

**THE STATES assembled on Tuesday,  
14th September 2004 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache.**

**His Excellency the Lieutenant Governor,  
Air Chief Marshal Sir John Cheshire, K.B.E., C.B.,  
was present.**

All members were present with the exception of –

Senator Jean Amy Le Maistre– out of the Island  
Thomas John du Feu, Connétable of St. Peter– ill  
John Le Sueur Gallichan, Connétable of Trinity– out of the Island  
Celia Joyce Scott Warren, Deputy of St. Saviour– ill  
Jennifer-Anne Bridge, Deputy of St. Helier– out of the Island

Prayers read by the Greffier of the States.

**U.K. Act of Remembrance – victims of terrorist attack, Beslan, Russia**

The Bailiff informed members that he had received notification through the official channels that there would be an Act of Remembrance in the U.K. that day for those who had died as a result of the terrorist attack in Beslan, Russia, and the Bailiff, on behalf of all members, similarly expressed sympathy for the families of those who had died.

**Cayman Islands – message of support following devastation by Hurricane Ivan – statement by Senator Frank Harrison Walker**

The Bailiff, on behalf of all members, undertook to forward a message of support to the communities of the Cayman Islands following devastation caused by Hurricane Ivan, subsequent to the following statement made by Senator Frank Harrison Walker, President of the Policy and Resources Committee –

“We in Jersey have long been known for our empathy with other Island communities wherever in the world they may be. In particular, we enjoy a close relationship with, and have a very high regard for, our Island colleagues and our friends from other Islands in the Commonwealth and indeed in the Commonwealth Parliamentary Association. It has, therefore, been with particular sadness and concern that we watch the terrible progress of Hurricane Ivan through not just the Cayman Islands but of course through Granada and Jamaica as well. I understand that the Overseas Aid Committee has already responded at the meeting it had yesterday afternoon and I think that reflects enormous credit on it for the speed with which they have reacted to the terrible tragedy. I also believe that it would be entirely correct and appropriate Sir, if you, on behalf of the States and on behalf indeed of the entire Island, would also express our deepest sympathy to the Government and the people of those Islands for the tragic loss of life and to those of us who live in such a safe and blessed community the almost unbelievable damage and hardship that they have incurred. Sir, I believe that such a message would be highly appropriate and I would ask the Assembly to indicate support of such a proposal.”

**Connétable of St. Saviour– re-election**

The Bailiff congratulated Mr. Philip Francis Ozouf on his re-election as Connétable of St. Saviour.

### **Connétable of St. Peter– re-election**

The Bailiff congratulated Mr. Thomas John du Feu on his re-election as Connétable of St. Peter.

### **Connétable of Grouville – re-election**

The Bailiff congratulated Mr. Daniel Joseph Murphy on his re-election as Connétable of Grouville.

### **Subordinate legislation tabled**

The following enactments were laid before the States, namely –

Social Security (General Benefit) (Amendment No. 2) (Jersey) Order 2004.	R&O 76/2004.
Social Security (Airmen) (Amendment) (Jersey) Order 2004.	R&O 77/2004.
Social Security (Mariners) (Amendment No. 2) (Jersey) Order 2004.	R&O 78/2004.
Social Security (Married Women) (Amendment No. 3) (Jersey) Order 2004.	R&O 79/2004.
Social Security (Residence and Persons Abroad) (Amendment No. 2) (Jersey) Order 2004.	R&O 80/2004.
Social Security (Overlapping Benefits) (Amendment No. 4) (Jersey) Order 2004.	R&O 81/2004.
Social Security (Medical Certification) (Amendment) (Jersey) Order 2004.	R&O 82/2004.
Social Security (Contributions) (Amendment No. 8) (Jersey) Order 2004.	R&O 83/2004.
Social Security (Claims and Payments) (Amendment No. 4) (Jersey) Order 2004.	R&O 84/2004.
Social Security (Determination of Disablement Questions) (Amendment) (Jersey) Order 2004.	R&O 85/2004.
Social Security (Determination of Claims and Questions) (Amendment No.3) (Jersey) Order 2004.	R&O 86/2004.
Social Security (Incapacity Benefits) (Jersey) Order 2004.	R&O 87/2004.
Social Security (Assessment of Long Term Incapacity) (Jersey) Order 2004.	R&O 88/2004.
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment No. 2) (Jersey) Order 2004.	R&O 90/2004.
Battle of Britain Air Display (Jersey) Order 2004.	R&O 91/2004.

Housing (Fees) (Jersey) Order 2004.	R&O 92/2004.
Education (Discretionary Grants) (Amendment No. 3) (Jersey) Order 2004.	R&O 93/2004.
Tourism (General Provisions) (Amendment No. 11) (Jersey) Order 2004.	R&O 94/2004.
Places of Refreshment (Registration) (Fees) (Jersey) Order 2004.	R&O 95/2004.
Community Provisions (Control of Exports of Dual-Use Items and Technology) (Application) (Amendment No. 3) (Jersey) Order 2004.	R&O 97/2004.
Island Planning (Designation of Sites of Special Interest) (No. 12) (Jersey) Order 2004.	R&O 98/2004.
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment No. 3) (Jersey) Order 2004.	R&O 99/2004.

### **Economic Development Committee – resignation of member**

THE STATES noted the resignation of The Deputy of St. Mary from the Economic Development Committee.

### **Economic Development Committee – constitution**

THE STATES, in accordance with Article 28(2)(b) of the States of Jersey Law 1966, and on a proposition of Deputy Francis Gerald Voisin of St. Lawrence, President of the Economic Development Committee, determined that the Economic Development Committee should, henceforth, consist of the President and four other elected members of the States.

