such property.

Before proceeding with these proposals the Committee is awaiting advice from the Law Officers’ Department with regard to any potential conflict which might arise between these proposals, and the Regulations as they currently stand. The Committee is of the view that the public of the Island should not be owners of such properties, if an alternative method of enabling such senior essential employees to be housed is available.”

Housing Committee’s Strategic Policy Report 2002-2006 – questions and answers (Tape No. 815)

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

- “1. Paragraph 3.7.2 of the Housing Committee’s Strategic Policy Report 2002-2006, (P.2/2002), regarding the vigorous pursuit of fraud investigation states that –

the Committee is satisfied that the cost of resources for fraud investigation is more than recovered by the savings made on the payment of subsidy.

Will the President inform members –

- (a) how many alleged or suspected cases of fraud were brought to the attention of the Department in 2002?
- (b) of these, what proportion were reported to the Department anonymously by members of the public?
- (c) what proportion of the total cases suspected were followed with investigation by a fraud officer?
- (d) how many cases resulted in recovery of funds and what was the total recovered?
- (e) in how many cases of fraud were eviction proceedings pursued?

2. Will the President outline for members what procedures or guidelines, if any, are in place to protect tenants should unfounded allegations arise against them?"

The President of the Housing Committee replied as follows –

- “1. (a) Approximately 125 alleged or suspected cases of fraud were brought to the attention of the Department in 2002, of which 76 were actually investigated;
 - (b) approximately one out of four cases was reported anonymously;
 - (c) approximately three out of five of the total cases suspected were followed with investigation by a fraud officer;
 - (d) 21 cases resulted in recovery of funds. During 2002, there was backdated recovery of nearly £18,000 and, by year end, ongoing weekly savings of £1,313 arising from adjusted subsidy payments;
 - (e) eviction proceedings were pursued in one case.
2. If it cannot be shown without investigation that an allegation is unfounded then an investigation will usually be pursued. This policy to some extent protects tenants by not allowing unfounded allegations to remain unanswered. However there are no specific guidelines which protect tenants from unfounded allegations – in many cases, unless investigated, the Department cannot determine whether or not the allegations are without foundation.”

Ferry operators on the Jersey-St. Malo route – question and answer (Tape No. 815)

The Deputy of St. John asked Senator Leonard Norman, President of the Harbours and Airport Committee, the following question –

- “(a) Will the President inform members whether the Committee has received the final report and scoping study from the Jersey Competition Regulatory Authority, (J.C.R.A.), regarding the viability of having two separate car ferry companies, namely Condor Ferries Limited and Emeraude Lines, operating the Jersey-St. Malo route for a 12 month service period, and, if not, explain the Committee’s rationale in granting a licence to Condor Ferries Limited prior to having received the J.C.R.A.’s report?
- (b) Will the President inform members whether Condor Ferries Limited and Emeraude Lines signed a memorandum of understanding with the J.C.R.A. to supply any relevant information to assist in determining whether the route was viable for more than one operator, and, if either party failed to comply, the reasons for this?
- (c) Will the President inform members of the cost to the States of the J.C.R.A. study to date, and what the final cost would be if the study was to be completed?
- (d) Will the President inform members whether the Committee is to bring the matter of shipping routes between St. Helier and St. Malo to the States for debate, and, if not, give the reasons for this?”

The President of the Harbours and Airport Committee and H.M. Attorney General informed the States that they had been notified that matters relating to the granting of a licence to Condor Ferries could be the subject of legal proceedings. The Deputy Bailiff ruled that in his judgment the answers as set out were unlikely to prejudice legal proceeding and he accordingly invited the President to read the answers.

The President of the Harbours and Airport Committee replied as follows –

- “(a) A J.C.R.A. scoping study, ‘Competition Effects in the Car Ferry Services Market Serving the Island of Jersey’, was received by the Committee in June 2002, and a Car Ferry Study was received in March

2003. No further work has been commissioned by the Harbours and Airport Committee from the J.C.R.A.

- (b) It is my understanding that Emeraude Lines have signed a memorandum of understanding with the J.C.R.A. and that Condor Ferries Limited have not. However, it is also my understanding that Condor Ferries have supplied information on route viability, but Emeraude Lines have not. I cannot speculate on the reasons for this.
- (c) The Scoping Study cost £11,839.58. I understand that the Economic Development Committee has received an invoice in the sum of £16,731.40 for the Car Ferry Study. The J.C.R.A. has quoted £45,000 plus consultancy, travel and disbursements for a Phase 2 Car Ferry Study.
- (d) With shipping routes to and from the Island showing sustained and steady growth, the Committee considers that a States debate at this time will not assist this process further.”

