

**THE STATES assembled on Tuesday,  
1st February 2005, 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 Edward Philip Vibert– out of the Island  
Senator Richard Joseph Shenton, O.B.E. – out of the Island  
John Baudains Germain, Connétable of St. Martin– ill  
Judith Ann Martin, Deputy of St. Helier– out of the Island.

Prayers

**Asian tsunami disaster – acknowledgement**

The STATES expressed their support for the continuing Asian tsunami disaster appeal and the involvement of the Bailiff, and many thousands of Islanders who had taken part in an Island community photo event undertaken on 30th January 2005, entitled ‘Side by Side’.

**Interception of Communications (Jersey) Law 1993: Report of the Commissioner for 2004 – R.C.3/2005**

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, which, in pursuance of the provisions of Article 9(8) of the Law, excluded a confidential Appendix by agreement of the Bailiff.

**Subordinate legislation tabled**

The following enactments were laid before the States, namely –

Community Provisions (Burma/Myanmar Sanctions) (Jersey) Order 2005. <i>Policy and Resources Committee.</i>	R&O 3/2005.
Financial Services (General Insurance Mediation Business (Registration and Fees)) (Jersey) Order 2005. <i>Economic Development Committee.</i>	R&O 4/2005.
Financial Service (General Insurance Mediation Business (Exemptions)) (Jersey) Order 2005. <i>Economic Development Committee.</i>	R&O 5/2005.
Shipping (Safety Codes) (Jersey) Order 2005. <i>Harbours and Airport Committee.</i>	R&O 6/2005.

**Matters presented**

The following matters were presented to the States –

States Rental Waiting List. <i>Presented by the Housing Committee.</i>	R.C.4/2005.
Postal Services (Jersey) Law 2004: Directions and Guidance to the JCRA under Article 9. <i>Presented by the Economic Development Committee.</i>	R.C.5/2005.
A People's Advocate (P.202/2004): comments. <i>Presented by the Privileges and Procedures Committee.</i>	P.202/2004. Com.(3)
A People's Advocate (P.202/2004): comments. <i>Presented by the Finance and Economics Committee.</i>	P.202/2004. Com.(4)
Referendum: Composition of the States Assembly (P.1/2005) – comments. <i>Presented by the Policy and Resources Committee.</i>	P.1/2005. Com.
Referendum: Composition of the States Assembly (P.1/2005) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.1/2005. Com. (2)
Connétables: voluntary re-election in 2005 (P.3/2005) – comments. <i>Presented by the Connétable of St. Martin.</i>	P.3/2005. Com.
Draft Amendment (No. 28) of the Standing Orders of the States of Jersey (P.5/2005): comments. <i>Presented by the Privileges and Procedures Committee.</i>	P.5/2005. Com.
Field 690A, Maufant, St. Martin: sale of rights (P.20/2005)– comments. <i>Presented by the Environment and Public Services Committee.</i>	P.20/2005. Com.
Jersey Tourism: relocation and lease of new office accommodation (P.22/2005) – comments. <i>Presented by the Environment and Public Services Committee.</i>	P.22/2005. Com.

The following matters were presented on 25th January 2005 –

Public and private sector construction workflow projections. <i>Presented by the Economic Development Committee.</i>	R.C.2/2005.
Waste Management Strategy: Shadow Scrutiny Panel Interim Report. <i>Presented by Senator E.P. Vibert.</i>	S.R.1/2005.
A People's Advocate (P.202/2004): comments. <i>Presented by the Policy and Resources Committee.</i>	P.202/2004. Com.(2).

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 13th January 2005, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

as recommended by the Education, Sport and Culture Committee, the proposed purchase from Mr. Patrick Joseph McCarthy and Mrs. Jane Caroline McCarthy, née Armitage, of the southern part of Field No. 263A, Grouville, (measuring approximately 0.33.0 vergée), for a consideration of £4,125 for the unencumbered freehold title of the land, (as shown on Planning and Environment Drawing No. 95/2). In addition, the public would also be responsible for meeting the vendor's legal costs, which were estimated not to exceed £1,000.

## **Matters noted – acceptance of tender**

THE STATES noted an Act of the Finance and Economics Committee dated 27th January 2005, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that –

- (a) the Harbours and Airport Committee had, by Act dated 28th July 2004, accepted the lowest tender received for the New North Quay concrete repairs, namely that submitted by Geomarine Limited in the sum of £1,279,793 in a contract period of 42 weeks;
- (b) the Education, Sport and Culture Committee had accepted the lowest tender received for the redevelopment of St. Clements School, namely that submitted by Camerons Limited in the sum of £4,248,531.00 in a contract period of 65 weeks.

## **Matters lodged**

The following matters were lodged “au Greffe” –

Draft Règlement (200-) (Abrogation) sur les Portefaix. <i>Presented by the Harbours and Airport Committee.</i>	P.16/2005.
Senatorial elections 2005: reduced term of office. <i>Presented by Deputy of St. Martin.</i>	P.17/2005.
Draft Employment (Jersey) Law 2003 (Appointed Day) Act 200-. <i>Presented by the Employment and Social Security Committee.</i>	P.18/2005.
Draft Employee Relations (Jersey) Law 200-. <i>Presented by the Employment and Social Security Committee.</i>	P.19/2005.
Field 690A, Maufant, St. Martin: sale of rights. <i>Presented by the Housing Committee.</i>	P.20/2005.
Former Jersey College for Girls, Rouge Bouillon, St. Helier: transfer of administration. <i>Presented by the Education, Sport and Culture Committee.</i>	P.21/2005.
Jersey Tourism: relocation and lease of new office accommodation. <i>Presented by the Economic Development Committee.</i>	P.22/2005.

The following matters were lodged on 25th January 2005 –

Field 812A, Bagot Manor Farm, St. Saviour: rezoning. <i>Presented by the Environment and Public Services Committee.</i>	P.12/2005. <i>(re-issue)</i>
Environment Committee: establishment. <i>Presented by Deputy G.C.L. Baudains of St. Clement, and referred to the Policy and Resources and the Environment and Public Services Committees.</i>	P.13/2005.
Draft Jersey Overseas Aid Commission (Jersey) Law 200-. <i>Presented by the Overseas Aid Committee.</i>	P.14/2005.
Draft Termination of Pregnancy (Amendment) (Jersey) Law 200-. <i>Presented by the Health and Social Services Committee.</i>	P.15/2005.

**Field 812A, Bagot Manor Farm, St. Saviour: rezoning, – P.155/2004 – withdrawn**

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Environment and Public Services Committee had instructed the Greffier of the States to withdraw the proposition regarding Field 812A, Bagot Manor Farm, St. Saviour: rezoning, (P.155/2004 lodged "au Greffe" on 14th September 2004), the Committee having lodged a revised proposition on 25th January 2005.

#### **Windfarm near Les Ecrehous, – P.8/2005 I- withdrawn**

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Policy and Resources Committee had instructed the Greffier of the States to withdraw the proposition regarding Windfarm near Les Ecrehous, (P.8/2005 lodged "au Greffe" on 18th January 2005), the Committee having presented a revised proposition at the present meeting.