### **Matters presented**

The following matters were presented to the States –

Draft The Law Society of Jersey Law 200- (P.154/2003): comments. <i>Finance and Economics Committee.</i>	P.154/2003. Com.
Sunday Trading legislation (P.107/2004): comments. <i>Connétable of St. Martin.</i>	P.107/2004. Com.
Regulatory Reform (P.134/2004): comments. <i>Finance and Economics Committee.</i>	P.134/2004. Com.
States Resource Plan 2005 to 2009 (P.135/2004): amendment (P.135/2004 Amd.)– comments. <i>Policy and Resources Committee.</i>	P.135/2004. Amd. Com.
States Resource Plan 2005 to 2009 (P.135/2004): amendment (P.135/2004 Amd.)– comments. <i>Finance and Economics Committee.</i>	P.135/2004. Amd. Com.(2)

The following matters were presented on 3rd August 2004 –

A Vision for the Future of Early Education and Childcare in Jersey.  
*Presented by the Education, Sport and Culture Committee.* R.C.35/2004.

Planning for Homes 2004.  
*Presented by the Environment and Public Services Committee.* R.C.36/2004.

The following matters were presented on 10th August 2004 –

States Rental Waiting List: 6-monthly figures.  
*Presented by the Housing Committee.* R.C.37/2004.

Criminal Injuries Compensation Board: report and accounts for 2003.  
*Presented by the Home Affairs Committee.* R.C.38/2004.

The following matters were presented on 17th August 2004 –

Jersey Financial Services Commission: 2003 annual report.  
*Presented by the Economic Development Committee.*

General Reserve: grant of additional funds to 30th June 2004.  
*Presented by the Economic Development Committee.* R.C.39/2004.

Draft Transfer of Functions (Environment and Public Services Committee) (No. 2)  
(Jersey) Act 200- (P.137/2004): comments. P.137/2004.  
*Presented by the Economic Development Committee.* Com.

The following matters were presented on 24th August 2004 –

States of Jersey Law 1966, as amended: delegation of functions – airport – revised  
parachuting guidelines. R.C.40/2004.  
*Presented by the Harbours and Airport Committee.*

Licensing Law: purchase of alcohol for persons under 18 (P.95/2004) – comments. P.95/2004.  
*Presented by the Connétable of St. Martin.* Com.(2)

The following matters were presented on 31st August 2004 –

Jersey Competition Regulatory Authority appointments: report. R.C.41/2004.  
*Presented by the Economic Development Committee.*

Regulation of Undertakings and Development (Jersey) Law 1973: commentary on  
licences granted under Part II for the period to 30th June 2004. R.C.42/2004.  
*Presented by the Economic Development Committee.*

Fields Nos. 519, 520, 521, 524, 527 and 528, Woodside Farms, La Hocquarderie,  
Trinity: report of Mrs. C.E. Canavan. R.C.43/2004.  
*Presented by the Environment and Public Services Committee.*

The following matter was presented on 7th September 2004 –

Licensing Law: purchase of alcohol for persons under 18 (P.95/2004) – comments. P.95/2004.

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 5th August 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 addendum to the undermentioned leases in order to clarify the boundary between the two properties at Grève de Lecq, St. Ouen–
  - (i) the lease to Mr. John William Eagle and Mrs. Viviane Christine Eagle, née Le Tiec, (trading as Starfish Limited) of Colleens Café (in respect of an alteration to the north-western boundary); and
  - (ii) the lease to Mr. Richard Ropert and Mrs. Harriet Ropert, née Fane, of Café de Lecq (in respect of an alteration to the south-eastern boundary);
- (b) as recommended by the Health and Social Services Committee, the renewal of the lease from Mrs. Eileen Mary Renouf, née Pallot, of the three-bedroom bungalow known as Teramar, La Route du Petit Clos, Trinity Hill, St. Helier (required for occupation by the Superintendent Radiographer) for a period of three years from 1st April 2004, at an annual rent of £13,000 (representing a rate of £250 a week) payable quarterly in advance, subject to annual review on 1st April 2005, and 2006 in line with the Jersey Retail Price Index, on the basis that the tenant would be responsible for the full payment of the rent and all utility, service and Parish Rate charges;
- (c) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with Mr. Michael Graeme Moignard, owner of the property known as Seaside Cottage St. Lawrence, which adjoined the St. Aubin's bay promenade, in order to clarify the southern boundary with the adjacent public land, in accordance with the Drawing by Bailhache Labesse entitled "Conveyancing Details address Seaside Cottage, La Rue de la Haule, St. Lawrence" and as shown as points A, B and C thereon with the owner of Seaside Cottage having the right to build a wall, fence or other enclosure to that boundary line, with the public retaining the right to join against the south-west corner of any enclosure, on the basis that each party would be responsible for its own legal costs arising from the transaction. [The Committee accordingly rescinded its Act No. A2(a) dated 8th January 2004];
- (d) as recommended by the Harbours and Airport Committee, in relation to the lease of an area of land (Letting No. SA1– measuring approximately 5,500 square feet) on the north quay at St. Aubin's Harbour, St. Brelade–
  - (i) the annulment of the existing lease to Battrick's Boatyard Limited; and
  - (ii) the lease of the land to Alcora Limited for a period of 99 years commencing from 1st July 2004, at an annual rent of £30,000 subject to a review at 8 years from commencement and every 7 years thereafter in accordance with the open market value;
- (e) as recommended by the Harbours and Airport Committee, the lease to Endeavour Holdings Limited of office accommodation (Letting No. A52– measuring 1,200 square feet) at the Albert Pier Terminal St. Helier for a period of 3 years from 1st February 2004 at an annual rent of £6,192 (representing a rate of £5.16 a square foot), payable quarterly in advance, subject to annual review in line with the Jersey Retail Price Index;
- (f) as recommended by the Health and Social Services Committee, the entering into of a Deed of

