

**THE STATES assembled on Tuesday,
11th May 2004 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

All members were present with the exception of –

Jennifer-Anne Bridge, Deputy of St. Helier – out of the Island
Geoffrey John Grime, Deputy of St. Mary – ill.

Prayers

Welcome – Sir Laurence New, former Lieutenant Governor, Isle of Man

The Bailiff, on behalf of all members, welcomed to the States Sir Laurence New, former Lieutenant Governor of the Isle of Man during his visit to the Island.

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Inquests and Post-Mortem Examinations (Amendment No. 4) (Jersey) Rules 2004.	R&O 32/2004.
Royal Court (Amendment No. 20) Rules 2004.	R&O 33/2004.
Petty Debts Court Rules 2004.	R&O 34/2004.
Royal Court (Appeals from Petty Debts Court) Rules 2004.	R&O 35/2004.
Road Traffic (Protective Helmets) (Jersey) Order 2004.	R&O 36/2004.
Community Provisions (Zimbabwe – Restrictive Measures) (No. 4) (Jersey) Order 2004.	R&O 37/2004.

Matters presented

The following matters were presented to the States –

Jersey Competition Regulatory Authority: Annual Report 2003. <i>Presented by the Economic Development Committee.</i>	
Tourism Development Fund: Annual Report 2003. <i>Presented by the Economic Development Committee.</i>	R.C.21/2004.
Jersey Council for Safety and Health at Work: report for the period 1st July 2002 to 30th June 2003. <i>Presented by the Employment and Social Security Committee.</i>	R.C.22/2004.
Public Sector Housing: establishment of a management company (P.105/2003) –	P.105/2003.

<p>comments. <i>Presented by the Finance and Economics Committee.</i></p>	Com.
<p>Public Sector Housing: establishment of a management company (P.105/2003) – comments. <i>Presented by the Housing Committee.</i></p>	P.105/2003. Com.(2)
<p>Public Sector Housing: establishment of a management company (P.105/2003) – comments. <i>Presented by the Policy and Resources Committee.</i></p>	P.105/2003. Com.(3)
<p>Income Tax: allowance for children over 17 in full-time education (P.16/2004) – comments. <i>Presented by the Finance and Economics Committee.</i></p>	P.16/2004. Com.
<p>Committee of Inquiry: construction of 76 houses at Jambart Lane, St. Clement; and public consultation procedures (P.33/2004) – comments. <i>Presented by the Environment and Public Services Committee.</i></p>	P.33/2004. Com. (2)
<p>Draft Extradition (Jersey) Law 200- (P.39/2004): comments. <i>Presented by the Finance and Economics Committee.</i></p>	P.39/2004. Com.
<p>Fields 1282 and 1287, La Fredée Lane, St. Helier: extinguishment of restrictive covenants (P.48/2004) – comments. <i>Presented by the Finance and Economics Committee.</i></p>	P.48/2004. Com.
<p>Former School, Clearview Street, St. Helier: proposed sale (P.49/2004) – comments. <i>Presented by the Housing Committee.</i></p>	P.49/2004. Com. (2)
<p>Travelling and entertaining costs: provision of information (P.51/2004) – comments. <i>Presented by the Finance and Economics Committee.</i></p>	P.51/2004. Com. (2)
<p>Sale of properties (P.52/2004): comments. <i>Presented by the Finance and Economics Committee.</i></p>	P.52/2004. Com.
<p>Sale of properties (P.52/2004): comments. <i>Presented by the Policy and Resources Committee.</i></p>	P.52/2004. Com. (2)
<p>Modernisation of Jersey’s Gambling Legislation (P.62/2004): comments. <i>Presented by the Finance and Economics Committee.</i></p>	P.62/2004. Com.

The following matters were presented on 4th May 2004 –

Administrative Appeals System: proposals for improvement – consultation report. R.C.20/2004.
Presented by the Privileges and Procedures Committee.

Travelling and entertaining costs: provision of information (P.51/2004) – P.51/2004. Com.
comments.
Presented by the Privileges and Procedures Committee.

Le Squez Estate, St. Clement, Phase 1A: redevelopment– approval of drawings P.76/2004. Com.
(P.76/2004) – comments.
Presented by the Finance and Economics 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 15th April 2004, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Environment and Public Services Committee, the sub-lease to Paul Davis Freight Services Limited from Avo Shocks International of Unit 5, La Rue Gosset, LaCollette, St. Helier, for a period of nine years from a date to be agreed, at an annual rent of £42,000 with the remaining terms to be those contained in the head lease between the public and the head lessee, on the basis that the head lessee would be responsible for meeting any reasonable legal and surveyors fees arising from the transaction;
- (b) as recommended by the Economic Development Committee, the lease to Mr. Richard John Baudains, of La Pepinière Farm, La Rue de Crabbé, St. Mary, of Fields Nos. 330 and 331, St. Mary, (required for the grazing of cattle), at an annual rent of £225, with the lease being deemed to have commenced upon the completion of the contract for a period of three years, on the basis that each party was to be responsible for its own legal costs arising from the transaction;
- (c) as recommended by the Economic Development Committee, the sub-lease to Master Farms Limited, of Westlands Farm, Route de Francief, St. Brelade, of Fields Nos. 810 and 811, adjacent to The Elms St. Mary, from the National Trust for Jersey, (which had agreed to the sub-lease in accordance with clause 3(ii) of the Head Lease), for a period of 21 months from 25th March 2004, until 24th December 2005, at an annual rent of £1,510 payable in two equal instalments on 24th June 2004, and 2005. All other terms and conditions were to remain as in the head-lease and each party was to be responsible for its own legal costs arising from the transaction;
- (d) as recommended by the Housing Committee, the lease to the Jersey Electricity Company Limited of an area of land sufficient for the provision of the proposed electricity sub-station (No. 650) at the former Le Coie Hotel Redevelopment site, Janvrin Road, St. Helier, for a period of 99 years from the date of occupation of the building, for a one-off payment of £990 upon completion of contracts, on the basis that each party would be responsible for its own legal costs arising from the transaction;

- (e) as recommended by the Environment and Public Services Committee, the annulment of the lease to CTS Computing Limited of the Ground Floor offices at Broadcasting House, Rouge Bouillon, St. Helier, presently subject to a lease for a period of four years from 25th March 2003, at an annual rent of £30,320, subject to payment by the tenant of one quarter's rental and any additional professional and managing agent's fees arising from the transaction.

