

**THE STATES assembled on Tuesday,
13th March 2001 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 Leonard Norman - out of the Island
Senator Paul Vincent Francis Le Claire - ill
Stanley John Le Cornu, Connétable of St. Clement - ill

Prayers

Tribute to the late Mr. F.P.W. Clarke, former member of the States

The Bailiff paid tribute to the late Mr. Fred Philip Webber Clarke, former Connétable of St. Helier.

The States observed one minute's silence as a mark of respect.

Royal Visit - H.R.H. Prince Michael of Kent

The Bailiff informed the Assembly that His Royal Highness Prince Michael of Kent would attend the Jersey Aviation Ball in aid of The Royal International Air Tattoo Flying Scholarships for the Disabled on 11th May 2001.

Madeira - letter to the President.

The Bailiff informed the Assembly that he had written to Mr. A.J.C.G. Jardim, President of Madeira, in the following terms following the floods which had afflicted that Island -

“Mr. President,

I write to express to you and to the people of Madeira my sorrow at hearing of the loss of life and damage caused by the terrible floods which have afflicted your Island during the past few days. We have seen photographs in the local media of the results of the flooding and understand very well the distress which will have been caused to those affected, and in particular to those whose homes have been destroyed. All Jersey people, including of course the Madeiran community, will join me in sympathizing with you and in expressing our hope that your beautiful Island will soon be fully restored.

Yours sincerely,

P. Bailhache.”

Interception of Communications (Jersey) Law 1993: report of the Commissioner for 2000 - R.C.12/2001

The Bailiff presented to the States the annual report of the Commissioner, Sir John Nutting, B.T., Q.C., made under the Interception of Communications (Jersey) Law 1953.

THE STATES ordered that the said report be printed and distributed.

Subordinate legislation tabled

The following enactments were laid before the States, namely -

Road and Sand Racing (Jersey) Order 2001. R & O 33/2001.

Road Racing (Hill Climbs and Sprint) (Jersey) Order 2001. R & O 34/2001.

Diseases of Animals (Foot and Mouth - Restrictions) (Jersey) Order 2001. R & O 35/2001.

Diseases of Animals (Foot and Mouth - Restrictions No. 2) (Jersey) Order 2001. R & O 36/2001.

Diseases of Animals (Foot and Mouth - Restrictions No. 3) (Jersey) Order 2001. R & O 37/2001.

Birth Certificate (Shortened form) (General Provisions) (Amendment No. 2) (Jersey) Order 2001. R & C 38/2001.

Diseases of Animals (Foot and Mouth - Restrictions No. 3A) (Jersey) Order 2001. R & O 40/2001.

Gambling Control Committee - resignation of President

THE STATES accepted the resignation of Deputy Alan Breckon of St. Saviour as President of the Gambling Control Committee.

Gambling Control Committee - vacancy in Presidency

In accordance with Article 28(3) of the States of Jersey Law 1996, the Bailiff gave notice that there was a vacancy in the office of the President of the Gambling Control Committee.

Matters presented

The following matters were presented to the States -

Public Lotteries: report for 2000 - R.C.11/2001.

Presented by the Gambling Control Committee.

Agricultural Loans: annual report - R.C.13/2001.

Presented by the Agriculture and Fisheries Committee.

Annual Report and Accounts of the Jersey Electricity Company Limited for the period ended 30th September 2000.

Presented by the Finance and Economics Committee

The following matter was presented on 20th February 2001 -

Administrative Decisions (Review) (Jersey) Law 1982, as amended: report of the Administrative Appeals Panel regarding complaints received between 1st January and 31st December 2000 - R.C.10/2001.

Presented by the Special Committee to consider the relationship between Committees and the States.

The following matter was presented on 6th March 2001 -

Draft Public Holidays and Bank Holidays (Jersey) Act 200- (P.27/2001): comments - P.27/2001 Com.

Presented by the Finance and Economics Committee.

THE STATES ordered that the said reports be printed and distributed.

Matters noted - land transactions

THE STATES noted Acts of the Finance and Economics Committee dated 26th February and 5th March 2001 recording the following decisions of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land -

