

STATES OF JERSEY ORDER PAPER

Tuesday 22nd (9.30 a.m. to 12 noon only) and Wednesday 23rd June 2004,
and, if necessary, Tuesday 29th June 2004

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Road Racing (Hill Climbs and Sprint) (No. 2) (Jersey) Order 2004. R&O 58/2004.
Home Affairs Committee.

Community Provisions (Burma/Myanmar Sanctions) (Jersey) Order R&O 59/2004.
2004
Policy and Resources Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

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

Public and private sector construction workflow projections. R.C.29/2004.
Economic Development Committee.

Public Sector Manpower Report: December 2003. R.C.30/2004.
Finance and Economics Committee.

States Strategic Plan 2005 to 2010 (P.81/2004): amendment P.81/2004.
(P.81/2004 Amd.)– comments. Amd.Com.
Policy and Resources Committee.

States Strategic Plan 2005 to 2010 (P.81/2004): second amendment P.81/2004.
(P.81/2004 Amd.(2))– comments. Amd.(2)Com.
Policy and Resources Committee.

States Strategic Plan 2005 to 2010 (P.81/2004): fourth amendment P.81/2004.
(P.81/2004 Amd.(4))– comments. Amd.(4)Com.
Policy and Resources Committee.

St. Aubin's Harbour, St. Brelade: lease of an area of land to Alcora P.108/2004.
Limited (P.108/2004) – comments. Com.
Harbours and Airport Committee.

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

15th June 2004

Jersey Dental Scheme: Annual Report for the year ended 31st R.C.26/2004.
December 2003.
Employment and Social Security Committee.

Working Group on 14 – 19 Curriculum: Interim Report. R.C.27/2004.

Education, Sport and Culture Committee.

Ecology Fund: report for 2003.
Environment and Public Services Committee.

R.C.28/2004.

(b) Notification of Standing Order decisions

10th June 2004

Decisions under delegated functions.
Finance and Economics Committee.

(c) Notification of acceptance of tenders

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

Mr. William Richmond-Pickering: acceptance of bequest and establishment of Rivington Travelling scholarship.
Education, Sport and Culture Committee. P.117/2004.

Commissioners of Appeal for Income Tax: appointment.
Finance and Economics Committee. P.118/2004.

Sale of properties.
Housing Committee. P.119/2004.

Draft Jersey Association for Mental Health and Jersey Schizophrenia Fellowship (Integration with Jersey Focus on Mental Health) (Jersey) Law 2003 (Appointed Day) Act 200-.
Health and Social Services Committee. P.120/2004.

Public and political access to economic models.
Senator S. Syvret. P.121/2004.

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

15th June 2004

Bus Service Tendering Process: Committee of Inquiry – terms of reference and membership (P.99/2004) – amendment.
Deputy R.G. Le Hérissier of St. Saviour. P.99/2004.
Amd.

Composition and Election of the States Assembly.
Deputy of St. Martin. P.115/2004.

Shadow Public Accounts Committee: revised membership.
Privileges and Procedures Committee. P.116/2004.

(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

In accordance with Standing Order 22(3), the President of the Economic Development Committee has instructed the Greffier of the States to withdraw the proposition regarding

the Jersey Competition Regulatory Authority: appointment of member and Chairman, (P.63/2004 lodged "au Greffe" on 20th April 2004).

In accordance with Standing Order 22(3), the President of the Policy and Resources Committee has instructed the Greffier of the States to withdraw paragraphs (a) and (b) of the proposition regarding the Bus Service Tendering Process: Committee of Inquiry – terms of reference and membership, (P.99/2004 lodged "au Greffe" on 25th May 2004), and set down for consideration at the present meeting, the President having given notice that that he will, therefore, ask the States to consider paragraph (c) and the associated amendments only.

The President of the Policy and Resources Committee will ask the States to agree that the following matter, set down for consideration at the present meeting, be taken as the first item of public business –

Model Agreements on taxation of savings income. P.97/2004.
Lodged: 18th May 2004.
Policy and Resources Committee.

THE STATES are asked to agree that the following matters lodged "au Greffe" be considered at their next meeting on 6th July 2004 –

Taxation policies: a transparent enquiry. P.41/2004.
Lodged: 9th March 2004.
Senator S. Syvret.

Taxation policies: a transparent enquiry (P.41/2004) – comments. P.41/2004. Com.
Presented: 1st June 2004.
Finance and Economics Committee.

Taxation policies: a transparent enquiry (P.41/2004) – comments. P.41/2004. Com.
Presented: 8th June 2004. (2)
Policy and Resources Committee.

Modernisation of Jersey's Gambling Legislation. P.62/2004.
Lodged: 20th April 2004. (re-issue)
Economic Development Committee.