29th April 2004

- (f) as recommended by the Environment and Public Services Committee, the sale to the Trustees of the Douglas Haig Memorial Homes of two areas of land at Nos. 1 to 12 Princess Elizabeth Court, Grève d'Azette, St. Clement, so as to enable the further development of the site by the construction of additional residential units to house members of the ex-Service community, for a nominal sum of £10, subject to appropriate conditions and/or covenants in order to ensure the continued use of the site for social rented housing within the stated objectives of the Trust;
- (g) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with Mr. Clement Charles Pallot and Mrs. Phyllis May Pallot, née Le Lievre, in relation to the grant of access rights to the public onto the property No. 2 Garlyckehythe, Janvrin Road, St. Helier, with or without workmen, material, ladders and scaffolding in order to repair, replace, maintain and up-keep not only the newly-built walls, (which work was to be the sole responsibility of the public), but also parts of the roof, soffits and gutters; the said works to be carried out as quickly as possible and to cause the least inconvenience possible to the owners of No. 2 Garlyckehythe, with the public to reinstate any affected areas to the same state as they were before the work was carried out. Any rights of access would be conditional upon two weeks notice being given to the owners of No. 2 Garlyckehythe except in the case of an emergency. It was intended that the abovementioned clauses would be created in perpetuity and the public was to pay for the reasonable legal costs incurred, up to a maximum of £750, by the owners of No. 2 Garlyckehythe in relation to the preparation of the contract and that the public was to pay the current owners of No. 2 Garlyckehythe sum of £500 in recognition of the grant of the abovementioned rights. As part of the abovementioned works the public would re-build the existing party wall between the two properties concerned with the public being responsible for all costs relating thereto; and,
- (h) as recommended by the Environment and Public Services Committee, the sale to Mr. James William Wesley Harrison and Miss Emma Letitia Pirouet of a section of land, (measuring 105 square metres) to the west of No.9 Vue des Mielles, La Route des Quennevais, St. Brelade, (as shown on Plan No. 12/1091/1), for a consideration of £2,735 on the basis that Mr. Harrison and Miss Pirouet would be responsible for both parties' reasonable legal costs arising from the transaction, together with the administration costs of the Department of Property Services – estimated at £300.

Matters lodged

The following matters were lodged "au Greffe" –

Machinery of Government: relationship between the Parishes and the Executive (P.40/2004) – amendment. <i>Presented by the Connétable of St. Helier.</i>	P.40/2004. Amd.
Machinery of Government: relationship between the Parishes and the Executive (P.40/2004) – second amendment. <i>Presented by the Policy and Resources Committee.</i>	P.40/2004. Amd. (2)
Sale of properties (P.52/2004): amendments. <i>Deputy P.N. Troy of St. Brelade.</i>	P.52/2004. Amd.
Draft Data Protection (Jersey) Law 200- (P.70/2004): amendments.	P.70/2004. Amd.

Presented by Deputy J.L. Dorey of St. Helier.

Draft Petty Debts Court (Miscellaneous Provisions) (Jersey) Law 2000 (Appointed Day) Act 200-. P.83/2004.

Presented by the Legislation Committee.

D'Hautrée Gardens, St. Saviour's Hill, St. Saviour – proposed deed of arrangement. P.84/2004.

Presented by the Education, Sport and Culture Committee.

Draft Road Traffic (Amendment No. 3) (Jersey) Law 200-. P.85/2004.

Presented by the Environment and Public Services Committee.

Draft Privileges and Immunities (Diplomatic, Consular, etc.) (Amendment) (Jersey) Law 200-. P.86/2004.

Presented by the Legislation Committee.

Jersey Community Relations Trust: appointment of Chairman and a Trustee. P.87/2004.

Presented by the Policy and Resources Committee.

Draft Waste Management (Jersey) Law 200-. P.88/2004.

Presented by the Environment and Public Services Committee.

Draft Honorary Police (Parochial Domicile) (Amendment) (Jersey) Law 200-. P.89/2004.

Presented by the Legislation Committee.

The following matters were lodged on 4th May 2004 –

States Strategic Plan 2005 to 2010. P.81/2004.

Presented by the Policy and Resources Committee.

Vote of censure: Senator Frank Harrison Walker. P.82/2004.

Presented by Senator E.P. Vibert

Draft Waste Management (Jersey) Law 200-, P. 211/2002 – 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 draft Waste Management (Jersey) Law 200-, (P.211/2002 lodged “au Greffe” on 12th November 2002), the Committee having lodged a revised projet at the present meeting.

Arrangement of public business for the present meeting

THE STATES, in accordance with Standing Order 22(1), granted leave to Deputy Alan Breckon of St. Saviour to withdraw the proposition regarding Public Sector Housing: establishment of a management company, (P.105/2003 lodged “au Greffe” on 8th July 2003).

THE STATES agreed to defer consideration of the following matters set down for consideration at the present meeting to a later date –

Former School, Clearview Street, St. Helier: proposed sale. P.49/2004.

Lodged: 30th March 2004. <i>Environment and Public Services Committee.</i>	<i>(re-issue)</i>
Jersey Competition Regulatory Authority: appointment of member and Chairman. Lodged: 20th April 2004. <i>Economic Development Committee.</i>	P.63/2004.

Arrangement of public business for the next meeting on 25th May 2004

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 25th May 2004 –

Machinery of Government: relationship between the Parishes and the Executive. Lodged: 9th March 2004. <i>Policy and Resources Committee.</i>	P.40/2004.
Machinery of Government: relationship between the Parishes and the Executive (P.40/2004) – amendment. Lodged: 11th May 2004. <i>Connétable of St. Helier.</i>	P.40/2004. Amd.
Machinery of Government: relationship between the Parishes and the Executive (P.40/2004) – second amendment. <i>Policy and Resources Committee.</i>	P.40/2004. Amd. (2)
Income Tax: allowance for children over 17 in full-time education. Lodged: 3rd February 2004. <i>Deputy of St. Martin.</i>	P.16/2004
Income Tax: allowance for children over 17 in full-time education (P.16/2004) – comments. Presented: 11th May 2004. <i>Finance and Economics Committee.</i>	P.16/2004. Com.
Committee of Inquiry: construction of 76 houses at Jambart Lane, St. Clement; and public consultation procedures. Lodged: 24th February 2004. <i>Deputy R.G. Le Hérissier of St. Saviour.</i>	P.33/2004.
Committee of Inquiry: construction of 76 houses at Jambart Lane, St. Clement; and public consultation procedures (P.33/2004) – comments. Presented: 9th March 2004. <i>Finance and Economics Committee.</i>	P.33/2004. Com.
Committee of Inquiry: construction of 76 houses at Jambart Lane, St. Clement; and public consultation procedures (P.33/2004) – comments. Presented: 11th May 2004.	P.33/2004. Com. (2)

Environment and Public Services Committee.

Draft Prison (Amendment No. 5) (Jersey) Law 200-. P.45/2004.
Lodged: 23rd March 2004.
Home Affairs Committee.

Draft Christmas Bonus (Amendment No. 2) (Jersey) Law 200-. P.55/2004.
Lodged: 6th April 2004.
Employment and Social Security Committee.

Public Sector Re-organisation: Five Year Vision for the Public Sector. P.58/2004.
Lodged: 20th April 2004.
Policy and Resources Committee.

Shadow Scrutiny Panels: appointment of member. P.59/2004.
Lodged: 20th April 2004.
Privileges and Procedures Committee.

States Abattoir, La Route du Veulle, La Collette St Helier: transfer of P.67/2004.
administration.
Lodged: 20th April 2004.
Harbours and Airport Committee.

States Abattoir, La Route du Veulle, La Collette, St. Helier: transfer of P.67/2004. Com.
administration (P.67/2004) – comments.
Presented: 27th April 2004.
Environment and Public Services Committee.

Animal Waste Products Site, La Rue Phillippe Durell, La Collette, P.68/2004.
St. Helier: transfer of administration.
Lodged: 20th April 2004.
Economic Development Committee.

Animal Waste Products Site, La Rue Phillippe Durell, La Collette, St. Helier: P.68/2004. Com.
transfer of administration (P.68/2004) – comments.
Presented: 27th April 2004.
Environment and Public Services Committee.