26th February 2001

- (a) as recommended by the Public Services Committee, the purchase from Royal London Asset Management Limited of a strip of land (measuring 200 square feet) outside No. 11 Union Street, St. Helier, for the sum of £200 (representing a rate of £1 a square foot), with the public being responsible for the reasonable costs of the vendor in relation to the transaction;
- (b) as recommended by the Public Services Committee, the sale to Messrs. Guy Clifford Dunell, Desmond Albert Pinel and Winston Clifford Pinel of an area of land (measuring 465 square feet) to the north of Beaumont Pumping Station, St. Peter, for a consideration of £12,000, subject to the imposition of a restrictive covenant restricting the use of the site for access and egress purposes in conjunction with the two adjoining properties, Beira and Olga Villa, thereby preventing its development and its independent sale for whatever purpose, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (c) as recommended by the Public Services Committee, the purchase from Mr. James Simon of an area of land (measuring 3,175 square feet) in Field No. 246A, St. Peter, adjacent to the junction of L Route du Port and La Rue de la Mer, required for the construction of a new pumping station, for the sum of £3,175 (representing a rate of £1 a square foot), with the public being responsible for all reasonable legal costs arising from the transaction;
- (d) as recommended by the Education Committee, the purchase from the Crown of an area of land (measuring 11,355 square feet) with vacant possession adjacent to La Moye School, St. Brelade, for a consideration of £11,355 (representing a rate of £1 a square foot); and the purchase, subject to the approval of the Royal Court, of an area of land (measuring 5,920 square feet) currently administered by the Tenants de la Commune de la Moie, St. Brelade for a consideration of £4,144, subject to the terms and conditions as agreed by the Planning and Environment Committee and with the public being responsible for all reasonable legal fees involved in the transaction. (The Committee accordingly rescinded its Act No. A1 of 26th June 2000);
- (e) as recommended by the Health and Social Services Committee, the lease from Mr. Aidan James Smith and Mrs. Judith Brenda Mary Smith, née Cummins, of the (j) category property known as Miltonia, Old St. John's Road, St. Helier, for a period of three years from 15th December 2000, at a commencing annual rent of £15,600 to be revised annually in line with the Jersey Retail Price Index, on the basis that each party will be responsible for its own legal costs arising from this transaction;
- (f) as recommended by the Health and Social Services Committee, the lease from Mr. Bertram Payn, on an internal repairing lease basis of the property known as No. 6 Beachside, La Rue du Pont Grouville, for a period of five years from 9th December 2000, with an option to renew for a further two-year period, at a commencing annual rent of £16,500, payable quarterly in advance, the rent to be subject to review in line with the Jersey Retail Price Index as at 9th December 2002 and 9th December 2004, on the basis that each party would be responsible for its own legal costs arising from this transaction;
- (g) as recommended by the Telecommunications Board, the entering into a Deed of Arrangement with Antler Properties CI Limited in order to clarify a boundary between the former telecommunications repeater station at Trinity Gardens, St. Helier and the site of the former St. Mark's Vicarage, Springfield Road, St. Helier, with the public having rights of access for maintenance purposes onto the site of St. Mark's Vicarage to the south subject to two week's notice except in the case of emergencies, on the basis that Antler Properties CI Limited will be responsible for all legal costs arising from this transaction;

- (h) as recommended by the Harbours and Airport Committee, the renewal of the lease to JCS Yachting (1992) Limited of office accommodation (N18A - measuring 490 square feet) for a further period of three years from 25th November 2000, at a total annual rent of £8,712.36 (representing a rate of £17.78 a square foot), on the same terms and conditions as before, subject to annual review in line with the Jersey Retail Price Index;
- (i) as recommended by the Harbours and Airport Committee, the lease to Huelin Renouf Airfreight Limited of a warehousing bay (Letting B119 - measuring a total of 1,440 square feet) in the Freigh Building at Jersey Airport, for a period of three years from 1st January 2001 at an annual rent of £7,905.60 (representing a rate of £5.49 a square foot) subject to annual review;
- (j) as recommended by the Harbours and Airport Committee, an addendum to the existing lease to British European of Gate Lounge 10 at Jersey Airport, to lease an additional 400 square feet within the area adjacent to Gate Lounge 10, at a nominal amount of £10 for the period from the completion date of the extension works to 31st May 2001 and, thereafter, at an annual rent in line with terms and conditions of the existing lease (currently at a rate of £24.01 a square foot, which would represent an annual rent of £9,604), subject to annual review on 1st June each year until the termination of the main lease on 31st May 2005;
- (k) as recommended by the Harbours and Airport Committee, the lease to Spellbound Holdings Limited of office accommodation (Letting B004A - measuring 910 square feet) on the ground floor of Alares House, Jersey Airport, for a period of three years from 1st January 2001 at an annual rent of £12,558.00 (representing a rate of £13.80 a square foot), subject to annual review on 1st January 2002 in line with the Jersey Retail Price Index;