Modernisation of Jersey's Gambling Legislation (P.62/2004): P.62/2004. Com.
comments.
Presented: 11th May 2004.
Finance and Economics Committee.

Draft Transfer of Functions (Environment and Public Services P.100/2004.
Committee) (Jersey) Act 200-.
Lodged: 25th May 2004.
Environment and Public Services Committee.

Fiscal Strategy. P.106/2004.
Lodged: 1st June 2004.
Finance and Economics Committee.

Sunday Trading legislation. P.107/2004.
Lodged: 1st June 2004.
Senator E.P. Vibert.

Sunday Trading legislation (P.107/2004): amendment. P.107/2004.

Lodged: 8th June 2004.
Deputy J.L. Dorey of St. Helier.

Amd.

Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 2) (Jersey) Regulations 200-. Lodged: 8th June 2004. <i>Economic Development Committee.</i>	P.113/2004.
Shadow Public Accounts Committee: revised membership. Lodged: 15th June 2004. <i>Privileges and Procedures Committee.</i>	P.116/2004.
Commissioners of Appeal for Income Tax: appointment. Lodged: 22nd June 2004. <i>Finance and Economics Committee.</i>	P.118/2004.
Sale of properties. Lodged: 22nd June 2004. <i>Housing Committee.</i>	P.119/2004.
Public and political access to economic models. Lodged: 22nd June 2004. <i>Senator S. Syvret.</i>	P.121/2004.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

(a) Written Questions

The President of the Policy and Resources Committee will table an answer to a question asked by Senator P.V.F. Le Claire regarding the employment of public relations consultants.

The President of the Finance and Economics Committee will table an answer to a question asked by Senator P.V.F. Le Claire regarding the employment of public relations consultants.

The President of the Economic Development Committee will table an answer to a question asked by Senator P.V.F. Le Claire regarding the employment of public relations consultants

The President of the Harbours and Airport Committee will table an answer to a question asked by the Deputy of St. John regarding the tidal ball, Elizabeth Marina.

(b) Oral Questions

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

The President of the Economic Development Committee will make a statement regarding the Jersey Competition Regulatory Authority.

K. PUBLIC BUSINESS

Draft Competition (Jersey) Law 200-. Lodged: 9th March 2004. <i>Economic Development Committee.</i>	P.37/2004. (re-issue)
Draft Competition (Jersey) Law 200- (P.37/2004): comments. Presented: 20th April 2004. <i>Finance and Economics Committee.</i>	P.37/2004. Com.
Draft Competition (Jersey) Law 200- (P.37/2004): amendment. Lodged: 23rd March 2004. <i>Deputy J.L. Dorey of St. Helier.</i>	P.37/2004. Amd.
Draft Competition (Jersey) Law 200- (P.37/2004): amendment (P.37/2004 Amd.)– comments. Presented: 25th May 2004. <i>Economic Development Committee.</i>	P.37/2004. Amd.Com.
Draft Stamp Duties and Fees (No. 3) (Jersey) Regulations 200. Lodged: 6th April 2004. <i>Finance and Economics Committee.</i>	P.53/2004.
Draft Stamp Duties and Fees (No. 3) (Jersey) Regulations 200 (P.53/2004): amendment. Lodged: 8th June 2004. <i>Finance and Economics Committee.</i>	P.53/2004. Amd.
Draft Data Protection (Jersey) Law 200-. Lodged: 20th April 2004. <i>Finance and Economics Committee.</i>	P.70/2004.
Draft Data Protection (Jersey) Law 200- (P.70/2004): amendments. Lodged: 11th May 2004. <i>Deputy J.L. Dorey of St. Helier.</i>	P.70/2004. Amd.
States Strategic Plan 2005 to 2010. Lodged: 4th May 2004. <i>Policy and Resources Committee.</i>	P.81/2004.
States Strategic Plan 2005 to 2010 (P.81/2004) – amendment. Lodged: 8th June 2004. <i>Senator P.F. Routier.</i>	P.81/2004. Amd.
States Strategic Plan 2005 to 2010 (P.81/2004): amendment (P.81/2004 Amd.)– comments. Presented: 22nd June 2004. <i>Policy and Resources Committee.</i>	P.81/2004. Amd.Com.
States Strategic Plan 2005 to 2010 (P.81/2004): second amendment. Lodged: 8th June 2004. <i>Housing Committee.</i>	P.81/2004. Amd.(2)