Draft Non-Contributory Pensions (Repeal) (Jersey) Law 200-. P.73/2004.
Lodged: 20th April 2004.
Employment and Social Security Committee.

Draft Social Security (Amendment No. 17) (Jersey) Law 200-. P.75/2004.
Lodged: 20th April 2004.
Employment and Social Security Committee.

Le Squez Estate, St. Clement, Phase 1A: redevelopment– approval of drawings. P.76/2004.
Lodged: 27th April 2004.
Housing Committee.

Le Squez Estate, St. Clement, Phase 1A: redevelopment– approval of drawings P.76/2004. Com.
(P.76/2004) – comments.
Presented: 4th May 2004.

Finance and Economics Committee.

States Assembly: improving efficiency. P.79/2004.
Lodged: 27th April 2004.
Privileges and Procedures Committee.

Sale of properties. P.52/2004.
Lodged: 13th April 2004.
Housing Committee.

Sale of properties (P.52/2004): comments. P.52/2004. Com.
Presented: 11th May 2004.
Finance and Economics Committee.

Sale of properties (P.52/2004): comments. P.52/2004. Com.
Presented: 11th May 2004. (2)
Policy and Resources Committee.

Sale of properties (P.52/2004): amendments. P.52/2004. Amd.
Lodged: 11th May 2004.
Deputy P.N. Troy of St. Brelade.

Ormer landings – question and answer (Tape No. 912)

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

“Would the President advise members –

- (a) whether the Committee proposes to restrict the number of ormers landed, and, if so, would he explain the reasons for this and provide evidence to support the proposals together with the levels of ormer landings that will apply? and,
- (b) if records of ormer landings currently exist, and, if so, how these records have been compiled and the size of these landings over the last three years?”

The President of the Economic Development Committee replied as follows –

“(a) Yes, the Committee is considering putting a bag limit on the number of ormers that may be caught per day.

Inspections during low water surveillance for undersized shellfish suggest that landings at Les Minquiers have dropped from 12 to about 3 per person and on the southwest coast from 10 to 4 per person. These records are not comprehensive and some low water fishermen may have up to 3 or 4 times this amount.

Because catches of ormers have decreased from the high levels that occurred immediately after the fishery opened following disease, the introduction of a bag limit will give the opportunity for more of the general public to catch at least a few ormers. The Committee is considering a bag limit of 20 per person per day and a maximum of 100 per boat per day. These proposals will also be applicable to the French on the offshore reefs.

- (b) No formal record of landings exist as this is not a commercial fishery and putting in place a catch

reporting system would be costly and time-consuming.”

Border restrictions – question and answer (Tape No. 912)

Senator Paul Vincent Francis Le Claire asked Senator Wendy Kinnard, President of the Home Affairs Committee the following question–

“Would the President advise members –

- (a) whether the Committee will be reviewing the need to tighten border controls amid concerns that individuals granted bail in the U.K. are coming to Jersey pending their U.K. trial, and, if so, provide members with the reasons for this?
- (b) whether the Committee considers Jersey to have become a ‘soft-target’ for such individuals from the U.K.? and,
- (c) whether the Committee will be taking action regarding this matter, and, if so, what action will be taken?”

The President of the Home Affairs Committee replied as follows –

“(a) At present there is no legal basis for refusing entry to British Citizens wanted on warrant or released on bail from the U.K., unless it is a condition of bail that they do not leave the U.K.

The Immigration (Jersey) Order 1993, extends certain parts of the British Nationality Act 1981 to Jersey. Jersey is part of the Common Travel Area, which is made up of the United Kingdom, the Republic of Ireland, the Channel Islands and the Isle of Man. There is no immigration control for people travelling within this Common Travel Area.

That aside, border controls are tighter now than they have ever been, mainly due to the terrorist threat, and therefore more checks are being carried out which identify such individuals.

- (b) There is no reason to believe that Jersey is any softer a target for such individuals than any other place to which they are free to travel.
- (c) Whilst the terrorist threat continues, tight border controls will be maintained.”

St. Helier ‘hoppa’ bus service – question and answer (Tape No. 912)

The Deputy of St. John asked Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee, the following question –

“Would the President inform members whether any financial settlement was awarded to Pioneer Coaches some years ago when an agreement to provide a ‘hoppa’ bus service for St. Helier was withdrawn at late notice, and, if so, the size of the settlement and from where the funds were made available?”

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

“I am advised there was a financial settlement of £15,000 which was paid out of the Public Services Committee’s cash limit in 2001.”

Out Patients Clinics – question and answer (Tape No. 912)

Deputy Roy George Le Hérissier of St. Saviour asked Senator Stuart Syvret, President of the Health and Social

Services Committee, the following question –

“Would the President advise members–

- (a) of the number, and percentage, of patients who did not attend Out-Patient Clinics over the last three calendar years?
- (b) of the estimated cost of this non attendance?
- (c) of the reasons why the Benchmarking Report indicates that these figures are higher than those in other comparable jurisdictions? and,
- (d) explain what steps, if any, are planned to rectify this situation?”

The President of the Home Affairs Committee replied as follows –

“(a) The number, and percentage, of patients who did not attend Out Patients Clinics over the last three calendar years is outlined in the table below:

	2001		2002		2003	
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>
<i>Total</i>	8,737	9.90%	10,088	10.34%	10,972	10.38%

- (b) The cost of an outpatient appointment which the patient did not attend (DNA) is difficult to quantify as an allowance for potential DNAs is built into clinic lists, (see below). The marginal costs, however, amount to a few minutes of time either to remove the patient from the system and re-file the notes or to issue a new appointment.
- (c) The Benchmarking report indicated that the local DNA rate varied from National figures by between 1% and 2.8%. This variance occurs in an environment where referral rates are generally higher and it is possible that some patients do not attend as their condition may have abated and they will have forgotten to cancel their appointment.

Whilst National Guidelines indicate that no more than 16 – 18 patients should be seen in each clinic, new and urgent referrals are often added to the end of the clinic list with the effect that 20 – 22 patients are frequently seen. This level of additional activity more than compensates for a DNA rate of 10%.

(d) Efforts are constantly being made to reduce DNAs –

Posters are widely displayed in outpatient areas to publicise the impact of DNAs and raise awareness.

Outpatient appointment letters specifically request patients to ring to cancel appointments they cannot attend and the telephone number is highlighted.

There is a 24-hour answerphone so patients can cancel at any time of day or night.

Following a DNA, outpatient staff routinely telephone the GP or patient to check the address, make a new appointment at a convenient time and will explain the inconvenience caused by non-attendance.

Patients with annual or six monthly appointments are reminded of these one month in advance.

Patients who require follow-up appointments are encouraged to make them in person at the outpatients desk before leaving the building so that it is more likely that the appointment is convenient for them.

An initiative to introduce a 'partial booking' system, whereby the onus is put upon the patient to secure an appointment that is convenient to his/her own circumstances, is being pursued. It is anticipated that this measure should help to further reduce DNAs."

Collection of leachate at Beauport – question and answer (Tape No. 912)

The Deputy of St. John asked Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee, the following question –

“Would the President inform members –

- (a) whether leachate is still being collected from Beauport and, if so, how much longer it is anticipated that this will have to continue?
- (b) of the total volume of leachate collected, and the cost of collection and disposal, in 2003?
- (c) of the total volume collected since the leachate problem was identified in the 1990s?
- (d) of the total cost, since the problem was first identified, of collection, treatment, disposal and storage of the leachate, plus the cost of any remedial works to date?”