Arrangement with Mr. Victor Cosby Davies, owner of La Casita, 5 Runnymede Court, Roseville Street St. Helier, in order to allow Mr. Davies to erect a maintenance scaffold across the full 30" width between the boundary wall with Willows House, The Limes Residential Nursing Home, Green Street, St. Helier, up to the boundary wall, subject to reasonable advance notice being given and a maximum period of 8 weeks for the scaffold to remain in situ, on the basis that the owner would not be charged a consideration for being granted amended access rights, and that each party would be responsible for its own legal fees arising from the transaction;

- (g) as recommended by the Housing Committee, the lease to Mr. Wilson Taylor Brown and Mrs. Tani Brown, née Le Luan, of the garage pertaining to Flat D7, Quennevais Park, St. Brelade, for the balance of the existing 99-year lease of the said Flat D7, Quennevais Park due to expire on 25th December 2064 and to be co-terminus with the said lease, on the basis of a nominal sum of £10, subject to Mr. and Mrs. Brown being responsible for both parties' legal fees arising from the transaction;
- (h) as recommended by the Health and Social Services Committee, the lease from Miss Florence Anne Moulder of the five-bedroom property known as St. Luke's Lodge, Elizabeth Street, Georgetown, St. Saviour (including 2 parking spaces), required for use as a group home, for a period of 9 years from 1st July 2004, at an annual rent of £20,000, subject to annual increases in line with the Jersey Retail Price Index, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (i) as recommended by the Education, Sport and Culture Committee, the lease to the Jersey Badminton Association of the La Pouquelaye Badminton Hall, situated on Field No. 1233, St. Helier, for a period of 99 years deemed to have commenced on 1st January 1995 at an annual rent commencing from 1st January 2005 equating to a commencing rent in January 1995 of £100 increased in proportion to the increase in the Jersey Retail Price Index between the two dates (approximately £145), subject to annual review every 5 years from 1st January 2005, and to be increased in proportion to the increase in the said Index between the date of the previous review and the date of the review, on the basis of the terms set out in a report dated 25th March 2004, of the Director of Property Services, and with each party to be responsible for its own legal costs arising from the transaction; and,
- (j) as recommended by the Harbours and Airport Committee, the renewal of the lease to D.K. Collins Marine Limited of accommodation (Letting No. S22) South Pier, St. Helier for a period of one year (in view of the redevelopment plan for the St. Helier Yacht Club, which occupied the same site) from 1st April 2004, at an annual rent of £3,817.55.

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

THE STATES noted an Act of the Finance and Economics Committee dated 21st July 2004, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Housing Committee had accepted the lowest tender for the drainage enabling works Le Squez redevelopment, St. Clement (Phases 1A and 1B), namely that received from Jayen Limited in the sum of £480,298.20 in a contract period of 16 weeks.

### **Matters lodged**

The following matters were lodged "au Greffe" –

Draft Law Society of Jersey Law 200- (P.154/2003): second amendments (P.154/2003 Amd.(2))– amendments. <i>Presented by Deputy R.G. Le Hérissier of St. Saviour.</i>	P.154/2003. Amd.(2). Amd.
Draft Drainage (Jersey) Law 200- (P.193/2003): third amendments. <i>Presented by the Environment and Public Services Committee.</i>	P.193/2003. Amd.(3)

Bus Service: rescindment of decisions relating to concessionary fares and adult fares after 8.00 p.m. <i>Presented by Deputy R.G. Le Hérisssier of St. Saviour, and referred to the Environment and Public Services Committee.</i>	P.150/2004.
Machinery of Government Reform: composition and election of the States Assembly. <i>Presented by the Special Committee on the Composition and Election of the States Assembly.</i>	P.151/2004.
States Members' parking: withdrawal of provision. <i>Presented by Senator E.P. Vibert, and referred to the Privileges and Procedures and the Environment and Public Services Committees.</i>	P.152/2004.
Draft Extradition (Jersey) Law 2004 (Appointed Day) Act 200-. <i>Presented by the Policy and Resources Committee.</i>	P.153/2004.
Draft Extradition (Designated Territories) (Jersey) Regulations 200-. <i>Presented by the Policy and Resources Committee.</i>	P.154/2004.
Field 812A, Bagot Manor Farm, St. Saviour: rezoning. <i>Presented by the Environment and Public Services Committee.</i>	P.155/2004.
Fields 519, 520, 521, 524, 527 and 528, Trinity: Committee of Inquiry. <i>Presented by Senator E.P. Vibert, and referred to the Environment and Public Services Committee.</i>	P.156/2004.
Health Insurance (Medical Benefit) (Amendment No. 59) (Jersey) Regulations 200-. <i>Presented by the Employment and Social Security Committee.</i>	P.157/2004.
St. Clement: pedestrian improvements. <i>Presented by Deputy G.C.L. Baudains of St. Clement, and referred to the Environment and Public Services Committee.</i>	P.158/2004.
Draft Postal Services (Jersey) Law 2004 (Appointed Day) Act 200-. <i>Economic Development Committee.</i>	P.159/2004.
Environment and Public Services Committee: vote of no confidence. <i>Deputy of St. Peter.</i>	P.160/2004.

The following matter was lodged on 3rd August 2004 –

Assemblée Parlementaire de la Francophonie Executive Committee: membership. <i>Presented by the Connétable of St. Ouen.</i>	P.140/2004.
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The following matter was lodged “au Greffe” on 10th August 2004 –

Statistics User Group: appointment of chairperson. <i>Presented by the Policy and Resources Committee.</i>	P.141/2004.
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The following matters were lodged “au Greffe” on 17th August 2004 –

Draft Fire Precautions (Designated Premises) (Amendment No. 2) (Jersey) Regulations 200-. P.142/2004  
*Presented by the Home Affairs Committee.*

Draft Transfer of Functions (Economic Development Committee) (Jersey) Act 200-. P.143/2004.  
*Presented by the Economic Development Committee.*

The following matters were lodged “au Greffe” on 24th August 2004 –

States Resources Plan 2005 to 2009 (P.135/2004): amendment. P.135/2004.  
*Presented by the Privileges and Procedures Committee.* Amd.

