

# STATES OF JERSEY ORDER PAPER

Tuesday, 13th February 2001

## A. COMMUNICATIONS BY THE BAILIFF

## B. TABLING OF SUBORDINATE LEGISLATION

*(Explanatory note attached)*

Post Office (Foreign Post Provisions) (Amendment No. 26) (Jersey) Order 2001. R & O 29/2001.  
*Committee for Postal Administration*

Post Office (General Provisions) (Amendment No. 47) (Jersey) Order 2001. R & O 30/2001.  
*Committee for Postal Administration*

## C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

Resignation of Deputy M. F. Dubras from the Human Resources Committee.

## D. PRESENTATION OF PAPERS

### (a) Papers for information

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

Morier House, Halkett Place: assignment of rights and obligations of funding arrangement  
(P.4/2001): comments. P.4/2001  
*Finance and Economics Committee* Com.

Site of the former Fine Gems and Craft Centre, La Route du Ouest, St. Ouen (P.12/2001):  
comments. P.12/2001  
*Finance and Economics Committee* Com.

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

Presented on 6th February 2001

Births, Marriages and Deaths in 2000: statement. R.C.9/2001  
*Etat Civil Committee*

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

5th February 2001  
Decisions under delegated functions.  
*Finance and Economics Committee.*

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

Bel Royal School Nursery.  
*Education Committee*

Le Geyt Flats Refurbishment - Phases V and VI.  
*Housing Committee*

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

Draft Health Insurance (Medical Benefit) (Amendment No. 53) (Jersey) Regulations 200-. P.20/2001  
*Employment and Social Security Committee*

Draft Criminal Justice (International Co-operation) (Jersey) Law 200-. P.21/2001  
*Finance and Economics Committee*

Sandybrook, St. Peter: Phase III redevelopment - approval of drawings. P.22/2001  
*Housing Committee*

Bequest of the late Mr. H.E. Le Seilleur: request for *ex gratia* payment. P.23/2001  
*Health and Social Services Committee*

Tourism administered cafés: transfer of administration. P.24/2001  
*Tourism Committee*

### **(e) Notification of Papers lodged “au Greffe” under Standing Order 17A(1)(b)**

### **(f) Papers for consideration by the States in Committee under Standing Order 38A**

## **E. STATEMENTS AND PROPOSITIONS RELATING TO THE ARRANGEMENT OF PUBLIC BUSINESS AT THIS OR ANY SUBSEQUENT MEETING**

THE STATES are asked to note that no public business has been requested for the next scheduled meeting on 27th February 2001, and that the following matters lodged “au Greffe” have been requested to be considered at the meeting on 13th March 2001 -

Referendums: Creation of a Legislative Framework P.188/2000  
Lodged: 7th November 2000  
*Deputy P.N. Troy of St. Brelade*

Morier House, Halkett Place: assignment of rights and obligations of funding arrangement P.4/2001  
Lodged: 16th January 2001  
*Planning and Environment Committee*

Morier House, Halkett Place: assignment of rights and obligations of funding arrangement

(P.4/2001): comments P.4/2001  
Presented: 13th February 2001 Com.  
*Finance and Economics Committee*

Site of the former Fine Gems and Craft Centre, La Route du Ouest, St. Ouen. P.12/2001  
Lodged: 30th January 2001  
*Planning and Environment Committee*

Site of the former Fine Gems and Craft Centre, La Route du Ouest, St. Ouen (P.12/2001):  
comments P.12/2001  
Presented: 13th February 2001 Com  
*Finance and Economics Committee.*

Draft Health Insurance (Medical Benefit) (Amendment No. 53) (Jersey) Regulations 200-  
P.20/2001  
Lodged: 13th February 2001  
*Employment and Social Security Committee*

Sandybrook, St. Peter: Phase III redevelopment - approval of drawings P.22/2001  
Lodged: 13th February 2001  
*Housing Committee*

Bequest of the late Mr. H.E. Le Seelleur: request for *ex gratia* payment P.23/2001  
Lodged: 13th February 2001  
*Health and Social Services Committee*