The President of the Harbours and Airport Committee having given the answers set out above, and the States having received further advice from H.M. Attorney General, the Deputy Bailiff ruled, in accordance with Standing Order 13(1)(f), that no further supplementary questions without notice should be put on this matter at the present meeting.

‘Smart Card’ system for Jersey – question and answer (Tape No. 815)

Deputy Terence John Le Main of St. Helier, asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following question –

“In January 2001, several members of the States attended a presentation by De La Rue as consultants commissioned by the Policy and Resources Committee to explore a ‘smart card’ system for Jersey. As a result of this consultation, it was agreed that the Committee would begin work immediately on more detailed proposals in preparation for the matter to be taken to the States. Would the President inform members –

- (a) the reasons for the delay in recommendations coming to the States?
- (b) when the matter is likely to be brought before the States for consideration in the form of a report and proposition?”

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

“(a) I will answer the Deputy’s question (a) in the same manner I responded to him by letter on 26th February this year.

The issue of smartcards was included as part of the previous Committee’s proposals contained in P.101/2002 for a new ‘residents’ database’ system which would underpin the proposed combined ‘licence’ regime. In effect, should those proposals have been approved, all residents would eventually be on the system and would be in possession of a card, which could also perhaps be used – subject to explicit public agreement and the necessary human rights and data protection issues having been addressed, for accessing public services such as primary health care, benefits, etc. However, P.101/2002 was not adopted due to a tied vote in the States and thus the licensing system proposed was not approved.

Although the outgoing Committee did come back to the States in November with a revised set of proposals in its ‘Population Policy Report’, P.205/2002, which retained the idea of the new licensing scheme, that proposition has, of course, yet to be debated.

- (b) The Policy and Resources Committee will be considering its position in relation to ‘population’ again this week and intends, subject of course to agreement being reached, to lodge a new report and proposition, to replace P.205/2002 later this month.

- (c) Should the Committee's proposals, which do currently retain the proposal for a residents' licensing scheme, be approved, the next step will be for the Housing and the Economic Development Committees to work with the Policy and Resources Committee to develop and bring forward proposals on how this scheme might work in practice. I would hope that given a commitment from all parties to move forward quickly, a scheme could be devised and brought forward before the end of this year."

Explanatory literature available to the public on building laws and regulations – question and answer (Tape No. 815)

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) Will the President inform members whether the Committee intends to produce explanatory literature for use by the building industry and public in general relating to the many new building regulations and laws which have been introduced by the former Planning and Environment Committee over the last 3 to 5 years, and, if so, advise when this might be available?
- (b) Following the introduction of the Island Planning (Exempt Operations) (Jersey) Regulations 2002, by the former Planning and Environment Committee, will the President advise members whether requests for explanatory literature have been made by the building industry and the public, and, if so, when such information will be made available?”

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

- “(a) Firstly, the Committee already publishes technical guidance documents which advise members of the public and the industry how they can meet the requirements of the Building Bye-Laws. These were first introduced with the 1997 Building Bye-Laws, and have been updated or added to as the Bye-Laws have subsequently changed. These documents contain drawings and specifications to assist those making applications.

Secondly, there are also several planning guidance documents published and available from the Department's reception, although with the adoption of the new Island Plan in July 2002, many of these need reviewing, a process which should be completed in the next year or so.

Thirdly, it is not intended to produce guidance on the Planning and Building Law 2002 until it is in effect – hopefully in 2005. To publish prematurely, with the 1964 Law as amended still in operation, would only serve to confuse the public.

- (b) Yes, there have been some suggestions and requests for explanatory guidance, and a leaflet containing drawings is being prepared and should be available by the end of July 2003. Indeed, Deputy Rondel himself has made useful suggestions which are much appreciated and upon which we are acting. The Regulations themselves are not particularly complicated, but we recognise the need to provide clarification in certain instances, particularly in the residential sector.

In respect of both questions, officers of the Department are always willing to explain the various Laws, Regulations and Policies to members of the public. In addition, the Department is redesigning its Website, which will be launched in the next few weeks, and this will provide easy access to all the Department's Laws, Policies, advice notes and other explanatory documents. The Committee and the Department are committed to continuing to enhance the quality and timeliness of information and communications, subject always to resource restraints, complementing its primary service provisions.”