#### **Arrangement of Public Business for the present meeting**

THE STATES, adopting a proposition of Deputy Maurice François Dubras of St. Lawrence, agreed that matters set down for consideration at the present meeting should be considered in the following order –

Shadow Scrutiny Panels: appointment of member.  
*Privileges and Procedures Committee.*

Windfarm near Les Ecrehous.  
*Policy and Resources Committee.*

Draft Medicines (Amendment No. 2) (Jersey) Law 200. P.214/2004.  
Lodged: 7th December 2004.  
*Health and Social Services Committee.*

Draft Housing (General Provisions) (Amendment No. 21) (Jersey) Regulations P.226/2004.  
200-.  
Lodged: 14th December 2004.  
*Housing Committee.*

Jersey Police Complaints Authority: appointment of members. P.232/2004.  
Lodged: 21st December 2004.  
*Home Affairs Committee.*

H.M. Prison, La Moye: cell block, kitchen, electrical substation and fuel farm– P.2/2005.  
approval of drawings.  
Lodged: 4th January 2005.  
*Home Affairs Committee.*

H.M. Prison, La Moye: cell block, kitchen, electrical substation and fuel farm– P.2/2005. Com.  
approval of drawings (P.2/2005) – comments.  
Presented: 18th January 2005.  
*Finance and Economics Committee.*

Senatorial Elections 2005. P.221/2005.  
Lodged: 7th December 2004.  
*Deputy P.N. Troy of St. Brelade.*

Connétables: voluntary re-election in 2005. P.3/2005.  
Lodged: 4th January 2005.  
*Senator M.E. Vibert*

Connétables: voluntary re-election in 2005 (P.3/2005) – comments. P.3/2005. Com.  
Presented: 1st February 2005.  
*Connétable of St. Martin.*

States Members' remuneration: register. Lodged: 14th December 2004. <i>Privileges and Procedures Committee.</i>	P.225/2004.
Senators and Deputies: terms of office. Lodged: 14th December 2004. <i>Deputy A. Breckon of St. Saviour.</i>	P.227/2004.
Senators and Deputies: terms of office (P.227/2004) – comments. Presented: 18th January 2005. <i>Finance and Economics Committee.</i>	P.227/2004. Com.
Referendum: Composition of the States Assembly. Lodged: 4th January 2005. <i>Senator L. Norman.</i>	P.1/2005.
Referendum: Composition of the States Assembly (P.1/2005) – comments. Presented: 1st February 2005. <i>Policy and Resources Committee.</i>	P.1/2005. Com.
Referendum: Composition of the States Assembly (P.1/2005) – comments. Presented: 1st February 2005. <i>Finance and Economics Committee.</i>	P.1/2005. Com. (2)
Draft Amendment (No. 28) of the Standing Orders of the States of Jersey. Lodged: 11th January 2005. <i>Deputy G.P. Southern of St. Helier.</i>	P.5/2005.
Draft Amendment (No. 28) of the Standing Orders of the States of Jersey (P.5/2005): comments. Presented: 1st February 2005. <i>Privileges and Procedures Committee.</i>	P.5/2005. Com.

### **Arrangement of public business for the next meeting on 1st March 2005**

THE STATES, adopting a proposition of Senator Jean Amy Le Maistre, agreed to cancel the meeting scheduled for 1st February 2005, and accordingly agreed that the next meeting be held on 1st March 2005.

THE STATES further agreed to leave over consideration of the business to be set down for consideration at that meeting until later in the present meeting.

### **Future development of a Town Park – question and answer (Tape No. 1000)**

Deputy Jacqueline Ann Hilton of St. Helier tabled the following written question of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee –

“Would the President confirm whether –

- (a) in a Committee report dated 29th September 2004, regarding the future development of a Town Park, there was a recommendation for a full ground contamination survey and analysis to proceed at the earliest opportunity to provide accurate information and data that is essential to enable thoroughly researched options for works in relation to the said Town Park?
- (b) if so, what steps has the Committee taken in securing the necessary funds to enable the survey to be carried out without further delay? and,
- (c) the matter has been referred to the Finance and Economics Committee during the period since

September 2004, and if not, the reasons why?"

The President of the Environment and Public Services Committee tabled the following written answer –

- “(a) At its meeting of 4th November 2004, the Committee agreed to seek the support of the Finance and Economics Committee to make funding available to enable a full ground water contamination and geotechnical survey, together with Environmental, Planning, Traffic and Archaeological assessments, to be undertaken at the earliest opportunity on the two sites at Bath Street and the former Gas Works, which the States have agreed for the development of the Town Park. This is essential to enable the Committee to have full and accurate information on the contamination and other data to be in a position to prepare a full development brief with fully researched options for the development of the Town Park.
- (b) The request seeking support for the funding to be made available was forwarded to the Treasurer of the States on 15th November 2004, with the further request that the matter be included on an early agenda of the Finance and Economics Committee.
- (c) I am pleased to be able to confirm that on 27th January 2005, the Finance and Economics Committee agreed to make funding in the sum of £190,000 available to the Committee to enable the survey and other studies to be commenced without further delay.”

#### **Income tax revenues and reforms – questions and answers (Tape No. 1000)**

Deputy Geoffrey Peter Southern of St. Helier tabled the following written questions of Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee–

- “1. Would the President inform members –
  - (a) what the *‘reasons unconnected to the move to 0/10%’* attached to the loss of £10 million to £12 million in tax revenues referred to in his answer to my written question on 18th January 2005, are?
  - (b) whether, in the light of his statement that *‘the maximum level of tax revenues is in the order of £5 to £6 million’*, the Committee intends to generate the missing tax revenue of the order of £20 million from other sources, and, if so, which ones?
- 2. Would the President outline how anti-avoidance measures to catch a group of investors seeking to create an artificial arrangement under the Comptroller’s proposed 4.9% *de minimis* level on company holdings will work?
- 3. Would the President inform members what levels of transfers from income to capital via ‘roll-up funds’ are allowed under Article 134A of the Income Tax (Jersey) Law 1961, as amended, and how such levels are calculated?”

The President of the Finance and Economics Committee tabled the following written answers –

- 1. (a) The reason for the loss relates to two or three companies currently resident in, and paying tax in, Jersey which have chosen to relocate to another jurisdiction. This relocation shows how extraordinarily mobile many of those vehicles which generate significant amounts of tax revenues are, and how we must take very great care to ensure that we put in place both the correct tax framework and the proper climate so that we not only keep the business we already have, but also attract more of it to Jersey to generate the tax revenues that we need to preserve our economic well-being and to safeguard Jersey’s high standard of living for future generations.
- (b) I believe that the question misunderstands the calculations involved in the loss of tax revenue of up to £100 million due to the move to a 0/10% corporate tax structure, and may be guilty of ‘double-counting’. The loss of tax revenue from 0/10% remains in the order of up to £80-£100 million, irrespective of the revised figure for the loss of tax revenue from nonfinance,

non-resident companies. The 'missing' £20 million to which the Deputy refers is, and has always been included as part of the £80-£100 million estimated tax loss estimate.

The proposals the Committee has put forward, and which the States have accepted, have been designed to generate £80-£100 million in additional tax net revenue. This is made up of £20 million from States efficiency savings, £20 million from economic growth, £5 million from ITIS and £55 million from tax raising measures yet to be finalised.

2. Under the enhanced anti-avoidance powers the Committee intends to give the Comptroller of Income Tax, all Jersey residents must ask for pre-clearance of any financial or investment arrangement, scheme or transaction, or series of arrangements, schemes or transactions, which will involve the avoidance, deferral or reduction of Jersey income tax. So each one of the group of investors referred to by the Deputy would have to ask for pre-clearance for any arrangement, scheme or transaction they were intending to be involved in, giving a full and complete description of the arrangement, scheme or transaction and the amount of Jersey tax that will be avoided, deferred or reduced, so that the Comptroller can rule on it. In addition, I ought to make it clear that any *de minimis* limit put in place as part of the imputation provisions will not apply to those acting in concert to avoid that limit. In other words, if any person, in conjunction with connected persons, such as a wife or husband, a partner, a relative, or the husband or wife of a relative, who have a combined total of more than the proposed *de minimis* limit in a particular company, whether Jersey or foreign, then an imputation of profits will be made on such connected persons to bring the total imputed profits into charge to Jersey tax. Failure to ask for pre-clearance and a failure to disclose will result in penalties being imposed under revised Articles 136, 137 and 138.

Details of the *de minimis* rules have yet to be finalised, but they are intended to apply primarily to shares in publicly quoted or traded companies rather than in private companies.

3. There are no specific guidelines contained in Article 134A as to the levels of transfers the Comptroller may or may not allow under that Article so he has drawn up notes and formulae to inform the decision making and rulings process. However, he is not prepared to release into the public domain details of his notes and formulae used in the calculation of such rulings under Article 134A as to do so would, in his opinion, undermine his ability and restrict his freedom and authority to make rulings, and undermine any negotiations he may or may not enter into with particular parties to ensure a good and proper settlement under the provisions of Article 134A.'