5th March 2001

- (l) as recommended by the Public Services Committee, a Deed of Arrangement with Mr. Peter John D'Authreau, owner of Neuchatel, La Grande Route de St. Jean, St. Helier, in order to confirm the boundary between that property and Warwick Farm, on the basis of terms and conditions negotiated by the Department of Property Services, and with each party being responsible for its own legal costs arising from this transaction;
- (m) as recommended by the Housing Committee, a 99-year Wayleave agreement with the Jersey Electricity Company Limited in respect of Nos. 3-7 Wesley Street, St. Helier, to allow for the laying of two high-voltage electricity cables across land in the ownership of the public, subject to the terms and conditions set out in a report by the Department of Property Services, dated 8th August 2000, at a one-off cost of £99, on the basis of the company being responsible for both parties' legal costs arising from this transaction;
- (n) as recommended by the Telecommunications Board, a 99-year lease from the Parish of St. Saviour of an area of land (measuring approximately 325 square feet) at the Parish's Depot, Rue des Près Trading Estate, St. Saviour, for use as a Cab Room to house electronic equipment, at an annual rent of £1 a square foot and, in lieu of any capital payment, the construction by the Board of three blockwork storage pens adjacent to the distribution room at a cost of approximately £10,000, together with the provision of a car compound and enhanced landscaping, on the basis that the Board would be responsible for both parties' reasonable legal costs arising from this transaction.

Matters noted - acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee dated 26th February 2001, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Education Committee has, by Act dated 17th January 2001, accepted the lowest alternative tender received for Phase 2 of the extension and remodelling of Grouville School, namely that submitted by Hacquoil and Cook Limited in the sum of £1,450,569.00, for a contract period of 63 weeks.

Matters lodged

The following matters were lodged “au Greffe” -

Ann Alice Rayner Fund: objects, purpose and administration - P.38/2001.

Presented by the Finance and Economics Committee.

Draft Financial Services Commission (Amendment No. 3) (Jersey) Law 200 P.39/2001.

Presented by the Finance and Economics Committee.

Draft Financial Services Commission (Amendment No. 3) (Jersey) Law 200 (P.39/2001): amendment - P.39/2001 Amd.

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

Draft Aerodromes (Amendment No. 5) (Jersey) Regulations 200 P.40/2001.

Presented by the Harbours and Airport Committee.

Parish Rates Review - P.41/2001.

Presented by the Legislation Committee.

Beaumont Warehouse, St. Peter: lease from Channel Islands Co-operative Society Ltd. - P.43/2001.

Presented by the Committee for Postal Administration

Draft Social Security (Amendment No. 14) (Jersey) Law 2000 (Appointed Day) Act 200 P.44/2001.

Presented by the Employment and Social Security Committee.

The following matter was lodged on 20th February 2001 -

Draft Companies (Amendment No. 6) (Jersey) Law 200-P.29/2001.

Presented by the Finance and Economics Committee.

The following matter was lodged on 27th February 2001 -

Draft Housing (Amendment No. 15) (Jersey) Regulations 200- P.30/2000.

Presented by the Housing Committee.

The following matters were lodged on 6th March 2001 -

Draft Unlawful Public Entertainments (Jersey) Regulations 200- P.31/2001.

Presented by the Home Affairs Committee.

Draft Petroleum (Jersey) Law 1984 (Appointed Day) Act 200- P.32/2001.

Presented by the Home Affairs Committee.

Draft Currency Offences (Amendment) (Jersey) Law 200- P.33/2001.

Presented by the Finance and Economics Committee.

Projet de Règlements (200-) sur l'Etat Civil - P.34/2001.

Présenté par le Comité d'Etat Civil.

Overdale Assessment and Rehabilitation Unit: approval of drawings - P.35/2001.

Presented by the Health and Social Services Committee.

Commissioners of Appeal for Income Tax: re-appointment - P.36/2001 (re-issue).

Presented by the Finance and Economics Committee.

Projet de Loi (200-) (Amendement No. 9) réglant la procédure criminelle - P.37/2001.

Présenté par M. le Député G.C.L. Baudains de St. Clément.

Draft Act annulling the Diseases of Animals (Foot and Mouth - Restrictions No. 3) (Jersey) Order 2001. P.42/2001. Withdrawn

THE STATES noted that Deputy J.L. Dorey of St. Helier had withdrawn the draft Act annulling the

Diseases of Animals (Foot and Mouth - Restrictions No. 3) (Jersey) Order 2001 before it was lodged "au Greffe".

Arrangement of public business for the next meeting on 27th March 2001

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 27th March 2001 -

Draft Criminal Justice (International Co-operation) (Jersey) Law 200- P.21/2001.
Lodged: 13th February 2001.
Finance and Economics Committee.

Draft Housing (Amendment No. 15) (Jersey) Regulations 200- P.30/2001.
Lodged 27th February 2001.
Housing Committee.

Draft Unlawful Public Entertainments (Jersey) Regulations 200- P.31/2001.
Lodged: 6th March 2001.
Home Affairs Committee.

Draft Petroleum (Jersey) Law 1984 (Appointed Day) Act 200- P.32/2001.
Lodged: 6th March 2001.
Home Affairs Committee.

Draft Petroleum-Spirit (Carriage by Road) (Jersey) Regulations 200- P.17/2001.
Lodged: 30th January 2001.
Home Affairs Committee.