Jersey-born passport holders and the involvement of States members in international affairs policy – questions and answers (Tape No. 815)

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

- “1. Will the President inform members whether the Policy and Resources Committee will review the matter of Jersey-born passport holders who, under Protocol 3 of the Treaty of Accession of the United Kingdom to the European Community, are not entitled to live and work in the European Union?
2. Will the President describe what steps the Committee will take, if any, to involve States members more fully in the formulation of international affairs policy in the future?”

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

- “1. No.

The Island is not a separate member state, nor is it an associate member state of the European Union. The Island’s relationship with the European Union is defined by Protocol 3 to the Treaty of Accession of the United Kingdom to European Economic Community.

Article 299.6 of the E.C. Treaty provides that the Treaty shall apply to the Channel Islands and the Isle of Man only to the extent necessary to ensure the implementation of the arrangements for those Islands as set out in Protocol 3, and those arrangements apply to the free movement of industrial goods and agricultural products. Other elements of the Treaty, including the free movement of persons, the free movement of services and fiscal harmonisation, are not covered by the Protocol.

In a speech made by the then Rt. Hon. Geoffrey Rippon, Q.C., MP, Chancellor for the Duchy of Lancaster to the States of Jersey on 19th November 1971, the issue of free movement of people was fully explained, and accepted by the States of the day.

To revisit the issue of free movement of people, in order for Jersey-born passport holders to be entitled automatically to live and work in the European Union, would require revisiting the entire Treaty. The E.U. is unlikely to be willing to examine the applicability of the Treaty on a piecemeal basis. Even if it were, any change in the arrangements for the Island could involve revisiting the whole relationship between the Island, and indeed the other Islands, and the European Union. This would involve changes to the Treaty of Accession and could in turn require amendments of the E.C. Treaty itself, which would require the agreement of the U.K. and all 14 other member states.

As such, no review of this matter is, therefore, intended.

2. As I have said previously, both in the speech I made during the election for the presidency of Policy and Resources Committee and, more recently, in response to questions asked in this Assembly, it is my intention, and that of the Policy and Resources Committee, to operate in an even more open manner than ever before and to involve more States members in the development of major policies. The Committee is continuing to work with the Privileges and Procedures Committee on proposals for greater information sharing with and involvement by members and I am sure that we will come forward with clear proposals in the very near future.

What I should add, however, is that the question appears to be set within a context that major decisions are somehow being made behind closed doors in relation to international affairs. I can assure members that this is not the case and, as long as I have been on the Policy and Resources Committee, it certainly never has. Neither I, nor the Policy and Resources Committee would countenance such action and fully recognise the absolute need and indeed the right for all States members to be involved in major international policy decisions.

It must, of course be remembered that the decision to approve Protocol 3 of the Treaty of Accession of the United Kingdom to the European Community, the matter to which the Deputy’s first question referred, was a States decision and that full consultation did take place at that time. It was not a matter

which could possibly be decided by one or more Committees.

Examples of other major issues that we recently brought to this Assembly and which could not possibly have been dealt with by Committee alone were –

the European Convention for the Protection of Human Rights and Fundamental Freedoms – Individual Right to Petition, (P.110/2002); and,

the Tax Information Exchange Agreement with the United States of America, (P.172/2002).

In the near future, we will be bringing forward a proposal regarding Protocol 13 of the European Convention on Human Rights in connection with the abolition of the death penalty and, of course, in due course we will be asking the States to consider proposals in relation to the E.U. Tax Package.

There always has been and will continue to be a whole range of international matters upon which the States will have to decide and we will continue to ensure that all significant international policy matters are brought before this Assembly and, that States members and others, as has been the case hitherto, are openly and actively involved in policy formulation.”

Work permits and the proposed population policy – questions and answers (Tape No. 815)

Senator Paul Vincent Francis Le Claire asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following questions –

- “1. Up to ten new member states will join the European Union in May 2004. The United Kingdom has already declared that nationals of the new member states will enjoy free movement of labour.

Will the President inform members whether the Policy and Resources Committee will be reconsidering the matter of work permits as a method of controlling population in the absence of any other policy relating to the free movement of E.U. labour in the Island?