### **OXERA income support model – question and answer (Tape No. 1000)**

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Paul Francis Routier, President of the Employment and Social Security Committee –

“Following the President’s offer to demonstrate the OXERA model on income support to members given in answer to written questions on 18th January 2005, would the President allow members copies of the programme to examine in their own time, as was the case with the OXERA tax model?”

The President of the Employment and Social Security Committee tabled the following written answer –

“At the present time, the computer module has only just been refined into a working tool. It does not easily lend itself to use by others without the relevant expertise. This was the reason for suggesting members arrange to come into the Department where instruction and support could be given. Oxera has been asked whether the model can be developed further at a reasonable cost so that it can be used by States members and the public.”

### **Oral questions**

1. **Deputy R.G. Le Hérissier of St. Saviour to the President of the Housing Committee:**

“[Aside]”

“How many persons, who have been granted “(j)” category residential status have, during the last five years, received approval for permanent status?”

**Deputy T.J. Le Main (President of the Housing Committee):**

“211.”

**1(a) Deputy R.G. Le Hérisier:**

“I wonder, Sir, if the President could break that down into occupational categories?”

**Deputy T.J. Le Main:**

“No, I can’t, Sir, but what I can say is that around 39 have been granted to the private sector. The remainder, all the remainder, have been health or education posts, virtually.”

**1(b) Deputy R.G. Le Hérisier:**

“I wonder, Sir, if the President could outline how many of these have arisen because a person has retired from the occupation which initially brought them here and they have been reincarnated into another position which apparently was acceptable to the Housing Committee?”

**Deputy T.J. Le Main:**

“Sir, none at all. The position is there have been 2 or 3 where the rôle of the person has changed within the employers, but it came to Committee and the Committee felt that it was within the realms of the “(j)” category licence. But, apart from that, none, Sir.”

**1(c) Deputy M.F. Dubras:**

“I wonder if the President could advise how many of those individuals have actually left the Island having completed their projects?”

**Deputy T.J. Le Main:**

“No, I couldn’t respond to that. We don’t keep those figures, but we estimate that quite a lot of people do leave the Island even after they have been granted permanent “(j)”s.”

**1(d) Deputy R.G. Le Hérisier:**

“Sir, notwithstanding the fact – and I know that several of these people obviously make an excellent contribution, but would the application that arose upon the termination of their “(j)” category have been sufficient to have given them a “(j)” category originally? In other words, the job or the position or the reincarnation that occurred at the end of the “(j)” category, was that the kind of job or occupation or position which would have originally given them a “(j)” category?”

**Deputy T.J. Le Main:**

“Yes.”

**2. The Deputy of St. John to the President of the Education, Sport and Culture Committee:**

“Would the President (a) explain how the contract for canteen/catering facilities at Highlands College was advertised and how many local persons/companies applied; (b) provide tender details and explain why this contract was awarded to an off-Island provider; and (c) confirm whether the decision was made in error and, if so, what action will be taken?”

**Senator M.E. Vibert (President of the Education, Sport and Culture Committee):**

“On 23rd April last year an advert was placed in the *Jersey Evening Post* inviting applications to tender for the canteen/catering concession for Highlands College. Ten expressions of interest were made and 6 went on to apply to operate the canteen, 5 of which were local. A panel of 4 senior managers from Highlands College, using a 10-point criteria, judged the applicants. The result was unanimous. The principal of the college, who took no part in the presentations, carried out an independent review of the process and was satisfied that the appropriate decision had been made. The decision to award the contract to Carroll Food Services was based on the scoring criteria and not on the origin of the company. Following concerns expressed, FourSight Consultants were commissioned to undertake an independent review of the procurement procedures for the awarding of the catering concession. The conclusion of this report, which we have published, was, although there was no irrefutable evidence of bias towards one particular applicant by Highlands College, some of the actions which took place could be interpreted as less than equitable. My Committee discussed the outcomes of the review with the principal of the college and chairman of the college’s board of governors and is satisfied that they acknowledge that the report raises a number of serious issues that could have been handled more appropriately. In order to



prevent such occurrences in future, my department is preparing stringent guidelines for the awarding of such tenders and concessions.”

**2(a) The Deputy of St. John:**

“Could the President give us the cost of employing the consultants? Also, what part did his Committee play in accepting the catering tender and what are the delegated functions given to the Committee at Highlands College?”

**Senator M.E. Vibert:**

“I can’t give the exact costs of the consultants at the moment, but I will supply it to the Deputy and I will send an email to all States members if they wish to know. We thought it was an important enough issue that had been raised that we needed independent advice. We thought that if we did it internally, we had to employ someone else otherwise we could be accused of perhaps a perception of bias, which is why we employed outside consultants. What part the Committee had to play follows in with what powers it delegated to Highlands College. Highlands College, along with the Island’s schools, have devolved financial management and for issues like this it is to the college and the college’s board of governors to make a decision. So the Committee had no part to play in the awarding of this contract. It was delegated to the college management and their board of governors.”

**2(b) Deputy L.J. Farnham:**

“Sir, in light of the President’s previous comments, could he confirm in that case that the deal offered by the current operator was indeed the best financial offer for the college?”

**Senator M.E. Vibert:**

“Sir, my understanding is, after looking closely into this, that the college thought this was by far the best deal all round for the college and met the aspirations of the college and, as I said, the result of the process was unanimous and it has been supported by the board of governors.”

**2(c) Deputy G.P. Southern:**

“Sir, can the President confirm that whilst it might be the best deal for the Highlands College, come 2009 on to 2010, as a non-resident foreign owned company it will be paying or it actually will not be contributing to the tax base of the Island being zero rated?”

**Senator M.E. Vibert:**

“No, I can’t confirm that, Sir, because, as part of our review, we have asked and it has been agreed by the college board of governors that the contract will be re-advertised at a break point in three years time and it will be carried out, the tendering process, under the new guidelines that we are introducing.”

**2(d) The Deputy of St. John:**

“Sir, could members be told why we needed 4 consultants to review this; and also could it give us the tender sum that was asked for in my original question?”

**Senator M.E. Vibert:**

“I think the Deputy is somewhat confused. There weren’t 4 consultants. They are called FourSight Consultants and there was one consultant who carried out considerable investigation into this issue and, as I said, I don’t want to give a misleading figure. I haven’t got it here. I can get it. I can make it public. There is no problem. But, as I repeat, we thought it was important and a matter of public interest that it was important that the perception was that we were seen to be doing it in an independent way and not with any perception that we were trying to cover it up in any way, which is why ... (indistinct) ...

**The Deputy of St. John:**

“Sir, but the question still hasn’t been answered.”

**The Bailiff:**

“I saw the Constable of Grouville, Deputy.”

**2(e) Connétable D.J. Murphy of Grouville:**

“Sir, I obtained a copy of the internal review of the procurement procedures which I was told was in confidence. Am I allowed to quote from it, Sir?”

**Senator M.E. Vibert:**

“Sir, perhaps I can explain. We have agreed to make this copy available, as we should, to any States members who wished it. The reason it is in confidence as part of it is that the people who took part, all the people who tendered, gave details of their tendering, their costs and so on and we thought they had given it in confidence and that commercially it would be wrong for those local companies to have details of what they tendered made public, which is the only reason why it is in confidence.”

**The Bailiff:**

“You must exercise discretion if you are going to refer to it, Connétable.”

**Connétable D.J. Murphy of Grouville:**

“Indeed, Sir, I shall generalise. There are two quotes in here. Firstly, one of the under-bidders received a letter inferring that the reason why a recent contract was not awarded related to the intention to prepare food off-site. This assertion was strongly denied by the company. Has this been followed up in any way? And the second one is that the incumbent, his sample price menu prices were 24% higher than the lowest price proposed by an under-bidder. This is extremely relevant when students, Sir, always consistently, it would be expected, request lower prices. Has this been addressed since the report was issued?”