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

- “(a) Leachate is still being collected from Beauport and it is anticipated that this may need to continue for an additional 15 to 18 years.
- (b) The total volume of leachate collected was 1.1 million gallons. The cost for tankering this volume was £18,360.
- (c) The average annual volume is approximately 1 million gallons per annum which equates to 12 million gallons since 1992.
- (d) The original cost estimate was for £150,000 and ongoing costs are approximately £20,000 per annum for tankering and £8,900 per annum for operation of the pumping station. Maintenance and remedial works continue on an as required basis with recent civil works modifications totalling £11,500 in 2003.”

Disposal of potato waste and the protection of smaller farm units – questions and answers (Tape No. 912)

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

- “1. Would the President explain to members whether the Committee has formulated a policy on the disposal of excess potato waste arising during this year’s season, as in 2003 some was disposed of at Crabbé and some was dumped on fields. If so, could he provide details for members?
- 2. Would the President inform the Assembly whether the Committee has in place a policy to protect smaller farm units in the light of the emergence of one single very large business within the agriculture industry which has led to concern that a monopoly situation is being created? If so, could he provide details for members?”

The President of the Economic Development Committee replied as follows –

- “1. The Committee’s policy on the disposal of potato waste is that farmers should deal with their own waste

in a manner consistent with good environmental practice, as they did in 2003.

2. The Committee does not have a policy in place to protect smaller farm units. At this time the Committee is adhering to the policies of the former Agriculture and Fisheries Committee, as detailed in the Policy Report of 2001, that was approved by the States in July 2002. A strategic review of the agriculture and fisheries industries is to be carried out during the coming months and should be complete by September.”

Summer tourist bus service – question and answer (Tape No. 912)

Deputy Roy George Le Hérisier of St. Saviour asked Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee the following question –

“Would the President advise members –

- (a) what the loss of revenue is to Connex as a result of awarding the licence to Easylink to operate a summer tourist service?
- (b) what the estimated contribution is to the Committee’s revenues from the premium applied to the Easylink service? And
- (c) why a town “Hoppa” service was not made part of the Easylink service?”

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

- “(a) The previous Committee had estimated the loss, based on the previous tourist season of Easylink and which was included in the report to the States, of approximately £400,000. The agreement the new Committee has reached with Easylink for the 2004 summer tourist service provides the Committee with full disclosure of passenger numbers and fare income. This will facilitate a full assessment of the service this year and allow the Committee to make decisions regarding the whole of the scheduled bus service for next year.
- (b) The word ‘premium’ has not been used in any decision concerning the tourist bus service. I therefore cannot answer the question.
- (c) The Easylink service is a visitor-focused entity, directly fed by dedicated hotel collection and return services. A ‘Hoppa’ service would need to cater for residents all year round and may be considered as part of the Committee’s overall appraisal of public transport provision in the autumn.”

Confiscation of alcohol – question and answer (Tape No. 912)

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

“Will the President inform members when the Committee intends to present draft legislation relating to the confiscation of alcohol for the consideration of the States following the adoption of P.46/2002 on 21st May 2002, and explain the reasons for the continuing delay in presenting the draft legislation concerned?”

The President of the Home Affairs Committee replied as follows –

“The Deputy of St. Martin asked a similar question in September last year. At that time the Committee undertook to consult with all interested parties before presenting the draft Law.

During October and November 2003, several points required further clarification, particularly the disposal of the intoxicating liquor, and its confiscation in open or sealed containers. In December the Law Officers were asked to check whether the legislation was Human Rights compliant, and in early January the fourth draft of the Law was sent out, requesting comments by early February 2004.

The comments received as a result of the consultation exercise were considered by the Committee at its meeting on 19th February 2004, together with the seventh draft of the Law which contained significant amendments concerning the circumstances under which intoxicating liquor could be confiscated. Soon after this meeting, the eighth draft of the Law was sent to the Deputy of St. Martin for his comments thereon. He responded on 8th March 2004, raising a number of issues which were brought to the attention of the Committee at its next meeting held on 26th March 2004.

Following that meeting, the Director, Home Affairs sought clarification on the issues raised by the Deputy of St. Martin from the Law Draftsman’s office. The Senior Assistant Law Draftsman attended the Home Affairs Committee at its next meeting held on 30th April 2004. At that time the Committee approved the Law, subject to some final consultation, particularly with the young people of the Island; the Law will then be ready to be debated by the States.”

Monitoring of drinking water – question and answer (Tape No. 912)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Stuart Syvret, President of the Health and Social Services Committee the following question –

“Would the President advise members –

- (a) how many staff at the Health and Social Services Department are currently employed on water pollution, quality monitoring and related health aspects? and,
- (b) whether the Committee monitors the level of chlorine in Jersey’s mains water and, if so, give figures showing how it compares with the guidelines the Committee uses in view of recent concerns expressed in the U.K. regarding chlorine in drinking water?”

The President of the Health and Social Services Committee replied as follows –

“(a) Health protection within Public Health Services employs 0.4FTE to monitor water supplies. This is almost entirely sampling private water supplies at the request of the owner/occupier of the property. A fee is charged which covers the cost of the analysis.

All other responsibilities for monitoring the Water Law requirements for mains water supplies lie with the Water Resources Section of the Environment Department, though they will refer issues relating to health to the Assistant Director – Health Protection and the Medical Officer of Health.

- (b) The Jersey New Waterworks Company monitor the levels of chlorine (amongst other things) weekly and supplies details to Water Resources and to Health Protection. The analysis is carried out in the States' Analyst department. The aim is to maintain a level of 0.5mg/l when water leaves the treatment plant and a level of around 0.1-0.05mg/l at the tap. A review of recent data confirms chlorine levels of this order. Most public health interest is in ensuring high enough levels throughout the whole distribution system to keep the water safe. There are no local, U.K. or E.U. upper levels for chlorine though the American Environmental Protection Agency has a 'maximum residual disinfectant level goal' of 4mg/l – far higher than levels found in Jersey.”

Income tax contributions of 1(1)(k) residents – question and answer (Tape No. 912)

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

“In an answer to a recent question regarding proposed new tax measures, the Vice-President stated ‘*it is a condition that a 1(1)(k) resident who takes up residence on economic grounds must pay an agreed amount of tax every year*’.

Will the President advise members what action, if any, is taken when such a resident’s contribution falls substantially below that level, either through declining income or by re-arrangement of his/her affairs?”

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

“The Comptroller of Income Tax regularly checks the files of 1(1)(k) residents to ensure that the agreed tax contribution is paid and, in the vast majority of cases, the 1(1)(k) in question pays the tax that he/she has agreed to pay, either through the medium of a trust, a company or in his/her personal Income Tax Notice of Assessment.

The Comptroller currently has seven 1(1)(k)s under investigation for failing to pay the agreed amount of their tax contribution. He has written to all of them, or their professional advisers, asking for an explanation.

A number have suffered financial reverses due, amongst other things, to the substantial fall in the U.K. Stock Market in the last few years, albeit with a rise in the last few months, to the lowest interest rates for some 40 years and, for some, to some specific business setbacks. In such cases, the Comptroller will typically ask the 1(1)(k) to either write to the Chief Executive of the Housing Department or, alternatively, give the Comptroller the written authority to discuss the 1(1)(k)s’ changed circumstances with the Chief Executive of the Housing Department, so that an agreed position is taken as to the 1(1)(k)s’ revised tax contribution.