States Strategic Plan 2005 to 2010 (P.81/2004): second amendment (P.81/2004 Amd.(2))– comments. Lodged: 8th June 2004. <i>Policy and Resources Committee.</i>	P.81/2004. Amd.(2)Com.
States Strategic Plan 2005 to 2010 (P.81/2004): third amendment. Lodged: 8th June 2004. <i>Deputy G.P. Southern of St. Helier.</i>	P.81/2004. Amd.(3)
States Strategic Plan 2005 to 2010 (P.81/2004): fourth amendment. Lodged: 8th June 2004. <i>Deputy G.P. Southern of St. Helier.</i>	P.81/2004. Amd.(4)
States Strategic Plan 2005 to 2010 (P.81/2004): fourth amendment (P.81/2004 Amd.(4))– comments. Presented: 22nd June 2004. <i>Policy and Resources Committee.</i>	P.81/2004. Amd.(4)Com.
Draft Aerodromes (Amendment No. 6) (Jersey) Regulations 200. Lodged: 18th May 2004. <i>Harbours and Airport Committee.</i>	P.91/2004.
Lord Coutanche Court, Seaton Place, St. Helier: Seaton Lane– proposed sale. Lodged: 18th May 2004. <i>Housing Committee.</i>	P.93/2004.
Lord Coutanche Court, Seaton Place, St. Helier: Seaton Lane– proposed sale (P.93/2004) – comments. Presented: 8th June 2004. <i>Finance and Economics Committee.</i>	P.93/2004. Com.
Licensing Law: purchase of alcohol for persons under 18. Lodged: 18th May 2004. <i>Deputy of St. Martin.</i>	P.95/2004.
Model Agreements on taxation of savings income. Lodged: 18th May 2004. <i>Policy and Resources Committee.</i>	P.97/2004.
Jersey Airport, St. Peter: Alpha Taxiway– transfer of administration. Lodged: 25th May 2004. <i>Environment and Public Services Committee.</i>	P.101/2004.
Jersey Airport, St. Peter: Alpha Taxiway– transfer of administration. Lodged: 25th May 2004. <i>Harbours and Airport Committee.</i>	P.102/2004.
Shadow Scrutiny: appointment of member. Lodged: 25th May 2004. <i>Privileges and Procedures Committee.</i>	P.104/2004.
States Members’ Remuneration Review Body: appointment of members. Lodged: 1st June 2004. <i>Privileges and Procedures Committee.</i>	P.105/2004.

Draft Banking Business (Amendment No. 4) (Jersey) Law 200. Lodged: 8th June 2004. <i>Economic Development Committee.</i>	P.110/2004. <i>(re-issue)</i>
Draft Financial Services (Amendment No. 2) (Jersey) Law 200. Lodged: 8th June 2004. <i>Economic Development Committee.</i>	P.111/2004. <i>(re-issue)</i>
Jersey Council for Safety and Health at Work: appointment of Chairman. Lodged: 8th June 2004. <i>Employment and Social Security Committee.</i>	P.112/2004.
Draft Road Traffic (Amendment No. 3) (Jersey) Law 200. Lodged: 8th June 2004. <i>Environment and Public Services Committee.</i>	P.114/2004.
Bus Service Tendering Process: Committee of Inquiry - terms of reference and membership (<i>paragraph (c) only</i>). Lodged: 25th May 2004. <i>Policy and Resources Committee.</i>	P.99/2004.
Bus Service Tendering Process: Committee of Inquiry – terms of reference and membership (P.99/2004) – comments. Presented: 1st June 2004. <i>Finance and Economics Committee.</i>	P.99/2004. Com.
Bus Service Tendering Process: Committee of Inquiry – terms of reference and membership (P.99/2004) – amendment. Lodged: 15th June 2004. <i>Deputy R.G. Le Hérissier of St. Saviour.</i>	P.99/2004. Amd.
Bus Service Tendering Process: Committee of Inquiry – terms of reference and membership (P.99/2004) – second amendment. <i>Deputy G.P. Southern of St. Helier.</i> <i>(attached).</i>	P.99/2004. Amd.(2)

M.N. DE LA HAYE
Greffier of the States

17th June 2004.

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 58/2004

The purpose of this Order is to authorize the Classic and Vintage Racing Club of Jersey to hold road races on 27th August 2004, around the Five Mile Road and on 28th August 2004, around Grève de Lecq and to close roads for that purpose.

The Order was made on 10th June 2004.

R&O 59/2004

This Order gives effect to Council Regulation 798/2004 of the Council of the European Union of 26th April 2004, which updates restrictions relating to the present regime in Burma/Myanmar.

The restrictions relate to the prohibition of assistance relating to military activities and internal repression, and the freezing of resources of persons connected with the regime.

The Order, which replaces earlier Orders imposing restrictions in respect of Burma/Myanmar, was made by the Policy and Resources Committee on 17th June 2004, and comes into force on 18th June 2004.