**Senator M.E. Vibert:**

“The answer to both questions is yes, Sir. We have addressed both of these. We had a meeting with the tenderer who was concerned that there had been some misunderstanding of whether meals were prepared off-site or not. We also met with the college’s governors, principal and the people who carried out the interviews. There was a difference of opinion of what was said in the presentations and that was unfortunate, but we were assured that the reason for the unsuccessful tenderer not getting it was not primarily the off-site preparation. As to the percentage higher or lower of the cost, again, we queried this and were informed by the college that it was only a sample menu and that the concerns of the students related only to certain items – crisps, soft drinks etc – and they believed that the tender they accepted was the best all round to meet the aspirations of the college on quality and price. That was the unanimous decision of the board and it was upheld by the college management and governors.”

**2(f) Connétable D.J. Murphy of Grouville:**

“[*Aside*]”

“Through the Chair, Sir, has the Committee made any offers of recompense to the under-bidder who was mistaken, or there was a degree of difference between the understanding at the meeting? I don’t believe that the 24% difference just referred to crisps and things like that. I think it referred to the whole package. Can he please clear the air on that one?”

**Senator M.E. Vibert:**

“Sir, I am sorry if the Constable didn’t understand me. Yes, it referred to the whole package. I was referring to the student’s concerns when they were surveyed. It was concerns about certain items in particular. As I said, the college came to the conclusion that what they chose was the best deal for the college. I met with the tenderer concerned who was worried about the misinterpretation of the on-site/off-site preparation. He has not asked me for recompense; and I believe it would be very difficult to make a case for any recompense as it appeared to be a genuine misunderstanding as a result of an interview carried out.”

**2(g) Senator P.V.F. Le Claire:**

“Sir, I wonder how many non-local people will now be employed within the Island to administer this contract, and I would also like to ask the President whether or not, although this contract meets the aspirations of the college, it does send out a message that the States of Jersey are not meeting the aspirations of local business or people who they train within their Education Department for catering.”

**Senator M.E. Vibert:**

“Sir, the number of local people being employed in the Island will be total, because the licence granted under regulation undertakings only allows for local people to be employed. It is all local people employed in the catering concession and in fact the chef, the main chef, of the new caterers was Highlands’ trained, I am pleased to say, and doing an excellent job.”

**2(h) The Deputy of St. John:**

“[*Aside*]”

“Sir, what I would like to know, Sir, is, was this the highest tender that was accepted? Secondly, will the President give us a full written response given that this is very important? Thirdly, given that FourSight, the consultants, have been heavily criticised in the Bus Inquiry, was it wise to use them again in this particular review?”

**Senator M.E. Vibert:**

“I am sorry, but that bit about the consultants I find totally confusing. I didn’t realise. Perhaps somebody can put me right as to whether this is the case or not.”

**2(i) Senator P.F.C. Ozouf:**

“Sir, I would be grateful if the Deputy of St. John would actually explain the criticism of FourSight. FourSight are used by the Internal Audit Department of Finance and Economics, with excellent results over a number of years, and I don’t understand where the Deputy’s criticism of this company comes from.”

**Senator M.E. Vibert:**

“It was a company recommended to us by the Treasury, which is one the reasons why we took them on. We had no problem. The highest tender? I don’t quite understand what the Deputy means by highest tender, whether it is the cost of the food, whether it is the ----”

**The Deputy of St. John:**

“The best income to the States.”

**Senator M.E. Vibert:**

“The best income to Highlands College could come from this concession, depending on sales, because it was linked to sales, as a lot of them were. So, yes, it could be that it was the best tender in that way. The Deputy asked for a full written response. Well, if he wanted a full written response, perhaps he should have asked a full written question. But we have made available, and will make available, the full consultant’s report, plus the Committee papers to any States member who wishes for it; and I would ask any States member to contact the Education, Sport and Culture Department to get copies of this. I believe I sent round an email to that effect.”

**3. The Deputy of St. John to the President of the Economic Development Committee:**

“Would the President inform members whether the Committee is considering the installation of shore based radar to monitor local and foreign fishing vessels in Jersey waters and, if so, can he confirm that the Committee will, wherever possible, act jointly with other law enforcement agencies such as Customs and the Police?”

**Deputy F.G. Voisin (President of the Economic Development Committee):**

“The Department has no plans for a coastal radar installation. However, if this concept is considered, we will certainly co-operate with other agencies who may wish to use the facility.”

**The Deputy of St. John:**

“I would like to thank the President for his reply on that, Sir.”

**4. Deputy G.P. Southern to the President of the Finance and Economics Committee:**

“Under the Committee’s 0/10 proposals, what measures does the Committee envisage, in consultation with other Committees if necessary, to prevent zero-rated foreign owned companies from using this status to gain an undue economic advantage in the Island to the detriment of both locally owned companies and the Island’s tax base?”

**Senator T.A. Le Sueur (President of the Finance and Economics Committee):**

“Sir, there is a misunderstanding that those foreign owned companies which will be subject to a zero rate will somehow gain some advantage from this to the detriment of locally owned companies. That is not the case; they will not. They will pay tax in their home jurisdictions at a much higher rate than the current standard rate of 20% in Jersey, so they will be no better off than now in tax terms. There is no doubt at all, however, that the Island’s tax base will suffer because all the tax revenues which are currently collected by the Comptroller of Income Tax in Jersey from those foreign owned companies will, following the introduction of 0/10, go to the U.K. Chancellor of the Exchequer or its equivalent in other countries. But those foreign owned companies will still be employing a great many people in

Jersey who will continue to pay income tax on their earnings and provide new job opportunities to Jersey residents. As for measures which can be introduced to redress this loss of tax revenues, I referred to three possible options in my answer to a question from the Deputy tabled on 18th January of this year. I repeat that final decisions on which of the three options, if any indeed, are in the best interests of the Island has yet to be made. My Committee will advise the Assembly and its citizens when it lodges the Fiscal Strategy proposals.”

**4(a) Senator P.V.F. Le Claire:**

“Sir, in his answer the President has said that the money that is going to be made by these foreign companies will be lost to their own jurisdictions, where they will be paying more taxes in their jurisdictions and, in particular, he mentioned the U.K. Chancellor of the Exchequer. If the President and his Committee have done this work, can he tell the Assembly how much money to which countries?”

**Senator T.A. Le Sueur:**

“As I gave in a previous recent answer, Sir, our best estimate is that the total loss is of the order of £10 million to £12 million and virtually all of that is to the U.K. Exchequer.”

**4(b) The Deputy of Grouville:**

“Could the President confirm that they will be paying tax in their own countries if they are owned by an off-shore trust?”

**Senator T.A. Le Sueur:**

“That will clearly depend on the law of that country. As far as the U.K. legislation is concerned, the tax provisions relating to the interaction between trusts and companies are very complex, but the short answer would be yes.”

**5. Deputy C.J. Scott Warren to the President of the Environment and Public Services Committee:**

“Does the Committee remain committed to the principle of third party planning appeals and their introduction within 12 months of the commencement of the new Royal Court system of planning appeals? What will be the proposed time period after granting planning consent for third party appeals to be lodged with the Court and will consents be subject to a ‘cooling off period’ to allow third party appeals?”

**Senator P.F.C. Ozouf (President of the Environment and Public Services Committee):**

“The Committee remains committed to the principle of third party appeals. I advised the States that it is our intention to consult on the possibility of a further amendment to the law which would limit the definition of third party appeals to reduce the number and thus the cost of third party appeals. I would hope that third party appeals, either in their existing or amended form, could be introduced within 12 months of the new law being introduced, which we hope is in the third quarter of this year. However as the Assembly will know, the combination of third party appeals and less formal and financially risky Royal Court procedures will increase the number of appeals significantly and will thus increase the revenue costs to both the Royal Court and the Planning Department. While the Committee remains committed to the early introduction of third party appeals, it is in no position to guarantee it as the timing of its introduction will depend on the availability of revenue funding.”

**5(a) Deputy C.J. Scott Warren:**

“Sir, the second part of my question, I realise that it all sounds a bit vague, the President’s answer, but I want to know, if this goes ahead (and hopefully sooner rather than later for third party appeals), what would be the considered ‘cooling-off period’?”