Draft Petroleum Spirit (Storage) (Jersey) Regulations 200- P.18/2001.
Lodged: 30th January 2001.
Home Affairs Committee.

Draft Currency Offences (Amendment) (Jersey) Law 200- P.33/2001 (re-issue).
Lodged: 6th March 2001.
Finance and Economics Committee.

Projet de Règlements (200-) sur l'Etat Civil - P.34/2001 (re-issue).
Logé au Greffe le 6 mars 2001.
Comité d'Etat Civil.

Overdale Assessment and Rehabilitation Unit: approval of drawings - P.35/2001 (re-issue).
Lodged: 6th March 2001.
Health and Social Services Committee.

Commissioners of Appeal for Income Tax: re-appointment - P.36/2001 (re-issue).
Lodged: 6th March 2001.
Finance and Economics Committee.

Ann Alice Rayner Fund: objects, purpose and administration - P.38/2001.
Lodged: 13th March 2001.
Finance and Economics Committee.

Draft Aerodromes (Amendment No. 5) (Jersey) Regulations 200 P.40/2001.
Lodged: 13th March 2001.
Harbours and Airport Committee.

Beaumont Warehouse, St. Peter: lease from Channel Islands Coöperative Society Ltd. - P.43/2001.
Lodged: 13th March 2001.
Committee for Postal Administration.

Draft Social Security (Amendment No. 14) (Jersey) Law 2000 (Appointed Day) Act 200 P.44/2001.
Lodged: 13th March 2001.
Employment and Social Security Committee.

THE STATES noted that under Standing Order No. 22(3) Deputy Roy George Le Hérissier of St. Saviour had instructed the Greffier to withdraw the proposition regarding States members income support and expense allowance: annual increases (P.57/2000 lodged "au Greffe" on 18th April 2000).

THE STATES noted that under Standing Order No. 22(3) Senator Paul Vincent Francis Le Claire had instructed the Greffier to withdraw the proposition regarding Social Security registration cards: proof of identity (P.113/2000 lodged "au Greffe" on 4th July 2000).

Timetable for incorporation of Jersey Post - question and answer (Tape No. 638)

The Deputy of St. Martin asked Deputy Maurice François Dubras of St. Lawrence, President of the Industries Committee, the following question -

- “(a) Would the President advise members of the timetable for incorporation of Jersey Post and whether this timetable is on target?
- (b) If the timetable is not on target, would the President outline the reasons for the delay and the steps that are being taken to address it?”

The President of the Industries Committee asked Deputy Philip Francis Cyril Ozouf of St. Helier, Chairman of the Industries Committee's Regulatory Sub-Committee, to reply to this question, and he responded as follows -

“Last July the States gave to the Industries Committee the responsibility for taking the work forward on incorporation of Jersey Post and Jersey Telecoms, and for establishing an independent regulatory regime for the Island's postal and telecommunications markets. The Industries Committee delegated all the work on this to its Regulatory Sub-Committee.

Last November the States approved the Competition Regulatory Authority (Jersey) Law as the first part of this process and it is anticipated that this will receive Royal Assent tomorrow. The States will soon be invited to appoint the Jersey Competition Regulatory Authority's first Chairman. The second step is the draft Telecoms Law. This is now out for public consultation and the Committee hopes to lodge it soon after Easter. The new Postal Services Law will follow soon after that. Much of the language of the Telecoms Law will be in common with the Postal Law and so most of the work on the Postal Law will be done once the Telecoms Law is finalised. Specifically on incorporation, the Finance and Economics Committee has now established an expert group to take forward all the financial aspects of incorporation.

All being well, timely passage of these Laws together with the other work in progress will enable the incorporation of Jersey Post to proceed early in 2002. This is in line with the timetable envisaged last July when the States transferred responsibility to the Industries Committee.”

Johne's disease in cattle - questions and answers (Tape No. 638)

The Deputy of St. John asked Senator Jean Amy Le Maistre, President of the Agriculture and Fisheries Committee, the following questions -

- “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?"

The President of the Agriculture and Fisheries Committee replied as follows -

"1.(a) Johne's Disease is not a Notifiable Disease in Jersey. It was notifiable under the Diseases of Animals (Jersey) Law 1956 until being revoked by the Committee by Act No. 17 of 31st July 1986 under an Order entitled 'Johne's Disease (Revocation) (Jersey) Order 1986'.

The reasons cited for this revocation were -

- (i) Jersey had a low incidence of the disease;
- (ii) farmers would probably cull affected animals;
- (iii) diagnosis of disease carrier animals remained extremely difficult.

The only method of preventing the spread of disease was by the segregation of young stock and this was already done by the large majority of cattle breeders, for reasons other than the control of Johne's Disease.