There is no financial limit set out in Regulation 1(1)(k) so it is possible to agree a revised tax contribution where the circumstances warrant such a change.

Some of the 1(1)(k)s under investigation have yet to reply fully to the Comptroller’s enquiries and one has steadfastly refused to explain his changed circumstances or engage in correspondence with the Comptroller. In that particular case, the Comptroller has written to the professional adviser informing him that a Royal Court summons is likely to be issued for recovery of the agreed tax contribution unless an explanation is forthcoming. The professional adviser and the 1(1)(k) has still to respond to the Comptroller on the matter.

I would like to reiterate, however, that over 95% of 1(1)(k)s do continue to meet their agreed tax contribution and benefit Jersey in other ways, such as providing local residents with employment, the giving of charitable donations, spending in local shops and restaurants and the purchase of property which is well outside the reach of local residents.”

Proposed new tax proposals – questions and answers (Tape No. 912)

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

- “1. In response to questions on 30th March 2004, the President informed members that the Comptroller of Income Tax had ruled in 154 cases of tax avoidance under Article 134A of the Income Tax Law in the previous 6 months. Will the President inform members –

- (a) how many cases in total were ruled on in the full year to April 2004 along with the total value involved under Article 134A?
 - (b) the total number of transactions and their total value that were wholly or partially counteracted under the Article? and,
 - (c) the total number of transactions and their total value that were allowed under the Article?
2. In his proposal to introduce a Goods & Services Tax (GST) at 5%, the President has given assurances that those who fall below income tax thresholds will be protected from further financial strain by increases in benefits of the order of £9 – £13.5 million. Would the President inform members what measures will be put in place to prevent the risk of creating a ‘benefits trap’ by such a move as the incentives of employment relative to benefits are proportionately reduced?
 3. In answer to questions on 30th March 2004, the President stated that the Committee was pursuing ways of recovering estimated tax losses of between £20 and £30 million relating to non-finance businesses owned non-locally. Would the President inform members –
 - (a) what progress has been made on this issue? and,
 - (b) whether this situation places these businesses at a competitive advantage compared with locally owned non-finance businesses, and, if so, whether this advantage accrues to the £50 million lost tax revenue arising from finance business owned locally and non-locally?
 4. In answer to questions, also on 30th March 2004, the President referred to the economic benefit test established in 1997 under the RUDL. Will the President inform members –
 - (a) how this test operates today? and,
 - (b) how it will be affected by a move to zero/ten tax?”

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

- “1. (a) 404 cases with a total value of £42.9 million and estimated profits of £5 million were ruled on by the Comptroller of Income Tax in the full year to April 2004 under Article 134A.
 - (b) 145 transactions with a total value of £20.1 million and estimated profits of £5 million were wholly or partially counteracted by the Comptroller under Article 134A.
 - (c) 259 transactions with a total value of £22.8 million were allowed by the Comptroller and not counteracted by him under Article 134A.
2. The Employment and Social Security Committee is in the process of developing a low income support system which will aim to maintain the work incentive by taking an integrated approach to financial support rather than the current piecemeal arrangements where benefits are provided by a number of States Committees. Whilst most beneficiaries are likely to fall outside the Income Tax net, there is at this stage no firm indication of who might or might not benefit. Similarly, figures for increases in costs can at this stage only be indicative, and will be dependent on adequate additional tax revenues to fund them. There is no empirical reason why mitigating the impact of a Goods and Services Tax on low income households should result in a ‘poverty trap’ or ‘benefits trap’, and indeed it should be the aim of any new income support system in maintaining the incentive to find employment to avoid creating any such traps.
 3. (a) Although non resident shareholders may live in a variety of jurisdictions, the majority currently reside in the U.K., and we have had discussions with the U.K. authorities for some time now on a possible way forward. We have put forward some proposals which we feel could provide at least

a partial solution to the transfer of corporate tax revenues and these are currently being considered constructively by the U.K. Inland Revenue and others and we await the technical response. Whilst we have to be realistic, we strongly believe there is a case for a considerable part of the potential 'leakage' to be recovered.

Naturally, there is some sensitivity about such discussions, so I trust members will understand the degree of circumspection which I have evidenced in my answer. When there is more definite information available this will be published by the Committee.

- (b) No, a zero corporation tax treatment for non-locally owned businesses does not confer any competitive advantage over locally owned businesses because they will continue to pay overall the same amount of tax on the profits they make, but the tax will arise only in one place, (for example in the U.K.), rather than shared between two places, (for example Jersey and the U.K.), as is currently the case. That is the technical consequence of zero tax for overseas owned businesses which our current discussions and possible refinements to the zero regime are trying to mitigate – in the circumstances which I describe in my preceding answer. I appreciate that this may appear a less than entirely satisfactory situation for Jersey, and one which we are aiming to mitigate, but we need to understand that the Jersey entity itself, or the non-resident shareholder, does not actually benefit. The beneficiaries are the revenue authorities of other jurisdictions. Furthermore, if we get it wrong and impose alternative charges which will not qualify for relief under overseas tax laws we will actually be placing these businesses at a competitive disadvantage in the future, resulting in their possible closure and accompanying loss of local job opportunities.

Ultimately this is a choice between the lesser of evils. If we implement the Committee's proposals without any such recovery, then at worst we could lose £80-100 million of which the maximum loss from non-locally owned, non-financial services businesses would be £25-£30 million. If we do not implement the 0/10% proposals, the overall loss of tax could be in excess of £300 million. As I have indicated, the Committee is doing everything possible to reduce the potential tax loss from non-locally owned businesses. We are as concerned about this leakage as anybody else, but nobody has, as yet, come up with a feasible alternative to the Committee's overall proposals regarding corporate taxation.

4. (a) The Comptroller of Income Tax ensures that, when a new non-resident financial or other institution wishes to set up in Jersey and the profits and tax projections detailed in the business plan or other documentation presented to the Comptroller indicates minimal or no tax will be paid, thereby making the tax contribution insufficient to justify the resources, such as office space or staff, that the institution wishes to take up in Jersey, he insists that the minimum tax contribution to be paid by such an institution on a yearly basis accords with the economic benefit test, as follows –

£15,000 per annum if no staff involved;

£25,000 per annum per employee excluding those for whom a "(j)" category housing consent is required;

£40,000 per annum per employee for those for whom a "(j)" category housing consent is required.

Institutions requiring a mix of resources, for example, local and "(j)" category staff, will have to pay a multiple of the above as an annual tax contribution.

- (b) It is anticipated that the Comptroller of Income Tax will continue to use the economic benefit test for financial and non-financial institutions wishing to set up in Jersey even if the 0/10% proposed corporate structure is approved, although I must stress that no formal decision has been taken on this matter as yet."

Use of the Howard Davis Farm, Trinity – question and answer (Tape No. 912)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked the following question of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee –

“Following the recent relocation of the Environment Services and Water Resources units to the Howard Davis Farm, Trinity, would the President inform members how the restrictions applying to the 1927 Deed of Gift by Mr. Davis regarding the use of those premises, if applicable, were overcome?”