**Senator P.F.C. Ozouf:**

“Sir, that is one of the issues that we will need to consult on, and we will work with Deputy Scott Warren. We know Deputy Scott Warren has very strong and closely held views of this matter and we will be consulting on the important issues contained within the principles of third party appeals, including what is an appropriate ‘cooling-off period’.”

**Deputy C.J. Scott Warren**

“I thank the President for his answer.”

**6. Deputy G.C.L. Baudains to the President of the Harbours and Airport Committee:**

“Regarding the failures of the St. Helier and Elizabeth Marina gates over the last 6 years, would the President explain the causes and confirm that the cost of repairs, as well as any consequential damage to boats, is covered by insurance?”

**Senator L. Norman (President of the Harbours and Airport Committee):**

“The St. Helier Marina gates have been in operation for some 24 years and suffered 2 failures. About 3 years ago a dredger deposited stones, jamming the gates and preventing them from closing. On January 19th this year, the gates failed when 4 of the wire ropes supporting the counterbalance weights on one side of the gates broke. At Elizabeth Marina back in 1999 the flaps lifted on a rising tide and caused an obstruction in the entrance. This was a design fault which was rectified at the cost of the engineers and the manufacturer. Assets of the States such as the gates are insured and our claims have been met in the past, and we do of course also have third party liability insurance cover.”

**6(a) Deputy G.C.L. Baudains:**

“Sir, the President tells us that the recent failure of the St. Helier gate was due to a wire cable. Could I ask whether that was a maintenance issue or not? Are these cables regularly inspected and regularly replaced?”

**Senator L. Norman:**

“Yes, Sir, there is a regular maintenance and replacement program. I am waiting for a report on the reasons for the failure and, of course, I will notify the Deputy as soon as I have that available.”

**6(b) The Deputy of St. John:**

“Could the President give us an assurance that the material, the wire hawsers, are tested regularly and certified by the relevant engineers for the insurance company?”

**Senator L. Norman:**

“I am not sure if they are checked by the insurance company, but certainly our gates and the hawsers are checked at least every 2 months by our own engineers, at which time they are fully inspected and lubricated. I think, in fairness, they have been working satisfactorily for 24 years. This is the first technical failure that they have experienced, so I think they have been a good investment for Jersey Harbours, Sir.”

**6(c) Deputy R.G. Le Hérisier:**

“Has the President been faced with any claims for compensation as a result of these failures and consequent damage?”

**Senator L. Norman:**

“No, Sir. I can’t quite understand who would make the claims against the Harbours and Airport Committee for compensation.”

**Deputy R. G. Le Hérisier :**

“Boat-owners, Sir.”

**Senator L. Norman:**

“Well, boat-owners would normally make a claim through their own insurance and their insurance company would deal with our insurance company. That is the normal course of events in any insurance situation.”

**6(d) Senator P.V.F. Le Claire:**

“Sir, at the end of the project for Elizabeth Marina, a company, W.S. Atkins, and Harbours and Airport’s own experts were engaged to look at the issues of the sills lifting over the Elizabeth Marina; and in particular it was noted that the final settlement of the money that was to be paid out to the contractor would not be done until there was a significant period of time that had elapsed between problems. Has that significant period of time elapsed and has that final sum of money been paid?”

**Senator L. Norman:**

“Sir, I can’t be too specific, but in any major contract – or indeed almost any contract at all – there is always a retention made until whatever it is you have constructed or built is working satisfactorily. The Elizabeth Marina has now been in operation since 1998, I think it was, so I would imagine that retention

monies have been paid, but I could have that double checked.”

**7. Deputy G.P. Southern to the President of the Finance and Economics Committee:**

“Will the President explain to members why the Committee decided that the figures showing the percentage tax rises from 2005 to 2008 for the examples given were not to be included in the latest ‘20 means 20leaflet?’”

**Senator T.A. Le Sueur (President of the Finance and Economics Committee):**

“Sir, the leaflet in question was designed to give, on 2 pages, a short and succinct explanation of the effect of the proposals on typical taxpayers. It was felt that most taxpayers were really interested in how much more tax, if any, they would have to pay, and this was spelt out quite clearly in the leaflet. We tried to keep the leaflet simple and the percentage increase in tax paid was thought to be an unnecessary additional item to include. Anybody interested could work that one out for themselves.”

**7(a) Deputy G.P. Southern:**

“Is it not the case, Sir, does the President not think, that actually what is going on here is spinning of figures; that actually what people want to do is to compare the extra tax they are paying in terms of percentage with the extra tax of someone earning a lot more than them may be paying, which will be smaller in tax terms though larger in real terms?”

**Senator T.A. Le Sueur:**

“Our objective, Sir, was to give the public more information, particularly information about their own particular circumstances. It was not designed so that they could compare with other people; it was designed to see how much they had to pay.”

**7(b) Deputy G.P. Southern:**

“Given that the President had calculated already the percentage increases in each case, what governed his choice not to include those on this sheet if a very simple percentage increase could have been done? What governed his choice?”

**Senator T.A. Le Sueur:**

“I already said in my answer, Sir – our aim was to keep it simple and succinct.”

**8. Deputy T.J. Le Main to the President of the Policy and Resources Committee:**

“[*Aside*]”

“Would the President explain what is the pay policy for employees certified unfit for work due to a long-term illness; what checks (if any) are made in verification; whether code numbers are used on medical certificates in some cases instead of full illness descriptions and, if so, what difficulties (if any) these bring in identifying absence from work; and whether the policy of paying for full salaries in absence of work applies to personally elected cosmetic surgery?”

**Senator F.H. Walker (President of the Policy and Resources Committee):**

“Sir, the arrangements relating to pay in respect of those who are long-term sick varies according to the particular pay group and the length of service of the employee in question. If members would like details of the entitlement of the different pay groups, then that can be obtained through the Chief Officer of the States’ Human Resources Department. Just recently the Employment and Social Security Department has adjusted its medical certificate, and doctors are now required to enter a code onto the certificate to indicate to that Department the reason for the person’s incapacity. The certificate also allows a doctor to include a narrative reason for incapacity on the certificate, but this is not mandatory. This means that the cause of an employee’s absence may not be immediately apparent to managers. However, it is a part of the manager’s responsibilities to establish the reason why one of his or her team is absent from work. If there is any uncertainty or any issue that arises in connection with the nature of the absence, the matter should be referred to the States’ Human Resources Department or the States’ Occupational Health Service. The issues surrounding elective cosmetic surgery are complex because of the underlying reasons that might have caused a person to undertake such surgery in the first place. If it is considered that the surgery has underlying physical or psychological causes, then it would be appropriate for the employee to be covered by sick-leave arrangements. Otherwise, it would be expected that the employee obtain such surgery through normal leave arrangements. Again, managers within departments can call upon the Human Resources Department or the States’ Occupational Health Service for guidance.

“[*Aside*]”

**8(a) Deputy T.J. Le Main:**

“[*Aside*]”

“I am not sure on the response, the final response, to those persons who decide to have cosmetic surgery without any real medical reason. Can the President confirm that the managers of all the employers, i.e., the managers in all the States departments, are actually making sure that leave and full pay is not paid to those who, for non-medical reasons, choose to have cosmetic surgery, Sir?”

**Senator F.H. Walker:**

“Sir, I can’t give the Deputy an absolute cast-iron guarantee that every manager in every department is following the procedures laid down. It is impossible actually to, I think, check on that in every instance. What I can say is that there are very clearly laid down procedures. There are occasions when cosmetic surgery is necessary for strong medical or psychological reasons, very strong reasons. But, if it is purely elected for purely cosmetic purposes, without psychological or physical need, then it is up to the manager to ensure that the employee undertakes that surgery during their normal period of leave, but I can’t give an absolute guarantee that every manager in every department is fulfilling the code.”

**8(b) Deputy T.J. Le Main:**

“Finally, could the President confirm that the direction be given to the Human Resources Department – to all departments – to make sure that is going to be the policy, that that takes place?”