Tourism administered cafés: transfer of administration P.24/2001  
Lodged: 13th February 2001  
*Tourism Committee*

**In accordance with Standing Order 17(6) the following Paper is deemed to have been withdrawn -**

An elected President of the States. P.19/2000  
Lodged: 8th February 2000.  
*Senator S. Syvret.*

**F. PRESENTATION OF PETITIONS**

Fireworks: restrictions on sale - petition  
*Deputy J.L. Dorey of St. Helier*

At the time of presenting the petition Deputy J.L. Dorey will present and lodge "au Greffe" a proposition relative thereto - P.25/2001.

## **G. QUESTIONS**

Deputy Terence John Le Main of St. Helier will ask a question of the President of the Home Affairs Committee regarding the cost of an investigation into the conduct of honorary officers.

The Deputy of St. Martin will ask questions of the President of the Planning and Environment Committee regarding Mont Orgueil Castle.

The Deputy of St. Martin will ask a questions of the President of the Finance and Economics Committee regarding Mont Orgueil Castle.

Senator P.V.F. Le Claire will ask a question of the President of the Finance and Economics Committee regarding the cost of notices in the Jersey Gazette.

Senator P.V.F. Le Claire will ask a question of the President of the Legislation Committee regarding the draft Legal Practitioners (Jersey) Law 200-.

Senator P.V.F. Le Claire will ask a question of the President of the Public Services Committee regarding the licence for the school bus service.

Senator P.V.F. Le Claire will ask a question of the President of the Policy and Resources Committee regarding meetings on OECD matters.

The Deputy of St. John will ask a question of the President of the Policy and Resources Committee regarding the cost of development of States internet sites.

The Deputy of St. John will ask questions of the President of the Agriculture and Fisheries Committee regarding Johne's disease in cattle.

Deputy P.F.C. Ozouf of St. Helier will ask a question of the President of the Agriculture and Fisheries Committee regarding agricultural loans.

Deputy P.F.C. Ozouf of St. Helier will ask a question of the President of the Health and Social Services Committee regarding its budget.

Deputy M.E. Vibert of St. Brelade will ask questions of the President of the Industries Committee regarding the control of private sector construction.

## **H. MATTERS OF PRIVILEGE**

## **I. PERSONAL STATEMENTS**

## **J. COMMITTEE STATEMENTS**

## **K. PUBLIC BUSINESS**

Projet de Loi (200-) concernant la Police Honorifique de la Trinité. P.7/2001  
Logé au Greffe: le 23 janvier 2001  
*Comité de Législation*

Projet de Loi (200-) concernant la Police Honorifique de St. Jean. P.8/2001  
Logé au Greffe: le 23 janvier 2001  
*Comité de Législation*

Projet de Loi (200-) concernant la Police Honorifique de St. Laurent. P.9/2001  
Logé au Greffe: le 23 janvier 2001  
*Comité de Législation*

Projet de Loi (200-) concernant la Police Honorifique de Ste. Marie. P.10/2001  
Logé au Greffe: le 23 janvier 2001

*Comité de Législation*

Channel Islands Lottery: future format and allocation of profits. P.11/2001  
Lodged: 23rd January 2001  
*Gambling Control Committee*

Channel Islands Lottery: future format and allocation of profits: comments P.11/2001  
Presented 13th February 2001 Com.  
*Finance and Economics Committee*

Draft Road Traffic (No. 51) (Jersey) Regulations 200- P.13/2001  
Lodged: 30th January 2001  
*Public Services Committee*

Draft Terms of Employment (Jersey) Regulations 200- P.14/2001  
Lodged: 30th January 2001  
*Employment and Social Security Committee*

Commission Amicale: membership. P.15/2001  
Lodged: 30th January 2001  
*Senator P.F. Horsfall*

Summerland site, Rouge Bouillon, St. Helier: use by States of Jersey Police- approval of  
drawing. P.16/2001  
Lodged: 30th January 2001  
*Home Affairs Committee*

Machinery of Government: responsibility for implementation procedures. P.19/2001  
Lodged: 30th January 2001  
*Senator S. Syvret*

**C.M. NEWCOMBE**

**Greffier of the States**

8th February 2001.