Draft Licensing (Licence Fees) (Jersey) Regulations 200-. P.144/2004.  
*Presented by the Economic Development Committee.*

The following matter was lodged “au Greffe” on 31st August 2004 –

Le Marais, St. Clement– redevelopment of low rise Phase I. P.145/2004.  
*Presented by the Housing Committee.*

The following matters were lodged “au Greffe” on 7th September 2004 –

Draft Road Traffic (Amendment No. 3) (Jersey) Law 200. P.146/2004.  
*Environment and Public Services Committee.*

Car parking charges: allocation of additional income to the funding of transport initiatives. P.147/2004.  
*Environment and Public Services Committee.*

Draft Mental Health (Amendment) (Jersey) Law 2004 (Appointed Day) Act 200-. P.148/2004.  
*Health and Social Services Committee.*

Area of land, St. Brelade, adjacent to L53, L53a and L65 Garage site, L’Avenue de la Commune, St. Peter: transfer of administration. P.149/2004.  
*Harbours and Airport Committee.*

### **Arrangement of public business for the present meeting**

THE STATES granted leave to the President of the Legislation Committee to defer consideration of the following matter set down for consideration at the present meeting to a later date –

Draft The Law Society of Jersey Law 200-. P.154/2003.  
Lodged: 11th November 2003.  
*Legislation Committee.*

THE STATES granted leave to the President of the Environment and Public Services Committee to defer consideration of the following matter set down for consideration at the present meeting to a later date –

Speed Limits: revised policy. P.1/2004.  
Lodged: 20th January 2004.  
*Environment and Public Services Committee.*



THE STATES granted leave to Senator Edward Philip Vibert to defer consideration of the following matter set down for consideration at the present meeting to a later date –

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

THE STATES agreed that the following matters lodged “au Greffe” would be considered at the present meeting –

Statistics User Group: appointment of chairperson. P.141/2004.  
*Policy and Resources Committee.*

Draft Transfer of Functions (Economic Development Committee) (Jersey) Act P.143/2004.  
200-  
Lodged: 17th August 2004.  
*Economic Development Committee.*

Draft Licensing (Licence Fees) (Jersey) Regulations 200-. P.144/2004.  
Lodged: 24th August 2004.  
*Economic Development Committee.*

#### **Arrangement of public business for the next meeting on 28th September 2004**

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 28th September 2004, in the following order –

Environment and Public Services Committee: vote of no confidence. P.160/2004.  
Lodged: 14th September 2004.  
*Deputy of St. Peter.*

Health Insurance (Medical Benefit) (Amendment No. 59) (Jersey) Regulations P.157/2004.  
200-  
Lodged: 14th September 2004.  
*Employment and Social Security Committee.*

Le Marais, St. Clement– redevelopment of low rise Phase I. P.145/2004.  
Lodged: 31st August 2004.  
*Housing Committee.*

Draft Road Traffic (Amendment No. 3) (Jersey) Law 200. P.146/2004.  
Lodged: 7th September 2004.  
*Environment and Public Services Committee.*

Car parking charges: allocation of additional income to the funding of transport P.147/2004.  
initiatives.  
Lodged: 7th September 2004.  
*Environment and Public Services Committee.*

Court and Case Costs: investigation. P.138/2004.  
Lodged: 20th July 2004.  
*Deputy A. Breckon of St. Saviour.*

Draft Drainage (Jersey) Law 200-. P.193/2003.  
Lodged: 16th December 2003.

*Environment and Public Services Committee.*

Draft Drainage (Jersey) Law 200- (P.193/2003): amendments. P.193/2003.  
Lodged: 20th April 2004. Amd.

*Environment and Public Services Committee.*

Draft Drainage (Jersey) Law 200- (P.193/2003): third amendments. P.193/2003.  
Lodged: 14th September 2004. Amd.(3)

*Environment and Public Services Committee.*

Channel Islands Lottery: allocation of profits. P.136/2004.  
Lodged: 20th July 2004.

*Economic Development Committee.*

Fields 519, 520, 521, 524, 527 and 528, Trinity – rescindment of planning permit. P.74/2004.  
Lodged: 20th April 2004. (re-issue)

*Senator P.V.F. Le Claire.*

Fields 519, 520, 521, 524, 527 and 528, Trinity: Committee of Inquiry. P.156/2004.

Lodged: 14th September 2004.

*Senator E.P. Vibert.*

Draft Fire Precautions (Designated Premises) (Amendment No. 2) (Jersey) P.142/2004.  
Regulations 200-.

Lodged: 17th August 2004.

*Home Affairs Committee.*

Draft Transfer of Functions (Environment and Public Services Committee) (No. 2) P.137/2004.  
(Jersey) Act 200-.

Lodged: 20th July 2004.

*Environment and Public Services Committee.*

Draft Transfer of Functions (Environment and Public Services Committee) P.137/2004.  
(No. 2) (Jersey) Act 200 (P.137/2004): comments. Com.

Presented: 17th August 2004.

*Economic Development Committee.*

Assemblée Parlementaire de la Francophonie Executive Committee: membership. P.140/2004.

Lodged: 3rd August 2004.

*Connétable of St. Ouen.*

Draft Extradition (Jersey) Law 2004 (Appointed Day) Act 200-. P.153/2004.

Lodged: 14th September 2004.

*Policy and Resources Committee.*

Draft Extradition (Designated Territories) (Jersey) Regulations 200-. P.154/2004.

Lodged: 14th September 2004.

*Policy and Resources Committee.*

Draft Postal Services (Jersey) Law 2004 (Appointed Day) Act 200-. P.159/2004.