2. Will the President inform members when the Policy and Resources Committee will bring forward for debate its proposals for a population policy, P.205/2002 lodged ‘au Greffe’ on 5th November 2002, and provide an explanation of the reasons for the delay, if applicable?”

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

- “1. The new Policy and Resources Committee will be considering its proposals on population and migration, including what, if any, controls might be proposed to monitor and control inward migration later this week. I cannot of course prejudge the outcome of those considerations, but I think I can say that whereas a residents’ licensing scheme is being considered, a more limited work permit system, as I would understand it, is not on the agenda.
2. The Policy and Resources Committee considered the former Committee’s proposition, P.205/2002, on 22nd January 2003, and at that meeting decided that further work needed to be done before bringing new proposals forward. The matter is being considered at a special half day meeting of the Committee on Friday of this week.”

Jersey Milk Marketing Board Constitution – question and answer (Tape No. 815)

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

“Under the provisions of the Milk Marketing Scheme (Approval) (Jersey) Act 1954, a minimum of 25

signatures of registered producers are required in order to requisition the calling of a general meeting of the Jersey Milk Marketing Board. There are now only in the region of 36 cattle farmers left in the industry from an original number of approximately 1000, of which nine members sit on the Jersey Milk Marketing Board.

Will the President inform members whether the Committee will be taking any action to seek amendments to the constitution of the Jersey Milk Marketing Board, and if so, how and when this is intended?"

The President of the Economic Development Committee replied as follows –

“The constitution of the Jersey Milk Marketing Board, (JMMB), is governed by the Milk Marketing Scheme (Approval) (Jersey) Act 1954. The Economic Development Committee is of the view that this Scheme does require review and subsequent modification. An initial meeting between the JMMB and the Economic Development Committee was held on 26th March 2003. Various areas warranting action were identified, including the review of the Scheme which governs the constitution of the JMMB. These actions will be progressed over the coming months, but it would be premature to say at this stage what changes are required or when firm recommendations will be forthcoming. However, it is likely that it will be late summer or autumn of this year before firm proposals will be finalised.

Members can be assured that this issue is receiving due priority and attention. Proposed changes will be brought back to this Assembly as soon as practicable.”

Dairy industry exit strategy in 2002 – question and answer (Tape No. 815)

The Deputy of St. John asked Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee, the following question –

“(a) Will the President inform members whether the application for aid in support of the dairy industry exit strategy in 2002 came from the industry directly or through the former Agriculture and Fisheries Committee?”

(b) Will the President inform members whether the Finance and Economics Committee inspected the accounts of the Jersey Milk Marketing Board prior to agreeing to provide aid for the dairy industry exit strategy in 2002, and, if not, explain the reasons why?”

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

“(a) During 2002, the Finance and Economics Committee approved two amounts of funding for the restructuring of the Dairy Industry, the first in March 2002 amounting to £500,000, and the second in July 2002 for £350,000.

Due to the urgent need to commence both restructuring schemes, the Committee worked side by side with the former Agriculture and Fisheries Committee in addressing the request of the Dairy Industry, but the formal requests came from, and the actual funding was given to, the former Agriculture and Fisheries Committee, which administered the schemes.

In both cases, before the Finance and Economics Committee considered the proposals, the former Agriculture and Fisheries Committee had previously met and agreed to support the requests of the Industry.

This information has already been conveyed to members in a full statement to the Assembly on 24th July 2002, by the previous President of the Finance and Economics Committee.

(b) The Finance and Economics Committee was presented with financial information in both instances by the Dairy Industry, however it did not consider it necessary to inspect the accounts of the Jersey Milk Marketing Board, as the restructuring schemes were simply a matter of tackling urgently the

uneconomic over-production of milk, in respect of which full background information was provided to the Committee by officers of both the Agriculture and Fisheries Department and the Treasury. The existence of overproduction was beyond doubt.

Two options were proposed for reducing this over-production, through the Jersey Milk Licensing Scheme. The industry believed that the first option, a pro-rata cut in farm output on all producers, would have proved catastrophic to many producers given the existing low levels of profitability in the industry and would have resulted in bankruptcies.

The second option available, and adopted, was that of a restructuring scheme to encourage some producers to retire from the industry and thereby reduce overall production, bringing benefits to both Jersey Milk and the remaining producers. The costs of the schemes were funded jointly between the Finance and Economics Committee, from the General Reserve, and Jersey Milk.