**Explanatory Note regarding subordinate legislation  
tabled at this Meeting**

(See Item B)

**R & O 29/2001**

This Order further amends the Post Office (Foreign Post Provisions) (Jersey) Order 1973 so as to increase certain postage rates for letters, air letters, postcards, small packets and printed packets addressed to destinations outside the British Islands.

The Order was made on 31st January 2001 and comes into force on 3rd April 2001.

**R & O 30/2001**

The purpose of this Order is to increase the rates of postage for insular and domestic letters.

The Order was made on 31st January 2001 and comes into force on 3rd April 2001.

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

5th February 2001

As recommended by the Harbours and Airport Committee -

- (i) the termination of the lease to KLMuk of four units of first floor accommodation in the John Le Fondré Departures Hall, Jersey Airport, St. Peter (General Manager's Office, Outer Office, Administration Office and Crew Room) and of the ticket desk on the ground floor, with effect from the date on which the appropriate documentation would be completed (the Completion Date), and on the basis that the company would pay a termination fee of £10,000 in respect of the ticket desk on the ground floor; and
- (ii) the lease to British Regional Airlines of the said four units of first floor accommodation in the John Le Fondré Departures Hall, Jersey Airport, St. Peter, with effect from the abovementioned Completion Date until 31st March 2006, at a total annual rent of £15,501.72, on the same terms and conditions as KLMuk, with rent reviews to take place on 1st April of each year of the lease period based on the Jersey Retail Price Index.

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

5th February 2001

The Housing Committee has, by Act dated 22nd January 2001, accepted the lowest fixed price tender received for Phases 5 and 6 of the refurbishment programme for Le Geyt Estate, St. Helier/St. Saviour, namely that submitted by A.C. Mauger and Son (Sunwin) Limited, in the sum of £2,859,051.00, in a contract period of 78 weeks.

The other tenders received were from

| <b>Contractor:</b>          | <b>No. of weeks:</b> | <b>Amount:</b> |
|-----------------------------|----------------------|----------------|
| J.F. Marett and Son Limited | 78                   | £2,865,000.00  |
| Dandara (Jersey) Limited    | 78                   | £3,009,948.00  |

The Education Committee has, by Act dated 31st January 2001, accepted the lowest tender for the fixed-price work received for the extension to Bel Royal School, St. Lawrence, namely that submitted by Stansell (QVC) Limited in the sum of £478,602.00.

Other tenders received were as follows -

| <b>Contractor:</b>        | <b>Amount:</b> |
|---------------------------|----------------|
| C.A. Mauger Limited       | £488,904.05    |
| B & C Contractors         | £501,333.00    |
| Syvret and Turner Limited | £529,812.71    |



## QUESTION PAPER

(See Item G)

Deputy Terence John Le Main of St. Helier will ask the following question of the President of the Home Affairs Committee -

“Would the President -

- (a) give members details of the costs of the investigation conducted by officers of the Wiltshire Constabulary into the conduct of the Connétable of St. Helier and his Chef de Police in the Roger Holland case?
- (b) indicate which vote of credit will be used to defray these costs?
- (c) indicate whether the Connétable and the Chef de Police, against whom it was decided not to institute criminal proceedings, will be compensated for their costs and out of pocket expenses?
- (d) advise members who instigated the complaint alleging criminal activities against the aforementioned persons?