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

10th June 2004

- (a) as recommended by the Health and Social Services Committee, the lease to Jersey Telecom Limited of part of the Five Oaks Central Stores Warehouse, St. Saviour, for the balance of a period of nine years deemed to have commenced from 4th January 2000, at an annual rent of £40,000 subject to three-yearly open market rent reviews, (namely, from 4th January 2003, at an annual rent of £40,500 as from that review date), on an internal repairing basis, with the tenant retaining the right to utilise adjoining WC facilities and having the use of the adjoining open yard and storage area (which had hitherto been used on the basis of a monthly licence), and with each party to bear its own legal and professional costs arising from the transaction;

- (b) as recommended by the Housing Committee, the sale to Mrs. Elizabeth Pauline Barlow, née Butler, of a parcel of land (measuring 6.75 square metres) to the north-west of No. 1 La Place Le Boutillier, Le Clos D'Avoine, St. Brelade, for a consideration of £2,500, on the basis that Mrs. Barlow would be responsible for the reinstatement of the curb, and for both parties' legal costs, as well as the administration costs of the Department of Property Services and Law Officers' Department amounting to £700, arising from the transaction, with the future use of the land to be regulated by means of a restrictive building covenant; and,

- (c) as recommended by the Housing Committee, the lease to the Jersey Electricity Company Limited of an area of land in respect of Electricity Substation No. 181, situated at Le Bel D'Enton, Mont Les Vaux, St. Brelade, for a period of 99 years deemed to have commenced on 25th December 2003, for an annual rent of £10 payable in total at the commencement of the lease, with each party to be responsible for its own legal costs arising from the transaction.

WRITTEN QUESTIONS

(See Item G)

The President of the Policy and Resources Committee will table an answer to the following question asked by Senator Paul Vincent Francis Le Claire -

“Would the President –

- (a) inform members whether the Committee is still employing public relations consultants and if so, would he name the companies or individuals so employed by the Committee?
- (b) confirm the fees charged to the Committee by the consultants and the amounts paid to them in the last 12 months?”

The President of the Finance and Economics Committee will table an answer to the following question asked by Senator Paul Vincent Francis Le Claire –

“Would the President –

- (a) inform members whether the Committee is still employing public relations consultants and if so, would he name the companies or individuals so employed by the Committee?
- (b) confirm the fees charged to the Committee by the consultants and the amounts paid to them in the last 12 months?”

The President of the Economic Development Committee will table an answer to the following question asked by Senator Paul Vincent Francis Le Claire –

“Would the President –

- (a) inform members whether the Committee is still employing public relations consultants and if so, would he name the companies or individuals so employed by the Committee?
- (b) confirm the fees charged to the Committee by the consultants and the amounts paid to them in the last 12 months?”

The President of the Harbours and Airport Committee will table an answer to the following question asked by the Deputy of St. John –

“Would the President advise members –

- (a) when the tidal ball, at the entrance to Elizabeth Marina, will be operational?
- (b) why the tidal ball has failed regularly since it was installed? and,
- (c) the cost of repairs to date, including the estimated cost for the current repairs?”

BUS SERVICE TENDERING PROCESS: COMMITTEE OF INQUIRY – TERMS OF REFERENCE
AND MEMBERSHIP (P.99/2004) – SECOND AMENDMENT.

In paragraph (c), after the words “dated 20th May 2004” insert the words –

“except that in the said Appendix, after the words **The Committee of Inquiry will have the following terms of reference** there shall be added the following item –

1. To review how the then Public Services Committee, in accordance with the decision of the States of 31st July 2001 when adopting the Bus Strategy (P. 104/2001 as amended), undertook the necessary review of the Motor Traffic (Jersey) Law 1935, as amended, to enable the Bus Strategy to be progressed.

and renumber accordingly”.

DEPUTY G.P. SOUTHERN OF ST. HELIER

P.99/2004 Amd.(2)

Report

In order that the Committee of Inquiry can properly fulfil its remit “to investigate fully the relevant circumstances surrounding the tender process”, I consider that restricting the scope of investigation to the circumstance surrounding the agreement made with the TGWU in August 2001, and events subsequent to that, is too narrow a remit. Those who have been following the saga of the development of a Bus Strategy, in particular, the Jersey Bus Users’ Group, have been concerned that mistakes had been made earlier in the process, namely, that the adequacy of the Motor Traffic Law to enable a monopoly service to be set up, had not been properly examined. This, it was felt, might permit the establishment of a rival service to the detriment of the successful bidder. This, indeed, is exactly what came to pass. I believe the Committee of inquiry should include this aspect of the process to enable a complete coverage of the tender process and the award of contract as outlined in the proposition.

There will be minor financial implications if the scope of the Inquiry is broadened but I do not believe these will be significant.