The above remains true to date. Furthermore, diseases of animals are usually made notifiable only if they are considered to be highly contagious between animals and are highly detrimental to animal production or are a serious zoonotic risk, none of which applies to Johne's Disease.

- (b)(i) The Public Health Committee in pursuance of Articles 29, 30 and 61 of the Food and Drugs (Jersey) Law 1966 made the Milk and Dairies (General Provisions) Jersey Order 1992. Under this Order all dairy farms in Jersey are inspected on a biannual basis, by a suitably qualified ADAS advisory officer, to ascertain compliance with its provisions. Inspection reports are compiled detailing any necessary works and improvements required to achieve compliance with the above Order, with an appropriate timescale in which they have to be completed. In practice the inspection standards also conform to the EC Directive 92/46 to which all European dairy units have to conform.
- (ii) Public Health Services officers annually take samples of water from each dairy unit in Jersey to ensure there is a suitable potable water supply available for washing and cleaning utensils, milk storage facilities and milking parlour equipment in order to conform to the EC Directive 92/46.
- (iii) The Department of Agriculture and Fisheries, through the Livestock Advisory Officer, has been

involved with Jersey Milk in forming and inspecting minimum animal welfare requirements for all registered producers supplying the dairy at Five Oaks. This code of practice forms part of Jersey Milk's Rules of Supply. All dairy farmers must therefore conform to these standards and are inspected and certified for compliance. Farmers not achieving compliance are advised of the necessary improvements required and again inspected within a given time span to ensure standards are achieved. New 'Rules of Supply' are issued annually and the animal welfare code of practice is revised according to the latest research and advice in order to maintain and improve standards. From February 2001 Jersey Milk will be employing its own inspector for the animal welfare code of practice, allowing the Livestock Officer to return to giving general advice and guidance to Dairy Farmers.

- (iv) Dairy farms using pesticides are subject to an annual inspection of their pesticide stores to ensure that they meet the current standards as recommended by the Health and Safety Executive in Agricultural Information Sheet 16. The store visit is undertaken by the Department of Agriculture and Fisheries Inspectorate Officers, who issue a certificate to each holding, when the store passes its inspection. The criteria included in the assessment actually goes above and beyond those required by AIS16, and are updated and monitored to not only maintain, but to improve standards of pesticide storage on the Island. The annual assessment of every farm pesticide store is unique to Jersey. In the United Kingdom the Health and Safety Executive only carries out spot checks on a percentage of stores.

In addition the Department responds to alleged or suspected cases affecting 'on farm' animal welfare by making inspection visits as required. Although there is no routine programme of visits for this reason, new legislation presently under consideration will provide for licensing and regular inspection of all commercial animal production units on animal welfare grounds.

There are no proposals for 'on farm' inspections specific for the detection of Johne's Disease as the disease is not notifiable and is difficult to detect in the carrier animal. Examination and diagnosis of clinically affected cases of Johne's Disease is carried out effectively by private clinical veterinarians.

- 2. The exact prevalence of Johne's Disease in Jersey is not known but the consensus of opinion of veterinarians within the private sector is that the prevalence is very low, with only two herds having had positive cases confirmed within the last two years.

Having taken advice from the veterinary profession I am not convinced of the need to have all herds tested to determine the percentage of Jersey cattle affected with this disease. Official policy in the United Kingdom and elsewhere is not to carry out routine testing due to the unreliability of available laboratory tests to detect infected animals particularly amongst young stock.

Veterinary opinion is that the disease is a threat to the economic performance of individual herds and judgment must be made by farmers as to control measures which need to be taken, based on veterinary advice for each particular situation.

With regard to public health there is a background of research which to-date has not produced evidence of a zoonotic risk but this research is on-going.

- 3. Whilst the points made on persistence of the bacterium in the environment are true, the industry is advised by the Department that no slurry should be spread within 40 metres of all boreholes.

Codes of Practice for Disposal of Dairy Farm Waste 1994 have been issued (both in English and Portuguese) and continually drawn to the attention of all dairy farmers with the latest letter sent from the Department on 19th June 2000. A new Code of Practice for the Protection of Water, which is presently in preparation, will underpin this.

Department Advisers have been routinely advising dairy farmers on correct management practices for slurry spread in accordance with the code.

If these measures are correctly applied, veterinary opinion is that water extracted from wells and boreholes would not be contaminated.

It should also be borne in mind that the bacterium causing Johne's disease is rapidly destroyed when exposed to sunlight. It is destroyed in slurry within 100 days, which is faster than when in soil/water, where it can persist for a much longer period.

4.(a) Yes. BSE culling arrangements were approved by the States Assembly on 24th September 1996 (P.140/96).

(b) Compensation is currently paid on live weight.

Animals of 350kg or heavier - receive £0.73 per kg
Animals of 300kg - 349kg - receive £0.65 pence per kg
Animals of 300kg or below - receive £0.53 pence per kg
Bulls, regardless of weight, at £125.