Deputy Frederick John Hill of St. Martin will ask the following questions of the President of the Planning and Environment Committee -

1. In reply to questions put by Deputy R. Le Hérissier on 16th January this year and supplementary questions, the President stated that no work had been undertaken at Mont Orgueil Castle without planning permission or had been subject to retrospective permission. He also stated that all work had been supervised. Please could the President now advise -
  - (a) given that channelling for plumbing and services in the room known as the “German Room” started in November 1998, which permit allowed for this work, and when was it issued?
  - (b) who supervised this work from an archaeological standpoint, and was that supervision continuous?
  - (c) what became of the material removed from the above excavations and whether it was assessed archaeologically?
2. Is the President aware that the spoil heap which accumulated following work in late 1999 and early 2000 on Peyton’s Ramparts contained medieval artefacts (including pottery, painted glass and coins) and could he identify the area from which this material originated?
3. In the President’s reply on 16th January, he stated that one of a number of conditions imposed in the “in principle” Planning Permit was that “no works to the fabric of the castle were to be carried out without a survey and archaeological assessment of the affected areas having been first undertaken by Dr. Warwick Rodwell or other appropriately qualified archaeological expert agreed by the Committee”. Would the President state -
  - (a) when the survey and assessment were completed and what the main conclusions were?
  - (b) whether the survey and assessment were taken into account before the appropriate permit was issued, as required under interim Policy HB13 and by the conditions attached to the “in principle” Planning Permission?
  - (c) if his answer to (b) is in the negative, would he give the reasons?
4. The Dixon/Kennedy report (para. 3.2) stated that Jersey was a signatory to certain international conventions for the protection of historic monuments. Can the President inform the Assembly which of these conventions are relevant to the development of Mont Orgueil Castle, and whether the Committee had regard to the terms of the conventions when considering planning applications for Mont Orgueil Castle?”

Deputy Frederick John Hill of St. Martin will ask the following questions of the President of the Finance and Economics Committee -

“Under the terms of “Elizabeth Castle and Mont Orgueil Castle: cession of usufruct” (P.218/96) approved on 10th December 1996, two of the duties of the Jersey Heritage Trust are-

- (a) “3.01.4 [to]preserve the historical and archaeological integrity of the castles for future generations”;  
and
  - (b) “3.06 The Trust shall consult with and obtain the agreement of the Finance and Economics [Committee] who may consult such other committees or other bodies as it thinks fit before the Trust undertakes any development relating to any part of the Castles.”
1. Building work was carried out in Mont Orgueil Castle in 1998. This work involved digging a trench across the open space known as the Tudor Great Hall, into the guard house and into the room known as the German Room, with wide channelling along and up the wall of that same room. Did The Heritage Trust consult and seek the Committee’s approval before the work commenced in accordance with paragraph 3.06 of P.218 of 1996?
  2. In view of the fact that Mont Orgueil Castle is in need of repair, maintenance and consolidation will the President confirm that the necessary funds for such work may still be released from the vote of £3m approved in “Strategic Reserve: allocation of funds to Tourism Investment Fund” (P.93 of 1999), and that any funds required for additional work required in connection with the proposed Tudor Great Hall reconstruction, will be withheld pending the results of the Conservation Plan commissioned by The Jersey Heritage Trust, as recommended by the Dixon/Kennedy Report?
  3. As the States have imposed a legal obligation on The Jersey Heritage Trust “to preserve the historical and archaeological integrity of the site of the castles for future generations”, would the President agree that responsibility for ensuring that these and other legal requirements of the States are met rests with the Finance and Economics Committee?
  4. If the answer to question 3 is in the affirmative, then how does the President reconcile this legal responsibility with the comments made in the Dixon/Kennedy report (Page 53, paragraph 8.5.5) that damage has been done to the archaeological integrity of Mont Orgueil Castle?

Senator Paul Vincent Francis Le Claire will ask the following question of the President of the Finance and Economics Committee -

“Would the President supply members with the total cost of placing States’ notices in the Jersey Gazette during the last 12 months?”

Senator Paul Vincent Francis Le Claire will ask the following question of the President of the Legislation Committee -

“Would the President inform members -

- (a) of the progress of the Draft Legal Practitioners (Jersey) Law 200-;
- (b) when the Draft Law is likely to be lodged;
- (c) the reason for the delay in lodging this Law;
- (d) of the proposed safeguards and provisions for the public who have complaints against legal practitioners and their firms;
- (e) what re-dresses are currently available to the public?”

Senator Paul Vincent Francis Le Claire will ask the following question of the President of the Public Services Committee -

“Would the President advise members -

- (a) whether the School Bus Service needs a licence to operate;
- (b) if the answer (a) is in the affirmative, would he confirm that the School Bus Service is currently licensed and when the licence was granted?”