**Senator F.H. Walker:**

“Yes, I can, Sir. In fact, that has already been done and managers are advised that in cases of doubt, as I said in my answer, the matter should be referred to the States’ Occupational Health Service, and there have been a number of such referrals.”

**8(c) Senator S. Syvret:**

“Could the President give the Assembly an assurance that the States’ Human Resources Department will not adopt any policy that may risk breaching the customary standard of medical confidentiality between clinicians and their patients?”

**Senator F.H. Walker:**

“Yes, Sir.”

**8(d) The Deputy of St. John:**

“Would the President give an assurance that there have been no breaches of people having these operations to date while States’ employees?”

**Senator F.H. Walker:**

“Sir, I can’t possibly give that assurance because the question actually covers every employee of every department of the States, and I can’t possibly know the outcome. All I can say is that if a manager is doing his or her job, then there will have been no abuse, and I have every confidence that at least the vast majority of managers are doing exactly that.”

**9. Deputy G.C.L. Baudains to the President of the Harbours and Airport Committee:**

“[*Aside*]”

“Since the amalgamation of Port Control with Jersey Radio and their relocation to Maritime House, concerns have been raised about safety regarding manning levels and lack of visibility. Is the President aware of any safety contra indications arising from the new arrangements and, if so, will he give details? Has the new scheme undergone a Maritime and Coastguard Agency safety audit and, if not, why not?”

**Senator L. Norman (President of the Harbours and Airport Committee):**

“No comments have been received indicating concerns regarding manning levels nor lack of visibility from the Marine Centre; and, indeed, nor should there be. One routine hazard report has been received regarding the operation of traffic lights, and this was from Deputy Baudains. This was investigated and appropriate action taken. The Marine Centre has not undergone an MCA audit. This is likely to take place later this year or early next year, when any teething problems or anything have been sorted out and the centre is operating fully. The manning, training and operational procedures of the Marine Centre, however, do follow MCA guidelines.”

**9(a) Deputy G.C.L. Baudains:**

“I am glad to hear that an audit will be carried out some time in the future. The President referred to the fact that I had raised an issue, Sir. Perhaps he is not aware that I have actually witnessed three incidents in the last month – and I don’t live down by the Harbour, so I presume there are others. One, Sir, was quite serious. The Harbour lights were set to allow boats to travel in and out whilst the fast ferry was in fact coming in. So clearly there is a problem and I wonder how the President intends rectifying the situation.”

**Senator L. Norman:**

“Sir, as the Deputy knows, the Marine Centre Port Control cannot dictate or instruct masters of vessels when they enter or leave. That is a matter for the masters and the pilots. The Marine Centre would clearly offer advice. On the particular occasion that Deputy Baudains phoned the Marine Centre, a commercial vessel did commence departure from St. Helier Harbour without notifying or receiving advice from the Marine Centre. He apologised for that and the matter was quickly put right. Clearly, Sir, the Harbours Department does have a method of hazard reporting. We want and welcome hazard reporting so that any procedures that might be necessary to be changed or tightened up can so be done.”

**9(b) Deputy G.C.L. Baudains:**

“I believe the President was referring to a separate incident. The one I was referring to was an entirely separate incident, where in fact the Harbour lights had not been forgotten to be switched on. They were in fact switched on, but incorrectly. What I am trying to say, Sir, is that had the operators been at the Port Control Centre at the Harbour mouth, they might have realised the issue, but, being back at Maritime House, they are not close enough to actually see what is happening. Is the President going to review the situation in the light of that?”

**Senator L. Norman:**

“Sir, I can confirm that visibility from the Marine Centre is excellent. Sir, the Deputy – and I have no problem with this – has been critical of the Marine Centre before it opened; he was critical of it when it opened; and he has been critical of it since it opened. Sir, I do hope that the Deputy will take advantage of the invitation I have extended to him many times to actually come and see the Marine Centre, inspect the visibility, the excellent visibility, that is afforded from that; to speak to and spend hours with the highly professional and dedicated people who operate that Marine Centre in the interest and safety of all mariners. Please will he do that and, if he has still got criticisms, then please come back to me.”

**9(c) Deputy G.C.L. Baudains:**

“Sir, do I understand from that that the President is defending the status quo and is not going to take any action about this? I have already witnessed three serious incidents which, if they had occurred during the summer, would probably have involved collision outside the Harbour mouth, Sir. This is not satisfactory and I do hope the President will actually address it.”

**Senator L. Norman:**

“Sir, as I tried to say in an earlier answer, we welcome and want to have reports of any potentially hazardous incidents so that the procedures can be tightened up to do our very best to ensure that any suggestion of danger is mitigated to the greatest possible extent. So any comments, any hazard reports we get, will be treated very, very seriously.”

**9(d) The Deputy of St. John:**

“Will the President give the mariners an assurance who will be listening today that Health and Safety are happy with the current arrangements down at the Centre?”

**Senator L. Norman:**

“Sir, as I said, the manning levels, the training procedures, the operational procedures have all been carried out within the Maritime Coastguard Agency guidelines and certainly Health and Safety and all the local officials have been involved in that. To be honest with you, I really believe that we have a much safer and more secure environment now the Marine Centre is open than we have ever had at Jersey Harbours.”

**10. Deputy C.J. Scott Warren to the President of the Environment and Public Services Committee:**

“Has the Committee received details of the estimated revenue expenditure and income of the new Royal Court system for planning appeals as compared with the previously approved Planning and Building



Appeals Commission, identifying either the additional or reduced cost upon both the Planning Department and Royal Court administration revenue budgets for 2005-2007, and what is the breakdown between the amounts attributable to first as opposed to third party appeals?"

**Senator P.F.C. Ozouf (President of the Environment and Public Services Committee):**

"Sir, these issues were rehearsed when the Assembly debated the amendment on the Planning Law. For the foreseeable future, the Royal Court will operate as it does now, albeit under some likely revised Rules of Court. It is not expected that the number of appeals under the first party appeal system at the moment will alter to any significant extent and, therefore, it will operate, we expect, within existing resources. I have set out on a number of occasions in the Assembly the cost of the formerly proposed Commission, and I can go through those figures again if the Deputy wishes. However, the Deputy knows that the Committee intends shortly to undertake further consultation on the possibility of limiting third party appeals as a means of reducing the number of appeals and, as a consequence, additional costs to the Royal Court and Department. Introducing different procedures to make appeals processes more accessible and affordable by changing the Royal Court Rules will also increase the number of first party and potentially third party appeals. The necessary work to assess the revenue costs of the proposed new system has yet to be completely completed, but due to the Deputy's long-standing interest in this matter I am prepared to invite her to participate in that work."

**10(a) Deputy C.J. Scott Warren:**

"Sir, I would very much like to take up the offer the President has given to participate in that work, and as soon as the figures are available, obviously I would like them to be made known, please, to this Assembly. I would also like to ask, Sir, whether the President accepts that the introduction of third party appeals is a States agreed decision and, therefore, it should be implemented within the new Law as soon as possible."

**Senator P.F.C. Ozouf:**

"Sir, the Deputy well knows – and we have rehearsed these issues on a number of occasions – that a law was passed by this Assembly which extended full third party appeal rights. The principle was passed, but the revenue expenditure to actually pay for that never followed and, therefore, the Committee found itself unable to bring in the new Planning Law. We have now committed to consult on a revised approach to third party appeals, but I have signalled our intention not to be able to bring the law in with the current third party appeal system in because there isn't the resources available. I don't think I can add more than that."

**10(a) Deputy C.J. Scott Warren:**

"I would like to thank the President for his answer."

**The Bailiff:**

"That concludes question time."

**The next Jersey Census – statement**

The President of the Policy and Resources Committee made a statement in the following terms –

"Censuses play a very important role in providing a detailed snapshot of Jersey's community. However, often in the past we have relied on them because other official statistics were not available. Happily, and I trust members will agree, the position has changed and through the recent work of the Statistics Unit we have much fuller and more timely information on which to base our decisions.