The decision to restructure the Industry has subsequently been borne out by the report for the Economic Development Committee by Dr. Donald McQueen 'The Dairy Industry in Jersey – A Strategic Review' – which states '*... the beneficial effect of the restructuring schemes on the average returns of the remaining participants will be material and to the extent that this was the purpose of the schemes they are likely to have been successful.*' "

Public Employees Contributory Retirement Scheme – statement

Senator Frank Harrison Walker, President of the Policy and Resources Committee, made a statement in the following terms –

“In a reply to a question from Senator Norman on 18th March, 2003, I stated the following in relation to a potential deficit in the Public Employees Contributory Retirement Scheme, (PECRS), fund –

‘In the final analysis, if the States and the Committee of Management, PECRS, are not able to agree on ways of addressing a deficit, pensions in payment are reduced accordingly to dispose of the deficit’.

I regret to say that the last part of this statement has led to misunderstanding. To remove any doubt, I should emphasise that in these circumstances it would be future increases to pensions in payment which could be reduced.

I regret if anyone has been inconvenienced or concerned by any ambiguity in my original response.”

Policy and Resources Committee business – statement

Senator Frank Harrison Walker, President of the Policy and Resources Committee, made a statement in the following terms –

“Since the Policy and Resources Committee decided to adhere more closely to the Code of Practice on Public Access to Official Information and to adopt the same procedures followed by all other States Committees in not circulating minutes covering items on its confidential or ‘B’ agenda, consideration has been given to ways in which the Committee can operate more openly and can involve States members in its policy deliberations.

On 4th March 2003, I responded to a question posed by the Deputy of St. John, that–

- (a) the Committee would be considering the entire issue of information dissemination to States members, the media and the Public at its meeting on Thursday, 6th March 2003, and;

- (b) the Committee would be bringing forward proposals as to how it intended to ensure that States members, the media and the Public are more fully and more accurately informed than ever before, in the very near future.

At its meeting on 6th March, the Committee considered a range of options, together with advice it had received from the Bailiff, the Privileges and Procedures Committee, the Attorney General and the Greffier of the States. The outcomes of that meeting, though perhaps not as conclusive as I would have liked them to have been, were –

- (a) the Committee noted that its proposal for a ‘President’s Question Time’ would be included in a review of Standing Orders of the States of Jersey by the Privileges and Procedures Committee;
- (b) the Committee agreed to suggest to the Privileges and Procedures Committee that an interim, or trial, alternative approach could be for the President of the Policy and Resources Committee to be permitted to make a regular ‘update’ statement to the Assembly followed by a period, of say, 10 minutes, during which questions without prior notice could be allowed on the content of such a statement. I understand that the Privileges and Procedures Committee has expressed some reservations on this suggestion and it has been agreed that both Committees meet shortly to explore those concerns and to see if this particular idea, or indeed any other, is worthy of further detailed investigation; and,
- (c) the Committee noted that, in any event, all members of the States are able to access the signed ‘Part B’ minutes of any States Committee including Policy and Resources, upon application to the Greffier of the States, provided that such access is required in accordance with their duties as members of the States.

For the immediate future and while this background work is being undertaken, the Committee has also agreed that –

- (a) it will make ‘Part A’ of its agendas proactively available to the media, States members and the public, by direct means and by publishing them on the Policy and Resources and/or States of Jersey websites;
- (b) it will continue to place as much of its business as possible on ‘Part A’ of its agenda, recognising that there will inevitably still be a few occasions when this would not be appropriate;
- (c) it will make a conscious decision at each meeting on whether ‘B’ items, once discussed, can be transferred into the ‘A’ minutes; and,
- (d) it will hold regular structured ‘briefing’ sessions with States members and, as appropriate, the public.

I am determined that the way the Policy and Resources Committee will operate in respect of the provision of information and through consultation, will provide an example to, and lead the way forward for, other Committees.

Finally, I confirm that the Policy and Resources Committee intends to keep this Assembly fully up to date with progress in this area and will, as necessary, be consulting with members as we move forward.”

Military action in Iraq – statement

Senator Frank Harrison Walker, President of the Policy and Resources Committee, made a statement in the following terms –

“In responding to questions posed to me last week by BBC Radio Jersey concerning a comment that had been made on the ‘phone-in’ programme, that notwithstanding the resolution which the States had made on 18th February 2003, the States should further resolve to indicate their support for British troops now engaged in the war with Iraq. I advised that, while I fully supported the proposal the only way to get a clear States’ view on this important matter would be for a Report and Proposition to be debated by the States Assembly; but,

although I would be prepared to ask the Policy and Resources Committee to consider taking such a proposition to the States, given the present programme of States meetings, it was likely that this process would probably take too long to have any real effect.

