

# STATES OF JERSEY ORDER PAPER

Tuesday, 29th May 2001

**A. COMMUNICATIONS BY THE BAILIFF**

**B. TABLING OF SUBORDINATE LEGISLATION**

*(Explanatory note attached)*

**C. MATTERS RELATING TO COMMITTEE MEMBERSHIP**

**D. PRESENTATION OF PAPERS**

**(a) Papers for information**

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

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

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

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

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

**(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 they agreed on 22nd May 2001 that the following matters lodged "au Greffe" will be considered at the next meeting on 5th and 6th (and possibly, 7th) June 2001 -

Draft Planning and Building (Jersey) Law 200-. P.50/2001.  
Lodged: 27th March 2001.  
*Planning and Environment Committee.*  
*Continuation of consideration. The preamble and Article 2 were adopted on 15th May 2001. Articles 1, 3-21 were approved, as amended where appropriate, on 22nd May 2001.*

Draft Planning and Building (Jersey) Law 200- (P.50/2001): comments. P.50/2001.  
Presented: 3rd April 2001. Com.  
*Finance and Economics Committee.*

Draft Planning and Building (Jersey) Law 200- (P.50/2001): amendments. P.50/2001.  
Lodged: 10th April 2001. Amd.  
*Deputy J.L. Dorey of St. Helier.*

Draft Planning and Building (Jersey) Law 200- (P.50/2001): third amendments. P.50/2001.  
Lodged: 1st May 2001. Amd.(3)  
*Deputy C.J. Scott-Warren of St. Saviour.*

Draft Planning and Building (Jersey) Law 200- (P.50/2001): fifth amendments.  
First Presented: 15th May 2001.  
*Agriculture and Fisheries Committee.*  
*Attached.*

Draft Planning and Building (Jersey) Law 200- (P.50/2001): sixth amendments.  
First Presented: 15th May 2001.  
*Public Services Committee.*  
*Attached.*

THE STATES are to agree that the following matters lodged "au Greffe" will be considered at the next meeting on 5th and 6th June 2001 -

Mont St. Clair, Belvedere Hill, St. Saviour and Mascot Motors Garage, Georgetown Park Estate,  
St. Clement: Exchange of Land. P.76/2001.  
Lodged: 15th May 2001.  
*Planning and Environment Committee.*

Mont St. Clair, Belvedere Hill, St. Saviour and Mascot Motors Garage, Georgetown Park Estate,  
St. Clement: Exchange of Land (P.76/2001) - comments. P.76/2001.  
Presented; 22nd May 2001. Com.  
*Finance and Economics Committee.*

Jersey Consumer Council: appointment of Chairman. P.80/2001.  
Lodged: 22nd May 2001.  
*Senator S. Syvret.*

Public Employees Contributory Retirement Scheme: Committee of Management - membership.  
P.82/2001.  
Lodged: 22nd May 2001.  
*Human Resources Committee.*

## **F. PRESENTATION OF PETITIONS**

## **G. QUESTIONS**

Deputy R.G. Le Hérisseur of St. Saviour will ask questions of the President of the Public Services Committee

regarding School Bus revenue and an appropriate public transport policy structure.

Senator Stuart Syvret will ask questions of the President of the Finance and Economics Committee about the rate of growth in the Island's GDP and comparisons with European Union rates of GDP.

The Deputy of St. John will ask a question of the President of the Committee for Postal Administration regarding the salary of the top executive at Jersey Post.

## **H. MATTERS OF PRIVILEGE**

## **I. PERSONAL STATEMENTS**

## **J. COMMITTEE STATEMENTS**

## **K. PUBLIC BUSINESS**

Draft Public Order (Jersey) Regulations 200-. P.75/2001.  
Lodged: 15th May 2001.  
*Home Affairs Committee.*

Draft Public Order (Jersey) Regulations 200-. (P.75/2001): amendments.  
*Deputy J.L. Dorey of St. Helier.*  
*Attached.*

Fireworks: restrictions on sale - petition. P.25/2001.  
Lodged: 13th February 2001.  
*Deputy J.L. Dorey of St. Helier.*

Fireworks: restrictions on sale - petition (P.25/2001): report. P.25/2001.  
Presented: 24th April 2001. Rpt.  
*Home Affairs Committee.*

Convent Court, Val Plaisant/David Place and Philips House, Victoria Street, St. Helier: deed of arrangement. P.62/2001.  
Lodged: 10th April 2001.  
*Housing Committee.*

Convent Court, Val Plaisant/David Place and Philips House, Victoria Street, St. Helier: deed of arrangement (P.62/2001): comments. P.62/2001.  
Presented: 15th May 2001. Com.  
*Finance and Economics Committee.*

Beresford House, Bellozanne, St. Helier: variation of terms of lease. P.66/2001.  
Lodged: 17th April 2001. (re-issue)  
*Public Services Committee.*

Draft Act further amending the Act of the States dated the 18th day of June 1991 establishing a Scheme to subsidise certain dental care. P.69/2001.  
Lodged: 24th April 2001.  
*Employment and Social Security Committee.*

Committee of Inquiry: Jersey Motor Transport Company (1987) Limited. P.72/2001.  
Lodged: 24th April 2001.  
*Deputy A. Breckon of St. Saviour.*

Committee of Inquiry: Jersey Motor Transport Company (1987) Limited (P.72/2001) - comments. P.72/2001.  
Presented: 22nd May 2001. Com.  
*Finance and Economics Committee.*

Committee of Inquiry: Jersey Motor Transport Company (1987) Limited (P.72/2001) - report.