Lodged: 14th September 2004.

*Economic Development Committee.*

Draft Mental Health (Amendment) (Jersey) Law 2004 (Appointed Day) Act 200-. P.148/2004.

Lodged: 7th September 2004.

*Health and Social Services Committee.*

**Sea transportation links between Jersey and both the U.K. and France – question and answer (Tape No. 946)**

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

- “(a) Following the publication of the report by consultants OXERA into sea transport links between Jersey and both the United Kingdom and France, would the President explain why he questioned the conclusion of the report on the basis that the Consultants had “underestimated” the amount of competition on the Jersey to St. Malo sea route?
- (b) Does the Committee accept that the OXERA conclusions are very similar to those of the initial report published by the Jersey Competition Regulatory Authority (JCRA) in that they both highlight that too much capacity could affect the long-term viability of sea transport operators?
- (c) Would the President confirm whether the Committee accepts the overall conclusion of the report to be that it would be more beneficial to the future viability of the routes for a single operator, governed by an appropriate Service Level Agreement, to be licensed? If so, will the Committee undertake to study the report’s contents carefully and to take steps, with the Committee’s officers where appropriate, to ensure that the conclusions of the report are implemented as a matter of urgency?”

The President of the Harbours and Airport Committee tabled the following written answer –

“I answered a similar oral question from Deputy Baudains on 20th July this year.

At that time I confirmed that the JCRA reports of 2002 and 2003 concluded that new services and routes need to be encouraged for the benefit of the Jersey consumer.

To the end of July this year private vehicle movements on the St. Malo route were up 32% over the same period in 2002. This is in despite of the problems, mainly not of their own making, experienced by the newest operator on the route. Members will recall that they were unable to utilize the Solidor V, the much smaller Aline suffered with engine failure and the replacement Seacat was not in service until after Easter.

For July alone private vehicle movements between Jersey and St. Malo reached a record high of 7,788. This is 338 more than in July 2003 and 2,238 above the corresponding number in July 2002 – a 40.2% increase.

On the U.K. route, where there is a solus operator, vehicle movements have continued to decline.

This indicates, initially at least, that competition has had a positive effect.

As to the recommendations contained in the OXERA report, the Economic Development Committee will be considering these and the responses to them by all interested parties, including the ferry operators, before deciding on how best to proceed and which recommendations to bring to the States.

Should the decision be to move from regulation by ramp permit to regulation by route, as suggested by OXERA, Jersey cannot act in isolation. It will be essential to have the agreement and co-operation of the Guernsey authorities. Consultation will, therefore, need to take place with that Island’s representatives. In any event, change cannot be imposed until the ramp permit for the northern operator expires in 2006.”

**Oral questions**

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked the following question of the President of the Housing Committee –

“Would the President clarify whether the lack of demand on the Committee’s housing stock, recently stated as 10 per cent, includes Housing Trusts, and, if so, advise whether some or all rezoned sites for social rented housing may not now be required?”

Deputy Terence John Le Main of St. Helierasked the following question of the President of the Environment and Public Services Committee –

“Would the President advise members whether the issuing of free bus passes to women over 60 years is discriminatory to men who have to wait until the age of 65 years, whether legal advice was taken by the Committee on this issue, and whether this scheme requires any form of subsidy?”

Senator Edward Philip Vibertasked the following question of the President of the Policy and Resources Committee –

“Would the President inform members whether the public advertising process for members of the Committee of Inquiry into the events surrounding the award of the bus contract to Connex has been completed, and, if so, when an announcement will be made regarding those individuals selected?”

Senator Edward Philip Vibert asked the following question of the President of the Economic Development Committee –

“Would the President explain why the Jersey Financial Services Commission is holding reserves of £4.168 million when the U.K. Financial Services Authority is legally prevented from holding more than five per cent of its revenue in reserves, with any additional funds being returned to licence holders in the form of reduced fees?”

### **Trinity Landfill Inquiry and Report, (R.C. 43/2004), by Mrs. Carol Canavan– personal statement**

Deputy Jacqueline Ann Hilton of St. Helier made a statement in the following terms–

“I wish to make the following statement concerning the Trinity Landfill Inquiry and Report R.C.43/2004 by Mrs. Carol Canavan.

Before I do so, I want to take this opportunity to personally apologise to those residents in Trinity affected by this affair for the distress, worry and concern that this approval has caused.

I also recognise a mistake has been made and I am prepared to accept responsibility for my part in that mistake.

When the report was published I made a public statement. I suggested in that statement that some responsibility lay with the planning officers for the approval decision by the sub-committee. The lack of quality in some information supplied to the sub-committee was one of the reasons the in principle approval was given.

Since the report was published I have discussed the whole issue with the President and Chief Officer. Changes have been implemented whereby in future any significant traffic implications will be clearly marked as to the likely volume and effect.

I wish to make an unreserved apology to any officers who were offended by the remarks I made and the associated press coverage.

I wish to say the Planning officers have remained professional and dedicated throughout.

I wish to thank Mrs Canavan for her report. There are several useful recommendations contained within it

that the department will be taking immediate steps to implement. Lessons have been learnt and will continue to be learnt.

I would like to finish by thanking the many Members of the Assembly and the general public who have contacted me with their messages of support and encouragement during these difficult weeks.”

### **Electoral Register – statement**

The Connétable of St. Martin, Chairman of the Comité des Connétables, made a statement in the following terms –

“Members will recall that the Public Elections (Jersey) Law 2002, provides for a rolling register of electors. This replaced the annual fixed list of electors under the 1968 Franchise law and enables a person, who meets the criteria, to register as an elector at any time during the year.