(c) All animals that are over 30 months of age, and would normally qualify for human consumption, qualify for payment under the BSE payment policy. With regard to the recent Johne's case the under 30 month animals were compensated under a separate vote.

(d) No. There is no policy under which cattle culled for Johne's Disease will attract compensation.

In the recent case of a single herd slaughter the Committee decided, having taken veterinary and Industry advice, that it was in the interest of the Island herd that it would be inappropriate if the young stock were to be dispersed."

Cavern outfall - questions and answers (Tape No. 638)

The Deputy of St. John asked Deputy Alan Simon Crowcroft of St. Helier, President of the Public Services Committee, the following questions -

- “1. Would the President advise members how many spills from the cavern outfall have occurred during heavy rainfall since January 2000?
2. In a recent spill in January 2001 from the cavern outfall, sewerage waste was washed into La Collette yacht basin, causing obvious pollution of this area. What action does the Committee take to have unsightly mess cleaned up following such incidents?
3. Would the President explain the procedures for prosecuting polluters, and in particular -
 - (a) could the President describe the procedures either in place or that would be necessary should the Committee itself be suspected of being a polluter arising from overflows from the cavern; and
 - (b) do such procedures present the Committee with any issues of conflict of interest?
4. With much heavy rainfall over recent winters, what action is the Committee taking to try and help the many families with soakaway problems and will the President bring to the Assembly a revised programme to extend main drains and apply for extra funding to re-instate the sewer extension programme?”

The President of the Public Services Committee replied as follows -

1. The following spills to sea have occurred from the cavern during heavy rainfall since January 2000 -

6th November 2000. During a very prolonged period of heavy rain, and following the second wettest October on record, the cavern was constantly filling and attempting to empty itself by pumping to the foul sewer. Due to the very high water table and the ingress of surface water to the foul sewer system, from numerous sources, the level of flow in the foul sewers remained high over an unusually long time. This prevented the cavern pumping out, and, as it

was unable to reduce the volume of sewage stored, it overflowed approximately 1.5 million gallons to sea. The capacity of the cavern is 5.5 million gallons, and, during this period, it stored more than this by pumping out some flow to the foul sewer when possible.

4th-7th January 2001. Due to similar conditions continuing throughout December 2000 and January 2001, and in a similar way to the overflow on 6th November 2000, the continuous wet weather resulted in a spill to sea of approximately three million gallons. By the end of December, the winter of 2000/2001 was already the wettest on record.

9th-12th February 2001. As a result of very heavy rain falling on a totally saturated catchment, on the night of 8th February and into the morning of the 9th, the combined sewer system of St. Helier received a sudden rush of flow, on top of the already high level in the system. The pumps at First Tower Pumping Station developed a major electrical fault due to the sudden heavy load, resulting in a total electrical failure of the Public Services high voltage electrical supply to the pumping station. The station was put out of action for a period of time until the cause of the failure had been diagnosed. This resulted in high levels in the sewer system and overflow to the cavern, which quickly filled. This resulted in an overflow to sea of approximately six million gallons.

The stand-by supply provided by the Jersey Electricity Company was activated and the station changed over to this supply. The Jersey Electricity Company has been commissioned to undertake extensive tests on the Public Services supply as the exact cause of the failure has not been established. Until the fault has been found and rectified, the Jersey Electricity supply will be retained as the primary supply.

It should be noted that since January 2000, the cavern has stored in excess of 220 million gallons of raw sewage that would otherwise have overflowed to sea.

2. The Department works in conjunction with the Harbours Department and any marine based pollution will normally be dealt with by that Department as they have the specialist marine equipment. Land based pollution will be dealt with by my Department.

Members should be aware that before the cavern was commissioned, there were approximately 120 occasions each year when combined sewage and surface water entered the sea. Depending on tidal conditions at the time, this effluent may have entered the port facilities. Since the cavern has been operating, the number of instances has reduced quite dramatically as demonstrated in answer to Question 1. I hope members can see the vast improvement that has been made to the receiving waters as a result of the cavern.

3. The final decision on whether to prosecute under any criminal law, including polluters under the Water Pollution (Jersey) Law 2000, lies with the Attorney General. There are two stages in any decision to prosecute, the evidential test and the public interest test. If the case does not pass the evidential test, it cannot go ahead, no matter how important or serious it may be. Officers of the Water Resources Section at Public Services play a vital role in the collection of the necessary evidence. This evidence is forwarded to the Attorney General for consideration. The decision on whether to proceed with a prosecution or not on the grounds of public interest is decided by the Attorney General or a delegated authority.
 - (a) The Public Services Committee is in the same position as any other 'person' under the Water Pollution (Jersey) Law 2000 with regard to pollution and prosecution. These procedures for prosecution apply equally to the Committee. However, any overflow from the cavern is subject to the conditions of a Discharge Certificate, which allows the discharge of storm sewage in an emergency situation, as long as other conditions in the Certificate are met, for example, the Water Resources Section is notified of the discharge as soon as is reasonably practicable, but anyway, within 24 hours of the discharge. Officers of the Water Resources Section are part of an independent Regulatory Services Directorate of the Department.
 - (b) These procedures described ensure that the Committee has no conflict of interest in any decision whether or not to proceed with a prosecution. The final decision on whether to prosecute will be taken by the Attorney General, based on evidence supplied to him by the

Water Resources Section at Public Services and whether or not it is considered to be in the public interest.