I therefore undertook to compose a letter in which I declared my personal and wholehearted support for British and other coalition troops engaged in the war with Iraq and to make this letter available to other members today, in order that they might also sign it if they so wished. However, in discussing this proposal further with many colleagues and having taken advice from the Bailiff and the Attorney General, for which I am most grateful, I have been persuaded that such a letter would not be the best route by which such sentiments might be transmitted.

As it would not be the result of a formal States debate, such a letter could not, even if it were to be signed by all members, be considered a formal communication from the Insular authorities and could not, therefore, be properly transmitted through normal official channels. It would thus have to be transmitted outside of official channels and might not, and probably would not, receive due and proper consideration at the highest level.

A much better alternative is about to present itself to us, in that on 8th and 9th April 2003, we will be visited by the Right Honourable the Lord Irvine of Lairg, the Lord Chancellor, and Sir Hayden Phillips, KCB, Permanent Secretary in the Lord Chancellor's Department.

I have therefore asked the Bailiff, in his speech of welcome at the States' formal dinner which is to be held in honour of the Lord Chancellor on the evening of 8th April 2003, to ask the Lord Chancellor to convey to Her Majesty's Government our support for British and other coalition troops engaged in the war with Iraq.

I apologise to members who came here today expecting to be able to sign a letter, which I had undertaken to provide. However, I hope members will be persuaded, as I have been, that the opportunity to share our views directly with the Lord Chancellor is a much better option and will prove much more effective.

Whether members are in support of the war with Iraq or not, I am sure that we would all wish vigorously to express our support for our troops, who include a number of Jersey men and women, who are putting their lives at risk in fighting for their country, in a war not of their making."

Mont Orgueil planning process – statement

Deputy Maurice François Dubras of St. Lawrence, President of the Environment and Public Services Committee made a statement in the following terms –

"Members will be aware from my reply to questions from Deputy G.C.L. Baudains of St. Clement on 4th February 2003, that I undertook to make a statement to the States, once the period following deposit of the plans had elapsed, on the procedure which the Environment and Public Services Committee intend to follow to determine the planning application submitted by the Jersey Heritage Trust for Mont Orgueil (PP2003/0251).

The Committee has a statutory duty under the Island Planning (Jersey) Law 1964, as amended, to judge each application strictly on its merits in the context of approved planning policies and will follow due process in ensuring its objectivity and fairness. This application has generated an unprecedented amount of public debate on a range of issues. Consequently the Committee has received over 50 written representations about the Jersey Heritage Trust's planning application for works at Mont Orgueil and its officers are now making their assessment of the proposals in conjunction with the Committee's independent professional adviser, Mr. Paul Drury.

The application is for a complex scheme involving over 160 individual elements ranging from minor repairs to significant works of restoration and re-creation. Most of the proposed works relate to routine repairs, renewals and archaeological investigation and may not be contentious. These aspects of the scheme have raised little comment in the written representations. Most interest and concern centres on the proposals to re-

create roofs and floors on the site identified in the application as the Tudor Hall and related spaces, and in proposals to introduce new facilities and services. The Committee is especially concerned that these more sensitive aspects of the proposal are carefully considered and that all relevant opinions are taken properly into account.

The Committee has now decided its programme for the determination of the application in a way in which it can be certain that interested persons will be enabled to contribute effectively. The application will be determined by the Environment and Public Services Committee rather than the Planning Sub-Committee. The Committee will meet during the period 11th to 13th June 2003. In advance of this meeting, it will publish details of those parts of the application which it considers to be non-contentious and where further oral submissions are not expected to add to the process. However, the Committee will invite those persons or bodies who have made written representations on matters which the Committee considers contentious to attend, if they so choose, to explain their representations, as this will assist the Committee in reaching its decisions.

Committee members may wish to question those invitees making oral presentations, based on the content of their written submissions. The Jersey Heritage Trust, as the applicant, will also be invited to explain their application having previously had the normal opportunity to respond to the written representations, and support its written response. This part of the Committee meeting will be open to the public, including the media.