The Public Elections Law was registered by the Royal Court on 5th April 2002, and, with the exception of certain Articles, was brought into force on 5th June 2002. In particular, paragraphs 1, 2 and 3 of Article 7 were not brought into force at that time as it was impossible to send to every unit of dwelling accommodation a statement showing those persons resident at the address who were already registered as electors. Instead, the Connétables sent a standard form to every unit of dwelling accommodation to gather the names of electors to be included in the first registers prepared for 1st September 2002. The registers prepared in 2002 are held on a temporary system by each Parish.

The Connétables recognised at an early stage that a new computer system would be required to enable rolling electoral registers to be maintained. The new system is hosted centrally but controlled parochially as it is essential to ensure that a person cannot have their name on more than one electoral register at any time. The contract for this new system was awarded in 2002 but owing to a delay in selecting the supplier the original delivery date of 1st June was delayed until 1st September 2003.

The Connétables had expected that the new system would be live for April 2004 and thus used to generate statements to every unit of dwelling accommodation by 1st May 2004. Regrettably, there have been further delays and the project has still not been signed-off by the Parishes.

The Connétables are concerned that although every effort is being made to remind persons moving between Parishes of their duty to register at the new address, there are many who may have failed to so register and who may thus find themselves disenfranchised. The Electoral Registers are required for Public Elections for the positions of Centenier and Procureur du Bien Public as well as for Senator, Connétable and Deputy and these elections can be held throughout the year. In addition, the Electoral registers will be used should the States decide to hold a referendum on any issue and it is therefore essential that they are as up to date as possible.

It is, therefore, the Connétables intention to send within the next few weeks to every unit of dwelling accommodation a reminder that people should check that their names are on the Electoral register together with a form to enable those not registered to apply. In particular, we wish to remind those who, in the last 2 or 3 years, have moved address or reached 18 years of age or who now meet the residence criteria that they have a duty to register. The Connétables hope that this campaign will ensure that everyone who is eligible has the opportunity to have their name included on an Electoral Register. The Comité and its officers will continue to seek a speedy resolution of the technical problems which have delayed the implementation of a reliable I.T. platform for a rolling electoral register.”

### **Development of Field Nos. 181, 182 and 183, St. Peter– statement**

The President of the Environment and Public Services Committee made a statement in the following terms –

“Members will recall that on 21st July 2004, the States considered the Deputy of St. Peter’s proposition P.133/2004, which requested the Committee to reconsider its decision ‘to limit development on the said fields to a maximum of 54 x three-bedroomed two-storey units or 68 x two-bedroomed units, or any equivalent combination of three and two-bedroomed units. The proposition was carried 25 votes to 18.

The purpose of this statement is to explain that the Committee has reconsidered the application, and has decided to maintain its original decision.

Members will recall that prior to the States decision on 1st July 2004, the Environment and Public Services Committee had resolved to grant development permission for the development of Category A housing on the above fields, the site having been zoned for that purpose on 11th July 2002, as part of the Island Plan.

The decision to grant permission was subject to the submission of revised plans showing a lower number of dwellings (72) than that applied for (78), the subsequent agreement of detailed matters, and the signing of an Agreement under Article 8A of the Island Planning Law 1964, as amended, ensuring an approximate 55%/45% split between first-time buyers and social rented housing, and a financial contribution towards a link to the cycle network in the vicinity of the Airport.

The application for 72 homes would provide the following accommodation –

Size	First-time buyer	Social Rented	Total
3 bed	30	16	46
2 bed	2	3	5
1 bed	9	12 (incl. 8 sheltered)	21
Total	41	31	72

This provides a total of 72 homes at a density of 61 habitable rooms per acre. The net density, once the area of public open space is deducted from the total area, is just below the average density envisaged by the Island Plan at 69 habitable rooms per acre. (Paragraph 8.69... ‘The theoretical potential yield of homes from each site has been estimated based upon 10% of the site area being public open space and the remaining area being developed at an average density of 70 habitable rooms to the acre.’)

There are a total of 169 bedrooms. By comparison, the Deputy of St. Peter’s proposal for 54 x three-bedroom dwellings would have a total of 162 bedrooms. What matters in assessing the impact of a development are not the absolute number of dwellings, but rather the population it houses and the capacity of the site and the neighbourhood to accept that number of people. For example, the mix of development that the Committee has approved is likely to generate less children because there are fewer family homes, and yet the impact on the local primary school was one of the Deputy’s main arguments against the proposed development.

The Committee has also now had the benefit of advice from H.M. Attorney General as to the legal implications were it to modify its decision in response to the States request; his advice reminded the Committee that the States had zoned the land for Category A housing, and that the Island Plan had indicated at paragraph 8.80, that the site was suitable for *approximately* 68 homes. Furthermore, the Committee had approved a development brief as required by Policy H6 of the Plan. The Attorney General stated that the decision of 1st July is neither an approval nor a refusal of permission. However, it is a clear indication to the applicant of what the Committee will approve.

The applicant is entitled to a decision on his application and the Committee has determined the application. The Committee upheld the previous decision. The Committee had been unanimous on 1st July. On this occasion there was one dissenting voice.

Were the Committee to accede to the States’ request, it would have little option but to refuse the application. The applicant would thus be entitled to appeal to the Royal Court under Article 21 of the Island Planning Law or to seek a Board of Administrative Review.

The Committee is bound by its duty under the Island Planning Law. The Committee is required to demonstrate that it has considered the application taking into account only material planning matters.

When making its original decision the Committee had considered at some length and in detail the representations made by the Connétable and Deputy of St. Peter, weighed them with the advice of expert advisers, and decided that the objections could not be sustained. Its decision was in accordance with the States approved Island Plan and the development brief, and the total yield was very close to that indicated in the Island Plan. The development provided sheltered housing in accordance with the Island's needs and the States Strategic Plan.