Although the Committee has no conflict of interest in any decision whether or not to proceed with a prosecution, and within the Department the Water Resources Section does act as an independent regulatory body as best it can as required under current legislation, I would add that the Committee does accept that having the Regulator in the same Department as the Discharger is not ideal, and the Committee supports the setting up of an independent environmental regulatory body, as proposed in the Planning and Environment Service Review.

4. The Committee is progressing the foul sewer extension programme as quickly as funds will allow. This is already helping some householders who have drainage problems, although there are obviously many more. Other than this, there is little that the Committee can do, with the funds available. With the very wet weather that has been experienced, and the resulting high water table, there is very little that can be done to make soakaways work. This is extremely unfortunate for the householders concerned, and the Committee sympathises with them.

At present approximately 86 per cent of households in Jersey are connected to the mains sewers. This leaves around 4,800 households not connected. Of these, it is estimated that it may not be practicable or cost effective to connect some 2,000 households. At the present rate of investment, it will take about 25 years to connect the remaining 2,800 households that should be connected.

As far as applying for extra funding for the sewer extension programme is concerned, the Committee has to take into consideration the likelihood of being able to obtain further funding in the present financial climate. Nevertheless, the Committee has requested significantly larger amounts of funding in the capital programme for 2004 and 2005. This is still to be debated. I would ask members to remember, when it comes to the time of that debate, the problems and difficulties that are experienced by many of the householders who are not connected to mains sewers.

New taxi and cab legislation - question and answer (Tape No. 638)

The Deputy of St. John asked Deputy Alan Simon Crowcroft of St. Helier, President of the Public Services Committee, the following question -

“Would the President give members a date when the Public Services Committee will bring the new taxi and cab legislation to the States for debate?”

The President of the Public Services Committee replied as follows -

“Subject to the Policy and Resources Committee allocating sufficient additional law drafting time to prepare the new Regulations, the new Regulations will be brought to the States for approval later this year. As soon as I have a decision that sufficient law drafting time has been granted and I have discussed the programme for drafting the Regulations with the Law Draftsman, I will advise the Deputy of the likely date for lodging the draft Regulations.”

Compulsory testing for vehicles - question and answer (Tape No. 638)

Deputy Alan Simon Crowcroft of St. Helier asked Deputy Alastair John Layzell of St. Brelade, President of the Home Affairs Committee, the following question -

“In the Sustainable Island Transport Policy approved by the States in June 1999, it was stated that ‘Significant improvements will be made in the Island’s air quality when the testing of vehicles’ emissions is introduced’. The Automobile Association has shown that 50 per cent of carbon monoxide emissions come from the ten per cent of vehicles which have the most poorly adjusted engines. Would the President outline the Committee’s views on the merits of introducing compulsory vehicle testing in Jersey?”

The President of the Home Affairs Committee replied as follows -

“Deputy Crowcroft may be aware that the Driver and Vehicle Standards Department had prepared proposals for the introduction of an M.O.T. style test, which would have included emissions testing, in 1999. This was to include motorcars over ten years of age, goods vehicles over three and motorcycles over five. These proposals were considered by the then Defence Committee which ultimately reduced the proposal to include only goods vehicles over five years of age. A report and proposition was prepared but was never presented to the States. On the formation of the Home Affairs Committee the question of annual testing was addressed. The Committee considered other options, which included the introduction of an operators’ licensing scheme or to continue with and increase the level and focus of roadside checks.

After careful consideration the Committee decided to increase the frequency and focus of roadside checks. This initiative is to run until July of this year and is being monitored by the D.V.S. At the end of that time the Committee will review the results and may give further consideration to other options. In 2000 the Department conducted 26 roadside checks, one more than the previous year, 3,130 vehicles were stopped and 31 impounded. The majority of defects were for bodywork followed by lights, tyres and brakes. In 2000, of those vehicles tested, exhaust emission problems affected two cars over ten years of age and three trucks. To date, five checks have been conducted focusing on goods vehicles which is more than the corresponding period in 2000, the leading defect still being bodywork.