The Committee will then retire to reach its conclusions on the various aspects of the application, *in camera*, taking careful account of the written and oral representations which will have been made. The Committee will then issue its formal decision(s) on the application to the Trust and will also publish a report detailing the reasons which underlie each of its decisions.

A more detailed programme setting out the logistical arrangements for this open Committee meeting will be circulated shortly, together with details of those parts of the application upon which individual persons or bodies will be invited to speak to the Committee.

It is the Committee's intention that written representations, the applicant's response and reports relating to this application will be in the public domain in advance of the meeting.

The Committee trusts that all those concerned with this very important application will agree that these arrangements will provide a thorough, transparent and appropriate process within a reasonable timeframe."

**Draft Parish Rate (Administration) (Amendment) (Jersey) Law 200- P.16/2003 (re-issue)
Comments P.16/2003 Com.**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Parish Rate (Administration) (Amendment) (Jersey) Law 200-.

**Mont Orgueil development strategy: appointment of independent expert – P.19/2003
Comments and amendment – Com., Com.(2), Com.(3), Com.(4), Amd.**

THE STATES, having adopted an amendment of Deputy Gerard Clifford Lemmens Baudains of St. Clement that after the words "independent expert" there should be inserted the words "or body", rejected a proposition of Deputy Roy George Le Hérisier of St. Saviour, as amended, charging the Policy and Resources Committee to appoint an independent expert, acceptable to both the Jersey Heritage Trust and the Friends of Mont Orgueil, and to prepare a report for the States on the differences between the two bodies in respect of the Trust's Development Strategy for Mont Orgueil Castle.

Members present voted as follows –

“Pour” (21)

Senators

Le Maistre, Syvret, Le Claire.

Connétables

St. Martin, St. Mary, St. John, Trinity.

Deputies

Trinity, Breckon(S), St. Martin, St. John, Baudains(C), Troy(B), Scott Warren(S), Le Hérissier(S), Brid (H), Martin(H), Southern(H), Ferguson(B), St. Peter, De Faye(H).

“Contre” (24)

Senators

Norman, Le Sueur, Routier, M. Vibert, Ozouf.

Connétables

St. Ouen, St. Saviour, St. Brelade, St. Peter, St. Clement, St. Helier, St. Lawrence.

Deputies

Duhamel(S), Le Main(H), Dubras(L), Dorey(H), Fox(H), Bernstein(B), St. Mary, St. Ouen, Ryan(H) Taylor(C), Grouville, Hilton(H).

Health and Safety Appeal Tribunal: appointment of member – P.22/2003 (re-issue)

THE STATES, adopting a proposition of the Employment and Social Security Committee, and in pursuance of Article 17 of the Health and Safety at Work (Jersey) Law 1989, and the Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations 1989, appointed Mr. Timothy Paul Darwin as a member of the Health and Safety Appeal Tribunal for a period of three years commencing with immediate effect.

Draft Public Finances (Appointment of Investment Managers) (Jersey) Regulations 200- P.28/2003

THE STATES, in pursuance of Article 26A of the Public Finances (Administration) (Jersey) Law 1967, as amended, made Regulations entitled the Public Finances (Appointment of Investment Managers) (Jersey) Regulations 2003.

Assemblée Parlementaire de la Francophonie: Executive Committee membership – P.30/2003

THE STATES, adopting a proposition of Senator Jean Amy Le Maistre, appointed the following to the Executive Committee of the Jersey Branch of the Assemblée Parlementaire de la Francophonie –

Senator Jean Amy Le Maistre
Senator Christopher Gerard Pellow Lakeman
Kenneth Priaux Vibert, Connétable of St. Ouen
Deputy Philip John Rondel of St. John
Deputy Terence John Le Main of St. Helier
Deputy Roy George Le Hérissier of St Saviour
Deputy Jennifer-Anne Bridge of St. Helier.

Waterfront Enterprise Board Limited: appointment of Directors – P.31/2003

THE STATES, adopting a proposition of the Policy and Resources Committee –

- (a) appointed Senator Paul Francis Routier, Senator Philip Francis Cyril Ozouf and Deputy Jacqueline Jeanette Huet of St. Helier to serve as States Directors of the Waterfront Enterprise Board Limited from 1st April 2003 until 31st March 2006;
- (b) instructed the Greffier of the States to notify the company of the States decision.

THE STATES rose at 4.25 p.m.

A.H. HARRIS

Deputy Greffier of the States.