If the Committee changed that decision by refusing the application and the applicant appealed, the Committee would be required to demonstrate what material planning grounds had arisen for it to reach a decision at odds with the one made on 1st July. The Royal Court would need to be satisfied that the States had all the relevant information before it on which to make a planning decision, for the Committee to regard the States decision as a material consideration in its decision-making. Clearly it did not.

It is the Committee's view, supported by the Attorney General, that there were no material planning grounds for changing its decision, and on appeal, the Royal Court would decide the arguments in favour of the applicant. Accordingly, the Committee has maintained the decision it made on 1st July.

I understand that some States members will be disappointed with the Committee's decision. However, the Committee has statutory duties under the Law which it must adhere to, and is not prepared to substitute a decision which cannot successfully be defended in the Royal Court."

#### **States Resource Plan 2005 to 2009 – P.135/2004 Amendments**

THE STATES commenced consideration of a proposition of the Policy and Resources Committee concerning the States Resource Plan 2005 to 2009, and rejected an amendment of the Privileges and Procedures Committee that for the figure "£406,791,600" in paragraph (a)(i), there be substituted the figure "£406,939,600" as the amount of the total of the cash limits of the non-trading Committees in 2005, and accordingly Table 4.1 be amended in the Resource Plan to show the 2005 Cash Limit for the Privileges and Procedures Committee as "£5,347,700" with a consequential adjustment to the figure for Total Net Revenue Expenditure.

Members present voted as follows –

#### **POUR: 17**

Senator S. Syvret  
Senator P.V.F. Le Claire  
Senator E.P. Vibert  
Senator R.J. Shenton  
Connétable of St. Mary  
Connétable of St. Clement  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy of St. Martin  
Deputy of St. John  
Deputy G.C.L. Baudains (C)  
Deputy P.N. Troy (B)  
Deputy R.G. Le Hérisssier (S)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy J.A. Bernstein (B)

#### **CONTRE: 29**

Senator L. Norman  
Senator F.H. Walker  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Connétable of St. Martin  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Brelade  
Connétable of St. Helier  
Connétable of St. Lawrence  
Connétable of Grouville  
Connétable of St. John  
Deputy of Trinity

#### **ABSTAIN: 0**

Deputy of Grouville

Deputy J.J. Huet (H)  
Deputy M.F. Dubras (L)  
Deputy J.L. Dorey (H)  
Deputy F.G. Voisin (L)  
Deputy L.J. Farnham (S)  
Deputy J.B. Fox (H)  
Deputy S.C. Ferguson (B)  
Deputy of St. Mary  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy M.A. Taylor (C)  
Deputy of St. Peter  
Deputy G.W.J de Faye (H)

THE STATES, following further consideration, rejected an amendment of Deputy Alan Breckon of St. Saviou that in Appendix 11 referred to in paragraph (c) of the proposition there be inserted the following item into the Legislation Programme for 2005 –

“

<i>FINANCIAL SERVICES OMBUDSMAN (JERSEY) LAW – NEW LAW (15 days)</i>	<i>ECONOMIC DEVELOPMENT COMMITTEE</i>	<i>None identified</i>	<i>None identified</i>
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”

Members present voted as follows –

**POUR: 21**

Senator S. Syvret  
Senator W. Kinnard  
Senator P.V.F. Le Claire  
Senator P.F. Routier  
Senator E.P. Vibert  
Senator R.J. Shenton  
Connétable of St. Ouen  
Connétable of St. Mary  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy J.J. Huet (H)  
Deputy of St. John  
Deputy G.C.L. Baudains (C)  
Deputy P.N. Troy (B)  
Deputy R.G. Le Hérisier (S)  
Deputy J.B. Fox (H)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy J.A. Bernstein (B)  
Deputy of Grouville  
Deputy of St. Peter

**CONTRE: 26**

Senator L. Norman  
Senator F.H. Walker  
Senator T.A. Le Sueur  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Connétable of St. Martin  
Connétable of St. Saviou  
Connétable of St. Brelade  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of St. Lawrence  
Connétable of Grouville  
Connétable of St. John  
Deputy of Trinity  
Deputy of St. Martin  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy J.L. Dorey (H)  
Deputy F.G. Voisin (L)  
Deputy S.C. Ferguson (B)  
Deputy of St. Mary  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy M.A. Taylor (C)  
Deputy J.A. Hilton (H)  
Deputy G.W.J de Faye (H)

**ABSTAIN: 0**



THE STATES, adopting a proposition of the Policy and Resources approved the States Resource Plan 2005 to 2009, consistent with the States Fiscal Strategy, and in particular –

- (a) (i) approved the cash limits for each of the non-trading Committees as set out in Table 4.1 totalling £406,791,600 in 2005;
- (ii) approved total States net revenue expenditure limits for 2006 to 2009 of £429 million for 2006 £439 million for 2007, £450 million for 2008 and £461 million for 2009, as set out in Table 3.1;
- (b) (i) approved the total allocation for capital expenditure of £45,000,000 each year for the years 2005 to 2009, as set out in Tables 6.2 to 6.6; in place, as appropriate, of the allocations approved by the States on 18th September 2003;
- (ii) approved the recommended programme of capital projects for 2005 as set out in Table 6.2, and approved in principle the proposed programme for 2006 to 2009 as set out in Tables 6.3 to 6.6, respectively;
- (c) approved the Legislation Programme for 2005 as set out in Appendix 11; and
- (d) charged all Committees of the States to co-operate with the Policy and Resources and Finance and Economics Committees in the development of an integrated process for business planning and resource allocation for the period 2006 and beyond.