Senator Paul Vincent Francis Le Claire will ask the following question of the President of the Policy and Resources Committee -

“Would the President advise members -

- (a) of the outcome of the recent meeting with the OECD and give details of that meeting including any agreements reached and any still under negotiation?
- (b) of the date and location of the next meeting and would he say what the purpose of that meeting will be?”

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

“Would the President inform members -

- (a) of the cost of developing the new official business internet portal?
- (b) how much money has been invested in the development of all internet sites set up by the States since 1997?
- (c) what instructions the Committee has issued to the designers of the States of Jersey Web-site given that these sites should also be easy to use by the disabled, and would he say when these instructions were issued?”

Deputy Philip John Rondel of St. John will ask the following questions of the President of the Agriculture and Fisheries Committee -

“1. Would the President explain to members -

- (a) if Johne’s Disease at the onset is considered to be a notifiable disease in dairy cattle, and if the answer is in the negative, would he explain why not?
  - (b) if there is a regulator in the Department of Agriculture and Fisheries that inspects farms to ensure that regulations pertaining to dairy units are enforced?
2. In other countries it is estimated that roughly between 2.6 per cent and 10 per cent of dairy cattle are infected with Johne’s Disease. \* Would the President indicate what percentage of Jersey cattle are infected, and if this statistic is not available, would he undertake to have all herds tested in order to see what percentage of Jersey cattle have this disease?
3. Given that slurry contaminated with Johne’s Disease bacteria from infected herds can be spread on land and can survive for up to twelve months in ground and is resistant to heat, cold and dry conditions, what steps are being taken by the Committee to ensure that wells and boreholes in areas of slurry spreading do not become contaminated with this bacteria?
4. Would the President -
- (a) confirm that there is an established policy for animal slaughter under the BSE culling arrangements;
  - (b) give members full details of the payment formula;

- (c) confirm or otherwise that all animals for which compensation is paid qualify under the BSE payment policy;
- (d) advise whether farmers would qualify for payment under the same policy in respect of cattle culled due to Johne's Disease?

\* Source: Johne's Centre, Wisconsin Veterinary School

Deputy Philip Francis Cyril Ozouf of St. Helier will ask the following question of the President of the Agriculture and Fisheries Committee -

“Would the President indicate to members what actions have been taken to implement the recommendations of the audit of agricultural loans prepared jointly by the Agriculture and Fisheries Audit Committee and the Audit and Risk Management Division since it was presented to members on 5th December 2000?”

Deputy Philip Francis Cyril Ozouf of St. Helier will ask the following question of the President of the Health and Social Services Committee -

“When the Budget 2001 was debated early in December 2000, the President warned that he would be seeking further increases in the Health and Social Services department’s budget. Would he explain to members -

- (a) the measures he uses to assess clinical performance versus cost of the Jersey Hospital, compared to near equivalents?
- (b) the measures he has taken to improve value for money within the Committee’s budget?”

Deputy Michael Edward Vibert of St. Brelade will ask the following questions of the President of the Industries Committee -

“1. On 13th September 2001 the States adopted a proposition of the Finance and Economics Committee as follows -

“agreed that the overall level of construction activity in Jersey, excluding small projects and civil engineering works, should be limited to approximately £120 million a year (at December 1999 prices) initially for the years 2001-2003 and accordingly during those three years -

- (i) the States capital construction programme should be limited to £60 million a year; and
- (ii) the Industries Committee should be requested to apply Part III of the Regulation of Undertakings and Development Law 1973, as amended, to limit private sector construction to approximately the same amount.”.

Would the President advise members of the Committee’s progress in implementing the above?

2. If the answer to (1) indicates concerns that to limit the private sector construction programme under Part III of the Regulation of Undertakings and Development (Jersey) Law 1973, as amended, may be ultra vires, would the President explain what steps are being taken to ensure the States’ decision can be legally implemented, including proposing amendments to the Law, if necessary, to achieve this?