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

“Following the transfer of services, a rationalisation has taken place enabling the delivery of improved services and a more efficient utilisation of existing resources. All environmental and countryside functions are now located within the main building at Howard Davis Farm, which was previously occupied by the former Department of Agriculture, increasing the occupancy of the building and reducing overheads.

These organizational changes recognise the farmer as a steward of the countryside and agriculture’s strategic value for the Island’s community. The benefit of recognising bio-diversity, landscape, heritage and sustainability are realised by the bringing together of the Agriculture and Fisheries functions with those of the Environment Department’s countryside management, ecology and water resources teams of the Environment and Public Services Committee.

Agricultural practices have of course, undergone many changes since the gift of Fields 562 and 827 from the late T.B Davis to the States on 17th December 1927. Agriculture is now undergoing a further transition, with a broader focus on the countryside as a whole, but importantly maintaining an expert capacity to advise and assist the agricultural industry.

The Assembly will recall from the reply given to the Deputy’s previous question on 21st October 2003, that the previous Committee sought the advice of H.M. Solicitor General on the organisational changes and requested efforts be made to trace the descendants of the late T.B. Davis to enquire whether they saw any objection to them. If the Committee does become aware of any issues, it undertakes to advise the Assembly at the earliest opportunity.

The rationalisation has also identified some redundancy and inefficiency in the use of land and other buildings of the former Agriculture Department. I have asked the Director of Property Services to undertake a comprehensive review of the use of all land and the remaining buildings in the Howard Davis Farm estate, including those occupied by other States Departments. A number of organisations have put forward individual proposals for certain buildings and/or areas of land, but before these can be considered an overall plan is required. This plan is in the course of preparation and will address the long-term future use of the complex.

In conclusion, there is no doubt that the nature of operations at the Howard Davis Farm have evolved over the years, in line with changes in the industry. The estate is an important asset for the Island and States. For that reason, I fully intend to bring forward for this Assembly’s approval, the comprehensive plan for the estate when it is completed.”

Jersey Harbours’ Customer Services and Supplier Survey – question and answer (Tape No. 912)

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

“(a) Would the President advise members of the cost of Jersey Harbours’ Customer Services and Suppliers

Survey and the rationale behind the survey?

- (b) The survey sheet mentions a Director of JKL Associates. Would the President confirm whether this is the same individual previously employed by the Harbours and Airport Committee on contract as a change consultant at the Airport?
- (c) Would the President indicate whether the results of this survey will be made public?"

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

“(a) The rationale behind the survey can best be described by the words contained in the first two paragraphs of the covering letter sent to those invited to take part –

‘Jersey Harbours offer a significant range of services to a wide section of the Island community and visiting craft and tourists.

We are continually looking at opportunities and ways to maintain as efficiently as possible these services and where commercially viable to enhance and develop the services to our customers. Receiving feedback from the users of our services is vital to enable us to consider any appropriate changes.’

The total cost, including consultancy, materials, staff time and online computer design, was £2,840.

- (b) Yes, I so confirm.
- (c) Yes, the results of this survey will be made public.”

British-Irish Council – question and answer (Tape No. 912)

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

“Since Jersey joined the British-Irish Council, members have heard little of the Island’s involvement. Would the President advise members –

- (a) of the extent of the Island’s involvement in recent years and the reasons for the apparent lack of information being made available to the public in this regard?
- (b) what contribution Jersey has made and is still making to the British-Irish Council? and,
- (c) of the total funding by the States, if any, since the inception of the British-Irish Council.”

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

“(a) Since 1999, the British-Irish Council, (BIC), has held over 95 meetings. Politicians from Jersey have attended all five Summit meetings and seven Ministerial meetings. Jersey has also participated in most of the meetings of officials, and at BIC conferences and seminars. In each case, the collaboration with other BIC jurisdictions has been informative and valuable for the departments concerned.

Members may recall that the Policy and Resources Committee reported on the Summits in 2000 and 2001, and responded twice to questions on the subject in this Assembly. The third Summit hosted in 2002 by Jersey was reported by the media.

The BIC Secretariat published communiqués following the fourth and fifth Summits in 2002 and 2003,

and these are also available to the public on the BIC website (www.britishirishcouncil.org). In addition, a comprehensive report is due to be circulated to all States members in July 2004.

- (b) Jersey has actively participated in each area of the BIC work, including: drugs; the environment; minority languages; social inclusion; tele-medicine; tourism and transport. Jersey has led in the area of knowledge economy, which focuses on the information and skills-based economy. In 2003, we co-hosted an international conference on e-government, which was the first ever gathering across the British Isles to share experience on how new technology is improving public services.

Current work is addressing the 'digital divide' faced by those who lack skills, abilities or opportunities to benefit from the knowledge economy.

The British-Irish Council is the only international forum in which Jersey is a member in its own right, on a level with the United Kingdom and the Republic of Ireland. The Council provides an invaluable opportunity to meet regularly with Ministers, and particularly the British Prime Minister and the Taoiseach, and to represent Jersey's interests at the highest political level.

- (c) The total funding provided by the States in 2002 included £150,000 for the BIC Summit meeting in Jersey, and approximately £78,000 for the knowledge economy work and BIC website.

In 2003, the States provided approximately £27,000 for conferences, meetings and a project on the use of information technology by people with disabilities.

£10,000 has been budgeted this year for the BIC, and to date there has been no expenditure on the knowledge economy work. The website is now funded by the BIC Secretariat.

In 2005, as a result of the fundamental spending review, no revenue budget has been allocated for the British Irish Council."

Airport charges – statement

The President of the Harbours and Airport Committee made a statement in the following terms –

"Members will recall that on 19th November 2002, the States adopted a proposition of the Harbours and Airport Committee, (P.198/2002), on Jersey Airport: Future Funding.

In adopting the proposition the States agreed, in principle, *'that additional funds from general revenues should be made available for use in encouraging the provision of new air services and/or the offer of low fares on existing and/or new air services, and requested the proposed Economic Development Committee, together with the Harbours and Airport Committee, to bring forward for approval by the States proposals for implementation in 2004.'*

For 2003 short term measures recommended by the Airport Funding Task Force were put in place. Grants of £500,000 from General Revenues and £500,000 from the Tourism Development Fund were made available and these funds were used to –

- (a) reduce the passenger service charge in respect of every passenger arrival in 2003;
- (b) provide marketing support aimed at increasing passenger numbers and retaining existing passengers; and,
- (c) also during 2003, the Harbours and Airport Committee agreed to repay passenger service charges, (excluding the security charge), paid by individual airlines providing year round, scheduled services in respect of passengers carried in 2003 additional to those carried in 2002; over £200,000 was rebated to airlines.

During 2003 the Economic Development Committee and the Harbours and Airport Committee met with the main air carriers to consider what action might be taken over the longer term, in response to the States request, to encourage the provision of new air services and low fares. The actions considered included –

- (a) changes in the structure of airport charges;
- (b) discounting airport charges for new/enhanced services; and,
- (c) reducing airport charges across the board.

I would like to advise members that the Harbours and Airport Committee has already acted to alter the structure of airport charges. Forty per cent of the fixed landing cost has been transferred to the variable passenger service charge and the passenger service charge has been split equally between arriving and departing passengers. This has been welcomed by the airlines who see the changes as helping to improve the viability of their services and therefore to encourage future investment in routes serving Jersey.