That is why the Policy and Resources Committee has agreed a proposal from the Head of Statistics that the next Census of Jersey should be held in 2011 and not 2006 as originally planned. A move to 10-year censuses would ensure that we are in line with most other developed countries who will be having a census in 2011; and of course moving to 10-yearly censuses does not mean we lose any data, the results of the 2001 and subsequent censuses will still be available to all.

I am making his Committee paper, ('The next Jersey Census' dated 12th January 2005), available to you all but I will quickly run through some of the key points we considered in coming to this decision.

To begin with I would like to reassure members that we will continue to have an accurate measure of our population, which has in the past often been the key driver for undertaking frequent Censuses. During 2004 the Statistics Unit developed a methodology to provide an annual estimate of the population, now published in June of each year. So whilst 10-yearly censuses will still provide an actual count of the population, we no longer need to rely solely on them to enable us to accurately calculate it.

Running a census is a major operation, so we must be sure that it is needed and is the best use of resources. If the Statistics Unit were to run a 2006 census it would mean they could not continue to expand the social and economic data necessary to inform debate and facilitate policy-making. Specifically a 2006 census would also divert resources away from the task of running the Household Expenditure Survey, which is currently underway, and which is essential to ensure that the RPI remains accurate.

High quality economic and social data are vital for the Island and that is why the Committee has agreed to redirect some of the funding originally set aside for the Census to help develop statistics. Over the next 5 years the States will save around £500,000 by postponing the census. £200,000 of this saving will be invested into ensuring we have the appropriate statistical base for the important decisions we face. This is good for everyone, an enhanced service at a lower cost (better, simpler, cheaper).

In drawing up his proposals, the Head of Statistics sought agreement from other Departments that they were comfortable with his proposal. They were, and the Committee is happy to fully endorse the proposal and to continue to support the work of the States of Jersey's Statistics Unit."

### **Shadow Scrutiny Panels: appointment of member**

THE STATES, adopting a proposition of the Privileges and Procedures Committee, appointed Deputy Julian Alexander Bernstein of St. Brelade as a member of the Shadow Scrutiny Panels.

### **Windfarm, near Les Ecréhous**

THE STATES, adopting a proposition of the Policy and Resources Committee, agreed that the French Government be requested to consult with the Island Authorities on the proposal to construct an offshore windfarm in French territorial waters off Saint-Rémy-des-Landes, Normandy, before any final decision was taken.

Members present voted as follows –

**POUR: 42**

**CONTRE: 1**

**ABSTAIN: 0**

Senator J.A. Le Maistre  
Senator S. Syvret  
Senator L. Norman  
Senator F.H. Walker  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator P.V.F. Le Claire  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of Grouville  
Connétable of St. John

Deputy P.N. Troy (B)

Deputy of Trinity  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy of St. John  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy J.L. Dorey (H)  
Deputy C.J. Scott Warren (S)  
Deputy L.J. Farnham (S)  
Deputy R.G. Le Hérisssier (S)  
Deputy J.B. Fox (H)  
Deputy J-A. Bridge (H)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)  
Deputy of St. Mary  
Deputy of St. Ouen  
Deputy M.A. Taylor (C)  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)

### **Change in Presidency**

The Bailiff retired from the Chair during consideration of the proposition of the Policy and Resources Committee concerning a windfarm, near Les Ecréhous, and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

### **Draft Medicines (Amendment No. 2) (Jersey) Law 200 P.214/2004**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Medicines (Amendment No. 2) (Jersey) Law 200.

### **Draft Housing (General Provisions) (Amendment No. 21) (Jersey) Regulations 200 P.226/2004**

THE STATES commenced consideration of the draft Housing (General Provisions) (Amendment No. 21) (Jersey) Regulations 200-, and adopted the Preamble.

Members present voted as follows –

#### **POUR: 37**

Senator J.A. Le Maistre  
Senator L. Norman  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator P.V.F. Le Claire  
Senator P.F. Routier  
Senator P.F.C. Ozouf  
Connétable of St. Saviour  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of St. Helier

#### **CONTRE: 3**

Senator S. Syvret  
Deputy R.C. Duhamel (S)  
Deputy G.C.L. Baudains (C)

#### **ABSTAIN: 0**

Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of Grouville  
Connétable of St. John  
Deputy of Trinity  
Deputy A. Breckon (S)  
Deputy of St. Martin  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy J.L. Dorey (H)  
Deputy P.N. Troy (B)  
Deputy C.J. Scott Warren (S)  
Deputy L.J. Farnham (S)  
Deputy R.G. Le Hérisier (S)  
Deputy J.B. Fox (H)  
Deputy J-A. Bridge (H)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)  
Deputy of St. Mary  
Deputy of St. Ouen  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)

Regulations 1 and 2 were adopted.

THE STATES, in pursuance of Articles 10 and 15 of the Housing (Jersey) Law 1949, made Regulations entitled the Housing (General Provisions) (Amendment No. 21) (Jersey) Regulations 2005.

#### **Jersey Police Complaints Authority: appointment of members – P.232/2004**

THE STATES, adopting a proposition of the Home Affairs Committee, referred to their Act dated 13th April 1993, when they approved, in principle, the establishment of an independent Jersey Police Complaints Authority and their Act dated 7th November 2000, in which they approved the appointment of Mr. Leslie May F.C.C.A. as its Chairman, and, in accordance with Article 2 of and the Schedule to the Poli (Complaints and Discipline) (Jersey) Law 1999 –

- (a) appointed the following member of the Jersey Police Complaints Authority for a further period of one year only, with effect from 1st January 2005 –

Mr. Derek Le Maistre;

- (b) appointed the following members of the Jersey Police Complaints Authority for a period of 3 years with effect from 1st January 2005 –

Mr. Brian Curtis  
Mr. Thomas Lindsay Slattery.

#### **H.M. Prison, La Moye, cell block, kitchen, electrical substation and fuel farm– approval of drawings – P.2/2005**

##### **Comments**

THE STATES, adopting a proposition of the Home Affairs Committee –

- (a) approved the drawings listed in the Appendix to the report of the Home Affairs Committee dated 4th January 2005, showing the proposed construction of a two-storey accommodation block for prisoners and a kitchen within the boundary of H.M. Prison, La Moye, St. Brelade together with an electrica

substation and fuel storage area adjacent to the boundary; and,

(b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Members present voted as follows –

**POUR: 42**

**CONTRE: 1**

**ABSTAIN: 1**

Senator J.A. Le Maistre

Deputy J.L. Dorey (H)

Deputy G.C.L. Baudains  
(C)

Senator F.H. Walker

Senator W. Kinnard

Senator T.A. Le Sueur

Senator P.V.F. Le Claire

Senator P.F. Routier

Senator M.E. Vibert

Connétable of St. Ouen

Connétable of St. Saviour

Connétable of St. Brelade

Connétable of St. Mary

Connétable of St. Peter

Connétable of St. Clement

Connétable of St. Helier

Connétable of Trinity

Connétable of St. Lawrence

Connétable of Grouville

Connétable of St. John

Deputy of Trinity

Deputy R.C. Duhamel (S)

Deputy A. Breckon (S)

Deputy J.J. Huet (H)

Deputy of St. Martin

Deputy of St. John

Deputy T.J. Le Main (H)

Deputy P.N. Troy (B)

Deputy F.G. Voisin (L)

Deputy C.J. Scott Warren (S)

Deputy L.J. Farnham (S)

Deputy R.G. Le Hérisssier (S)

Deputy J.B. Fox (H)

Deputy J-A. Bridge (H)

Deputy G.P. Southern (H)

Deputy J.A. Bernstein (B)

Deputy S.C. Ferguson (B)

Deputy of St. Mary

Deputy of St. Ouen

Deputy M.A. Taylor (C)

Deputy of Grouville

Deputy of St. Peter

Deputy J.A. Hilton (H)

Deputy G.W.J. de Faye (H)

**Senatorial Elections 2005 – P.221/2004**

THE States commenced consideration of a proposition of Deputy Peter Nicholas Troy of St. Brelade concerning Senatorial Elections 2005, and, adopting a proposition of Senator Jean Amy Le Maistre, agreed to suspend Standing Order 44(1) relating to the declaration of financial interests for the purpose of considering the matter in which they had a direct pecuniary interest.