P.72/2001.  
Presented: 15th May 2001.  
*Public Services Committee.*

Rpt.

**C.M. NEWCOMBE**

**Greffier of the States**

24th May 2001

## QUESTION PAPER

(See Item G)

Deputy Roy George Le Hérisssier of St. Saviour will ask the following questions of the President of the Public Services Committee -

- “1. The President recently stated, in answer to a question, that he estimated £100,000 was lost last year from anticipated School Bus Revenues. Would he outline what actions have been taken to overcome this serious loss of revenue?”
2. Given factors such as the considerable time delays that impeded negotiation of a Service Level Agreement with Jersey Bus, would the President indicate whether the Committee sees a new structure, such as a Transport Commission, as a more effective means of applying public transport policy? If not, how does the Committee intend to reform internal procedures and structures so that this area is dealt with in a more effective manner?”

Senator Stuart Syvret will ask the following question of the President of the Finance and Economics Committee -

“Will the President provide for the Assembly the following information-

- (a) the rate of growth in the Island’s GDP per capita for each of the years 1990 to 1999?
- (b) the average annual rate of growth in the Island’s GDP per capita for the period 1990 to 1999?
- (c) the rate of growth of GDP per capita in each European Union member state for each of the years 1990 to 1999?
- (d) the average annual rate of growth of GDP per capita in each European Union member state for the period 1990 to 1999?
- (e) the rate of growth in the European Union average GDP per capita for each of the years 1990 to 1999 and the average for this period?

and will he provide the information in a format that allows ready comparison?”

The Deputy of St. John will ask the following question of the President of the Committee for Postal Administration -

“The President of the Committee for Postal Administration, in reply to a question from the Deputy of St. Peter on 15th May 2001, advised that the top executive at Jersey Post is earning £30,000 a year less than his Guernsey counterpart. Does the President stand by his original statement, and if the answer is in the negative, would he like to give members an amended reply?”

**DRAFT PUBLIC ORDER (JERSEY) REGULATIONS 200-  
(P.75/2001): AMENDMENTS**

---

(1) PAGE 23, REGULATION 13(6) -

*For the words “whether or not he has any grounds” substitute the words “if he has reasonable grounds”.*

(2) PAGE 24, REGULATION 13 -

*After paragraph (9) insert the following paragraph -*

“(10) An Order made under paragraph (9) shall make provision for the return, as soon as is practicable after the expiry of the periods described in paragraphs (1) and (3) of -

(a) items of clothing seized under paragraph (5)(b); and

(b) dangerous instruments seized under paragraph (7).”

*and renumber the remaining paragraphs accordingly.*

DEPUTY J.L. DOREY OF ST. HELIER

## REPORT

### Amendment (1)

I recognise that Regulation 13 is concerned with powers which should only be exercised in exceptional circumstances. Even so, I believe that there must be checks and balances, in order to ensure that a law intended to protect people can never be used to oppress them.

As long as we live in a democracy, it must be a fundamental principle of “stop-and-search” powers that they should be exercised “on reasonable grounds”. If we discard that fundamental principle, we step across a line, on this side of which is intelligent policing in the best interests of the community - on the other side, random and arbitrary oppression of the citizen.

Clearly, “reasonable grounds” can be interpreted very widely in this context - so much so, that I do not believe my amendment would in any way inhibit policemen in the proper execution of their duty. The important point at issue here, is that a requirement for “reasonable grounds” would ultimately require the police to be accountable, and to justify any action taken before the Courts.

### Amendment (2)

Regulation 13 provides for the seizure, and, if deemed necessary, disposal or destruction, of clothing or “dangerous instruments” seized from a person stopped when approaching a location where it is feared incidents involving serious violence may take place. There is no provision for the return of such items, or for compensation.

These Regulations are intended to cater for an exceptional situation of extreme urgency. By definition, such situations are not permanent, I believe it is only right that the draft Regulations should equally include provision for the return of items seized, after the crisis has passed.

It cannot be right that items which could not be seized in the normal course of events, should be retained, and destroyed after normality has returned.

The amendment makes a distinction between the items mentioned, which should normally be returned to their owner, and *offensive weapons*, which should clearly *not* be returned - and which *would* not be returned, covered as they are by separate, specific provisions of statute.

An item of clothing clearly carries no inherent danger, and there can be no justification for its arbitrary retention and destruction. But Members will note that Regulation 13(14) defines a “dangerous instrument” as “an instrument which has a blade or is sharply pointed”. This definition would clearly embrace a considerable range of items in everyday use, as well as the tools of a number of trades.

Members will also note that any of these items - whether clothing or “dangerous instruments” - could be seized, as a sensible temporary precautionary measure in a time of emergency, even though the owner had neither committed, nor had any intention of committing, any of the offences listed in the other Regulations here. It cannot be right that a person who has committed no offence should nevertheless be penalised by the confiscation and destruction of his property.