With regard to the reduction of airport charges more generally the transfer of the Meteorological Service to the Environment and Public Services Committee has resulted in a direct reduction of £1.50 per passenger with effect from 1st January 2004.

Consideration has also been given to the potential for further general reductions in airport charges and to discounting charges for new and enhanced services. Options that have been discussed with the airlines include –

- (a) asking the States to make an ongoing contribution from General Revenues towards discounting charges for new services and to stimulate the growth of existing routes; and,
- (b) meeting the cost of security at the Airport from the General Revenues of the States. The effect of this would be to immediately reduce airport charges by an estimated £2.45 per passenger.

The Harbours and Airport Committee is aware that improving the overall commercial performance of the Airport will also have a beneficial impact on airport charges. The Committee has already taken action to reduce expenditure and generate additional rental and other income and is mindful of the need to monitor continuously the Airport's business performance.

In considering how best to comply with the States request, the Economic Development Committee has met with the Policy and Resources and Finance and Economics Committees and it was agreed that proposals on airport charges should be delayed so that they could be considered within the framework of the Strategic Plan. The Island's air transport links are vital to the health of the economy and are also of great importance for the social services and for the overall quality of life of Island residents. The Harbours and Airport Committee trust this will be recognised within the draft States Strategic Plan. In addition, the Economic Development Committee has been asked to develop an economic strategy for the Island by the end of the year. The maintenance and enhancement of the Island's air transport links must be considered as part of this strategy and it is entirely appropriate, therefore, that any proposals to encourage the provision of new air services and/or the offer of low fares on existing and/or new services should be considered as part of this strategy.

The Harbours and Airport Committee remain committed to the further reduction of Airport charges to achieve this aim and continue to believe that removing the cost of anti-terrorism security from the charges borne by the airlines would be the best way of securing that reduction. The Harbours and Airport Committee would have preferred not to have delayed this matter and will, therefore, continue to work with the Economic Development Committee to bring forward proposals, in response to the States decision in November 2002, without further unreasonable delay."

**Draft Extradition (Jersey) Law 200- P. 39/2004
Amendments – P.39/2004 Amd.**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Extradition (Jersey) Law 200-, as amended by the following amendments to the Articles detailed below presented by the Policy and Resources Committee, (P.39/2004 Amd. lodged “au Greffe” on 27th April 2004) –

ARTICLE 20, PARAGRAPH (2) –

For the words “the designated territory who are” substitute the words “the territory that is”.

ARTICLE 22, PARAGRAPH (6) –

For paragraph (6) substitute the following paragraph –

“(6) If the Magistrate decides that the person would not be entitled to a retrial or (on appeal) to a review amounting to a retrial, the Magistrate shall order that the person be discharged.”.

ARTICLE 30, PARAGRAPH (1)(b) –

For the word “speciality” substitute the word “specialty”.

ARTICLE 32 –

- (1) *In the heading, for the word “Speciality” substitute the word “Specialty”.*
- (2) *For the word “speciality”, in each place where it appears in paragraphs (1) and (3), substitute the word “specialty”.*

ARTICLE 41 –

- (1) *In paragraph (1), for the figures “41” substitute the figures “40”.*
- (2) *In paragraph (3)(b), after the words “ought to have” insert the word “been”.*

ARTICLE 44 –

For paragraph (3), substitute the following paragraph –

- “(3) An appeal under Article 42 is pending until–
- (a) it is abandoned;
 - (b) the Royal Court dismisses the appeal and the circumstances to which paragraph (4) refers apply;
 - (c) the end of the period of 28 days commencing on the day on which leave to appeal to the Privy Council, against the decision of the Royal Court on the appeal, is granted; or
 - (d) no further step can be taken on behalf of the designated territory in relation to the appeal unless a court grants leave to take a step out of time,
- whichever occurs first.”.

ARTICLE 46(1) –

For the figures “42” substitute the figures “45”.

ARTICLE 48(5)(a) –

Delete the words “the person” in the first place where they appear.

ARTICLE 50 –

Insert the word “to” after the words “order as”.

ARTICLE 56(4)(a) –

Delete the words “to appeal” in the second place where they appear.

ARTICLE 66(10) –

For the word “affirmative” substitute the word “negative”.

ARTICLE 67(10) –

For the word “affirmative” substitute the word “negative”.

ARTICLE 86(9) –

Insert the word “of” after the words “only in respect”.

ARTICLE 88(9) –

For the word “give” substitute the word “given”.

ARTICLE 108(3) –

(1) *In paragraph (3)(a), after the words “for leave to appeal;” insert the word “or”.*

(2) *For sub-paragraphs (b) and (c) of paragraph (3) substitute the following sub-paragraph –*

“(b) when the Privy Council refuses leave to appeal to it, if there is such an application.”.

SCHEDULE 2, PARAGRAPH 6(2) –

For the words “the designated territory who are” substitute the words “the territory that is”.

SCHEDULE 2, PARAGRAPH 7 –

For sub-paragraph (6) substitute the following paragraph –

“(6) If the Magistrate decides that the person would not be entitled to a retrial or (on appeal) to a review amounting to a retrial, the Magistrate shall order that the person be discharged.”.

SCHEDULE 2, PARAGRAPH 15(1)(b) –

For the word “speciality” substitute the word “specialty”.

SCHEDULE 2, PARAGRAPH 17 –

(1) *In the heading, for the word “Speciality” substitute the word “Specialty”.*

- (2) *For the word “speciality”, in each place where it appears in sub-paragraphs (1) and (3), substitute the word “specialty”.*

SCHEDULE 2, PARAGRAPH 26(3)(b) –

After the words “ought to have” insert the word “been”.

SCHEDULE 2, PARAGRAPH 29(3) –

For paragraph (3) substitute the following paragraph –

- “(3) An appeal under paragraph 27 is pending until–
- (a) it is abandoned;
 - (b) the Royal Court dismisses the appeal and the circumstances to which sub-paragraph (4) refers apply;
 - (c) the end of the period of 28 days commencing on the day on which leave to appeal to the Privy Council, against the decision of the Royal Court on the appeal, is granted; or
 - (d) no further step can be taken on behalf of the designated territory in relation to the appeal unless a court grants leave to take a step out of time,
- whichever occurs first.”.

SCHEDULE 2, PARAGRAPH 31(1) –

For the figures “27” substitute the figures “30”.

SCHEDULE 2, PARAGRAPH 33(5)(a) –

Delete the words “the person” in the first place where they appear.

PARAGRAPH 35 –

Insert the word “to” after the words “order as”.

SCHEDULE 2, PARAGRAPH 41(3)(a) –

After the word “abandoned;” insert the word “or”.

SCHEDULE 2, PARAGRAPH 41(4)(a) –

Delete the words “to appeal” in the second place where they appear.

SCHEDULE 2, PARAGRAPH 43(3) –

For the word “he” substitute the word “the”.

SCHEDULE 2, PARAGRAPH 51(b) –

After the word “deferred;” insert the word “and”.

SCHEDULE 2, PARAGRAPH 53(10) –

For the word “affirmative” substitute the word “negative”.

SCHEDULE 2, PARAGRAPH 54(10) –

For the word “affirmative” substitute the word “negative”.

SCHEDULE 2, PARAGRAPH 55 –

In the heading, for the word “Island” substitute the word “Jersey”.