THE STATES, following consideration, adopted a proposition of Senator Jean Amy Le Maistre that, in accordance with Standing Order 26A(1), the question be now put.

Members present voted as follows –

**POUR: 28**

Senator J.A. Le Maistre  
Senator L. Norman  
Senator F.H. Walker  
Senator T.A. Le Sueur  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Helier  
Connétable of Trinity  
  
Connétable of St. Lawrence  
Connétable of Grouville  
Connétable of St. John  
Deputy of Trinity  
Deputy R.C. Duhamel (S)  
Deputy of St. John  
Deputy T.J. Le Main (H)  
Deputy J.L. Dorey (H)  
Deputy F.G. Voisin (L)  
Deputy L.J. Farnham (S)  
Deputy R.G. Le Hérissier (S)  
Deputy J.B. Fox (H)  
Deputy J-A. Bridge (H)  
Deputy S.C. Ferguson (B)  
Deputy of St. Mary  
Deputy M.A. Taylor (C)  
Deputy J.A. Hilton (H)

**CONTRE: 17**

Senator W. Kinnard  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Connétable of St. Clement  
Deputy A. Breckon (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy M.F. Dubras (L)  
Deputy G.C.L. Baudains (C)  
Deputy P.N. Troy (B)  
Deputy C.J. Scott Warren (S)  
Deputy G.P. Southern (H)  
Deputy J.A. Bernstein (B)  
Deputy of St. Ouen  
Deputy of St. Peter  
Deputy G.W.J. de Faye (H)

**ABSTAIN: 1**

Senator P.V.F. Le Claire

THE STATES rejected the proposition of Deputy Peter Nicholas Troy of St. Brelade requesting them to –

- (a) agree that draft legislation should be prepared and submitted to the States for approval to provide that –
  - (i) any Senator elected for a 6-year term in 2002 should be permitted, on a purely voluntary basis, to submit himself or herself for re-election during the 2005 election for Senators whilst remaining in office as a member of the States until the successful candidates in that election were sworn in;
  - (ii) the number of Senators to be elected during the 2005 election for Senators should be the total of the 6 ordinary vacancies and the number of Senators elected in 2002 submitting themselves for re-election;
  - (iii) any Senator elected in 2002 submitting himself or herself for re-election who was not successful in the above election would leave office when the successful candidates were sworn in with no form of compensation notwithstanding the fact that he or she was initially elected in 2002 for a term of office of 6 years;
  - (iv) unless the States should otherwise resolve to amend the term of office of Senators, the 6 candidates obtaining the largest number of votes in the 2005 election should be elected for a period of 6 years and the remaining successful candidates for a period of 3 years.

- (b) charge the Privileges and Procedures Committee to bring forward for approval the necessary legislation as soon as practicable.

Members present voted as follows –

**POUR: 11**

Senator W. Kinnard  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy of St. John  
Deputy T.J. Le Main (H)  
Deputy G.C.L. Baudains (C)  
Deputy P.N. Troy (B)  
Deputy J-A. Bridge (H)  
Deputy G.P. Southern (H)

**CONTRE: 36**

Senator J.A. Le Maistre  
Senator S. Syvret  
Senator L. Norman  
Senator F.H. Walker  
Senator T.A. Le Sueur  
Senator P.V.F. Le Claire  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of Grouville  
Connétable of St. John  
Deputy of Trinity  
Deputy M.F. Dubras (L)  
Deputy J.L. Dorey (H)  
Deputy F.G. Voisin (L)  
Deputy C.J. Scott Warren (S)  
Deputy L.J. Farnham (S)  
Deputy R.G. Le Hérissier (S)  
Deputy J.B. Fox (H)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)  
Deputy of St. Mary  
Deputy of St. Ouen  
Deputy M.A. Taylor (C)  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)

**ABSTAIN: 1**

Senator P.F. Routier

**Connétables: voluntary re-election in 2005 – P.3/2005 – withdrawn**

THE STATES noted that, following the rejection of the proposition of Deputy Peter Nicholas Troy of St. Brelade concerning Senatorial Elections 2005, (P.221/2004 lodged “au Greffe” on 4th December 2004), Senator Michael Edward Vibert had withdrawn the proposition concerning Connétables: voluntary re-election in 2005, (P.3/2005 lodged “au Greffe” on 4th January 2005).

**States Members’ remuneration: register – P.225/2004**

THE STATES rejected a proposition of the Privileges and Procedures Committee requesting them to agree that a Register of States Members’ Remuneration should be established with immediate effect, showing the name of each elected States member and the total amount of remuneration and expenses, if any, received by each member, and that the Register should be updated by the Treasurer of the States as changes occurred and made available for public inspection by the Greffier of the States.

Members present voted as follows –

**POUR: 23**

Senator S. Syvret  
Senator W. Kinnard  
Senator P.V.F. Le Claire  
Senator P.F.C. Ozouf  
Connétable of St. Peter  
Connétable of St. Clement  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy J.L. Dorey  
Deputy P.N. Troy (B)  
Deputy F.G. Voisin (L)  
Deputy C.J. Scott Warren (S)  
Deputy L.J. Farnham (S)  
Deputy R.G. Le Hérisssier (S)  
Deputy J-A. Bridge (H)  
Deputy G.P. Southern (H)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)  
Deputy of St. Mary  
Deputy of St. Ouen  
Deputy M.A. Taylor (C)  
Deputy of Grouville  
Deputy of St. Peter

**CONTRE: 24**

Senator J.A. Le Maistre  
Senator L. Norman  
Senator F.H. Walker  
Senator T.A. Le Sueur  
Senator M.E. Vibert  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Helier  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of Grouville  
Connétable of St. John  
Deputy of Trinity  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy of St. John  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy G.C.L. Baudains (C)  
Deputy J.B. Fox (H)  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)

**ABSTAIN: 0**

**Senators and Deputies: terms of office – P.227/2004**

**Comments**

THE STATES commenced consideration of a proposition of Deputy Alan Breckon of St. Saviour requesting them –

(1) to agree that –

- (a) the term of office of Senators should be reduced from 6 years to 4 years and the term of office of Deputies increased from 3 years to 4 years;
- (b) the ordinary elections for Senators and for Deputies should be held on the same day;
- (c) the States Assembly would not meet, except in exceptional circumstances, between the first nomination meeting for candidates at an ordinary election and the day after the poll of electors,

and to charge the Privileges and Procedures Committee to present to the States for approval the necessary legislation;

(2) to charge the Privileges and Procedures Committee to review the term of office and the timing of elections for the office of Connétable and to report back to the States with recommendations.

After discussion, Deputy Maurice François Dubras of St. Lawrence proposed that the States move to the consideration of the next item on the Order Paper, which proposition was adopted.

Members present voted as follows –

**POUR: 24**

Senator F.H. Walker

**CONTRE: 20**

Senator J.A. Le Maistre

**ABSTAIN: 0**



Senator P.F. Routier  
Senator M.E. Vibert  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Helier  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of Grouville  
Connétable of St. John

Deputy of Trinity  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy G.C.L. Baudains (C)  
Deputy F.G. Voisin (L)  
Deputy G.P. Southern (H)  
Deputy J.A. Bernstein (B)  
Deputy of St. Mary  
Deputy M.A. Taylor (C)  
Deputy of St. Peter  
Deputy G.W.J. de Faye (H)

Senator S. Syvret  
Senator L. Norman  
Senator T.A. Le Sueur  
Senator P.V.F. Le Claire  
Senator P.F.C. Ozouf  
Connétable of St. Clement  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy of St. John  
Deputy P.N. Troy (B)  
Deputy C.J. Scott Warren  
(S)  
Deputy R.G. Le Hérissier (S)  
Deputy J.B. Fox (H)  
Deputy J-A. Bridge (H)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen  
Deputy of Grouville

THE STATES rose at 5.37 p.m.

**M.N. DE LA HAYE**

*Greffier of the States.*