Members present voted as follows –

**POUR: 35**

Senator L. Norman  
Senator F.H. Walker  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Brelade  
Connétable of St. Clement  
Connétable of St. Helier  
Connétable of St. Lawrence  
Connétable of St. John  
Deputy of Trinity  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy J.L. Dorey (H)  
Deputy P.N. Troy (B)  
Deputy F.G. Voisin (L)  
Deputy L.J. Farnham (S)  
Deputy R.G. Le Hérisssier (S)  
Deputy J.B. Fox (H)  
Deputy J.A. Martin (H)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)

**CONTRE: 10**

Senator S. Syvret  
Senator P.V.F. Le Claire  
Senator E.P. Vibert  
Senator R.J. Shenton  
Connétable of St. Mary  
Connétable of Grouville  
Deputy A. Breckon (S)  
Deputy of St. John  
Deputy G.P. Southern (H)  
Deputy of St. Peter

**ABSTAIN: 2**

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

Deputy of St. Mary  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy M.A. Taylor (C)  
Deputy of Grouville  
Deputy J.A. Hilton (H)  
Deputy G.W.J de Faye (H)

### **Changes in Presidency**

The Bailiff retired from the Chair during consideration of the amendment to the proposition of the Policy and Resources Committee concerning the States Resource Plan 2005 to 2009 by Deputy Alan Breckon, (P.135/2004 Amd.(2) presented on 14th September 2004), and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

The Bailiff returned to the Chamber during consideration of the proposition of the Policy and Resources Committee concerning the States Resource Plan 2005 to 2009, (P.135/2004 lodged "au Greffe" on 20th July 2004), and the meeting continued under his presidency.

### **Machinery of Government: votes of no confidence in individual ministers – P.6/2004**

#### **Comments**

THE STATES, adopting a proposition of Senator Stuart Syvret, referred to their Act dated 21st November 2002, in which they agreed the structure of the Executive, and agreed to vary that Act as appropriate that upon the introduction of the ministerial system of government –

- (a) the States Assembly would have the power to debate votes of no confidence in the Chief Minister or in individual Ministers and that the mechanism for bringing such a vote of no confidence would be that the proposition would be signed by the member presenting it and at least three other members, and would contain a statement of the reason for moving the proposition; and,
- (b) requested the Privileges and Procedures Committee to include provision for such votes of no confidence in the revised States of Jersey Law and Standing Orders as appropriate.

Members present voted as follows –

**POUR: 39**

**CONTRE: 0**

**ABSTAIN: 0**

Senator S. Syvret  
Senator F.H. Walker  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator P.V.F. Le Claire  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator E.P. Vibert  
Senator R.J. Shenton  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Clement  
Connétable of St. John  
Deputy of Trinity

Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy of St. John  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy G.C.L. Baudains (C)  
Deputy J.L. Dorey (H)  
Deputy F.G. Voisin (L)  
Deputy L.J. Farnham (S)  
Deputy R.G. Le Hérisssier (S)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy M.A. Taylor (C)  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy G.W.J de Faye (H)

**Royal Court House/States Building: allocation of accommodation –P.69/2004  
Amendment**

THE STATES commenced consideration of a proposition of the Environment and Public Services Committee concerning the allocation of accommodation in Royal Court House/States Building, and adopted an amendment of the Privileges and Procedures Committee that there be inserted at the end of paragraph (a)–

“except that –

- (a) on drawing No. 2980:131, the ground floor room designated as the Jurats Room should be designated for use by States Members;
- (b) on drawings Nos. 2980:131, 2980:132 and 2980:133 the Witness Rooms should be Judicial Areas only;
- (c) to charge the Privileges and Procedures Committee to evaluate the usage of the above ground floor room and report back to the States in 6 months’ time.”

THE STATES, adopting a proposition, as amended, of the Environment and Public Services Committee, referred to their Act dated 19th July 2000, in which they approved drawing Nos. 2980/13, 21(A), 22(A), 24(A), 25(A) 101 (C), 102(L), 103(B), 104(A), 105(B), 200, 201(D), 202(F), 300(A) showing Phase One and Phase Two of the proposed refurbishment of the Royal Court/States Building excepting that the proposed usage and allocation of space described with the drawings should not be fixed until the needs of the legislature could be assessed in the light of the recommendations of the Review of the Machinery of Government, and –

- (a) authorised the use and allocation of the Royal Court/States Building as set out in Drawing Nos. 2980:130/131/132/133/134, except that–
  - (i) on drawing No. 2980:131, the ground floor room designated as the Jurats Room should be designated for use by States Members;

- (ii) on drawings Nos. 2980:131, 2980:132 and 2980:133 the Witness Rooms should be Judicial Areas only; and,
  - (iii) charged the Privileges and Procedures Committee to evaluate the usage of the above ground floor room and report back to the States in 6 months' time;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States; and,
- (c) agreed that the second floor "Open Plan Office" be occupied by the Shadow Scrutiny Panels until the introduction of Ministerial Government, at which time the use could be reassessed in line with the developing needs of the legislature.

#### **Statistics User Group: appointment of chairperson – P.141/2004**

THE STATES, adopting a proposition of the Policy and Resources Committee referred to their Act dated 17th November 1999, in which they approved the establishment of a Statistics User Group, and approved Mr. John Campbell Boothman as Chairperson of the Statistics User Group for a period of 3 years commencing on 14th September 2004.

#### **Draft Transfer of Functions (Economic Development Committee) (Jersey) Act 200- P.143/2004**

THE STATES, in pursuance of Article 29 of the States of Jersey Law 1966, made an Act entitled the Transfer of Functions (Economic Development Committee) (Jersey) Act 2004.

#### **Draft Licensing (Licence Fees) (Jersey) (Jersey) Regulations 200- P.144/2004**

THE STATES, in pursuance of Article 11 of the Licensing (Jersey) Law 1974, made Regulations entitled the Licensing (Licence Fees) (Jersey) Regulations 2004.

#### **Adjournment**

THE STATES then adjourned, having agreed to reconvene on Wednesday 15th September 2004, in order to continue consideration of the outstanding items of public business.

THE STATES rose at 5.50 p.m.

**M.N. DE LA HAYE**

*Greffier of the States.*