Members present voted as follows –

“Pour” (43)

Senators

Le Maistre, Norman, Walker, Kinnard, Le Sueur, Le Claire, Routier, M. Vibert, Ozouf, E. Vibert Shenton.

Connétables

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

Deputies

Trinity, Duhamel(S), Huet(H), St. Martin, St. John, Le Main(H), Dubras(L), Baudains(C), Dorey(H), Voisin(L), Scott Warren(S), Farnham(S), Le Hérissier(S), Fox(H), Martin(H), Southern(H), Bernstein(B), Ferguson(B), St. Ouen, Ryan(H), Taylor(C), St. Peter, De Faye(H).

“Contre” (1)

Deputy

Troy(B).

Social Security Fund: a new method of funding – P.137/2003

Comments, Comments (2)

THE STATES rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier asking them to –

(a) agree in principle that –

- (i) the earnings limit for employer and employee contributions to the Social Security Fund should be removed with effect from 1st January 2005; and,
- (ii) the overall contribution rate from 1st January 2006, should be increased by one percent annually, made up of a 0.5% increase in the employer contribution and a 0.5% increase in the employee contribution, until the requirement for supplementation is eliminated;

(b) charge the Employment and Social Security Committee to bring forward for approval the necessary legislation to give effect to the proposals.

Members present voted on part (a)(i) of the proposition as follows –

“Pour” (20)

Senators

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

Connétables

St. Mary, St. Clement, St. John.

Deputies

Duhamel(S), Huet(H), St. Martin, Baudains(C), Le Hérissier(S), Martin(H), Southern(H), St. Ouen, Grouville, St. Peter, Hilton(H), De Faye(H).

“Contre” (29)

Senators

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

Connétables

St. Martin, St. Ouen, St. Saviour, St. Brelade, St. Peter, St. Helier, Trinity, St. Lawrence.

Deputies

Trinity, Breckon(S), St. John, Le Main(H), Dubras(L), Dorey(H), Troy(B), Voisin(L), Scott Warren(S), Farnham(S), Fox(H), Bernstein(B), Ferguson(B), Ryan(H), Taylor(C).

Members present voted on part (a)(ii) of the proposition as follows –

“Contre” (49)

Senators

Le Maistre, Syvret, Norman, Walker, Kinnard, Le Sueur, Routier, M. Vibert, Ozouf, E. Vibert, Shenton.

Connétables

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

Deputies

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

Paragraph (a) having been rejected, paragraph (b) was deemed to have been withdrawn.

Change in Presidency

The Bailiff retired from the Chair during consideration of the proposition of Deputy Geoffrey Peter Southern of St. Helier concerning the Social Security Fund: a new method of funding and the meeting continued under the Presidency of Michael Nelson de la Haye Esquire, Greffier of the States.

Channel Islands Welding, La Collette: permission for alterations to head lease – P.26/2004

THE STATES, adopting a proposition of the Environment and Public Services Committee –

- (a) authorised the amendment of clause 4(b)(i) of the existing contract lease between Channel Islands Welding Limited and the public which commenced on 1st March 1984, so that previously restricted development could be permitted within the entire areas covered by the lease, subject to the prior written consent of the Environment and Public Services Committee which consent was to be at its sole discretion; and,
- (b) authorised the Attorney General and the Greffier of the States to pass, on behalf of the Public, any contracts which might be found necessary to pass in connection with the said lease referred to in paragraph (a) and any interest therein.

Fields 1282 and 1287, La Fredée Lane, St. Helier: extinguishment of restrictive covenants – P.48/2004
Comments

THE STATES, adopting a proposition of the Environment and Public Services Committee –

- (a) approved the extinguishment of three restrictive covenants over the private dwelling known as Les Fougères, La Vallée des Vaux, St. Helier, owned by Mr. Derec Allan Bonhomme and Mrs. Paulette Marcia Bonhomme née Ferrari his wife, as identified on Drawing No. 15/327/1-01, subject to the payment by Mr. and Mrs. Bonhomme to the Public of £2,000 and the payment of the Public's fees in connection with passing a Deed of Arrangement before the Royal Court; and,
- (b) authorised the Attorney General and the Greffier of the States to pass as appropriate on behalf of the Public such contract as may be necessary in connection with the said property and any interest therein.

Draft Shipping (Jersey) Law 2002 (Appointed Day) Act 200- P.65/2004

THE STATES, in pursuance of Article 202(2) of the Shipping (Jersey) Law 2002, made an Act entitled the Shipping (Jersey) Law 2002 (Appointed Day) Act 2004.

Draft Shipping (Amendment) (Jersey) Law 2003 (Appointed Day) Act 200- P.66/2004

THE STATES, in pursuance of Article 8(2) of the Shipping (Amendment) (Jersey) Law 2003, made an Act entitled the Shipping (Amendment) (Jersey) Law 2003 (Appointed Day) Act 2004.

Draft Harbours (Amendment No. 37) (Jersey) Regulations 200- P.71/2004

THE STATES, in pursuance of Article 4 of the Harbours (Administration) (Jersey) Law 1961, made Regulation entitled the Harbours (Amendment No. 37) (Jersey) Regulations 2004.

Draft Boats and Surf-Riding (Control) (Amendment No. 26) (Jersey) Regulations – P.72/2004

THE STATES, in exercise of the powers conferred upon them by the Order in Council of 26th December 1851 Article 49 of the Road Traffic (Jersey) Law 1956, and Article 4 of the Harbours (Administration) (Jersey) Law 1961, made Regulations entitled the Boats and Surf-Riding (Control) (Amendment No. 26) (Jersey) Regulations 2004.

Waterfront Enterprise Board: appointment of member – P.78/2004

THE STATES commenced consideration of a proposition of the Policy and Resources Committee concerning the appointment of a States Director of the Waterfront Enterprise Board Limited.

The President of the Policy and Resources Committee nominated Deputy Francis Gerald Voisin of St. Lawrence, and the Connétable of St. Helier nominated Senator Edward Philip Vibert

THE STATES, having proceeded to a secret ballot, the Bailiff declared the following result –

Deputy Francis Gerald Voisin of St. Lawrence	24 votes
Senator Edward Philip Vibert	20 votes

There was one spoilt paper.

THE STATES, thereupon, adopted the proposition of the Policy and Resources Committee and –

(a) appointed

Deputy Francis Gerald Voisin of St. Lawrence for a period expiring on 31st March 2006, as a States Director of the Waterfront Enterprise Board Limited; and,

(b)

instructed the Greffier of the States to notify the company of the States' decision.

The Deputy of Trinity and Deputy Patrick John Dennis Ryan of St. Helier declared an interest and withdrew from the Chamber prior to the consideration of this matter.

Change in Presidency

The Bailiff resumed the Chair during consideration of the proposition of the Policy and Resources Committee concerning the Waterfront Enterprise Board: appointment of member, and the meeting continued under his presidency.

Adjournment

THE STATES then adjourned, having agreed to reconvene on Tuesday 18th, and, if necessary, Wednesday 19th May 2004, in order to consider the remaining items of public business, the order of which was to be determined in consultation between the President of the Privileges and Procedures Committee and the Greffier of the States, and which was agreed to include the following item as the first item of public business –

Vote of censure: Senator Frank Harrison Walker.
Lodged: 4th May 2004.
Presented by Senator E.P. Vibert

P.82/2004.

THE STATES rose at 5.35 p.m.

M.N. DE LA HAYE

Greffier of the States.