It should be noted that all Public Service Vehicles and all oversize vehicles on permit are tested annually at which time emissions are checked. Additionally, any vehicle reported to the D.V.S. by a member of the public is also requested to attend at the Department for an emission check after which the owner is advised on rectification.

The Department has, for the last two years, in conjunction with Environmental Services, taken part in environmental week and has conducted emission checks for the general public at several sites. This activity was well supported and will take place again this year.”

Applications from property owners, especially those in the town area - questions and answers (Tape No. 638)

Deputy Alan Simon Crowcroft of St. Helier asked Deputy Terence John Le Main of St. Helier, President of the Housing Committee, the following questions -

- “1. Would the President explain the Committee’s policy regarding applications from property owners, especially those in the town area, who wish to restore units of accommodation previously separated from the main residence, into the family home?”
2. Does the Committee support the creation of new three-bedroom family homes within the urban area, including apartments provided with sufficient amenity space both inside and outside the buildings?”
3. Will the forthcoming Housing Strategy include measures to enhance the quality of life of families living in town, and, if so, would the President indicate what these measures will be?”

The President of the Housing Committee replied as follows -

- “1. The Housing Committee will consider on their individual merits applications from property owners who wish to restore into the family home units of accommodation which have previously been separated from the main residence. In considering these applications the Committee will take into account whether, historically, a completely self-contained and separate unit of accommodation has been created. If this is the case the Committee is less likely to allow the separated dwelling to be incorporated back into the family residence as this would amount to a diminution of the Housing stock. In many other cases when a full conversion into separate dwellings has not taken place the Committee will take a sympathetic viewpoint toward applications to reinstate one large dwelling.
2. Yes, the Committee supports the creation of new three-bedroom family homes within the urban area, including some apartments provided that these have sufficient amenity space both inside and outside the buildings.

3. Where the Housing Committee has a part to play it will endeavour to enhance the quality of life of families living in town. The Committee's strategy will include continuation of redevelopment and improvement programmes which have already resulted in major changes for the better on estates such as Cherry Orchard Court and Le Geyt Flats. With these and with new developments the Committee will aim to provide safe, secure and attractive homes for its residents.

The quality of life for town residents, including Housing Committee tenants, is affected by the policies, decisions and actions of a number of authorities including the Parish of St Helier, the Planning and Environment Committee, the Urban Renewal Sub-Committee and the Public Services Committee to name but a few. The Housing Committee will wish to strengthen links with the various authorities so that the high standard of accommodation provided by the Committee and others continues to be complemented by the availability of amenities and facilities which are equally desirable."

Nature and scale of the legal and constitutional issues involved in giving effect to the recommendations currently under consideration for the review of the machinery of government (Tape No. 638)

Senator Stuart Syvret asked H.M. Attorney General the following question -

"A number of changes to the Island's machinery of government have been suggested, amongst the most significant of which are the abandonment of the Committee system, the introduction of an executive or cabinet system, the creation of a chief Minister with significant powers, the creation of a Public Accounts Committee with the power to control States expenditure, the complete restructuring of public administration and the creation of seven departments or ministries, the creation of Scrutiny Committees, the removal of the Connétables from the States unless elected as Deputies, the scrapping of the Senatorial position and the accompanying Island-wide mandate, the establishment of an Electoral Commission, and the creation of an Ombudsman.

Would the Attorney General provide for the Assembly a general assessment of the nature and scale of the legal and constitutional issues involved in giving effect to such changes and would he include in his answer -

- (a) an estimate of the number of laws that would need to be identified, assessed and possibly amended as a consequence of such changes?
- (b) an estimate of the number and length of new laws required to give effect to the proposed changes?
- (c) a description of the procedure that should normally be followed for the development and introduction of good and reliable legislation?
- (d) an estimate of the average period of time taken to introduce substantive new legislation from inception to promulgation?
- (e) an estimate of the time needed to give considered and responsible legal effect to the replacement of the Island's existing machinery of government?"

The Attorney General replied as follows -

"Constitutional Issues

The series of reforms proposed by the Clothier Panel raise profound constitutional issues. These fall substantially into two sections - those which have internal relevance and secondly those which arise out of a consideration of how the Island's relationship with the UK and the EU will be managed.

The creation of an executive or cabinet system of course has important constitutional implications as members will be aware; and in the absence of political parties, members will need to assess where the appropriate balance lies best between executive efficiency and the electoral accountability which is ultimately the protection of the individual citizen against the State.

The important issue of how the relationship between the Island and the UK and EU is managed by the Jersey Government receives little reasoned treatment in the Clothier Report albeit the recommendation is for change (paras. 5.2 and 8.13/8.14) such that the Chief Minister will be responsible for external relations.

This would be in marked contrast to the current arrangements. At present incoming official correspondence, which is significant in both quantity and importance is received from the Home Office through His Excellency the Lieutenant-Governor by the Bailiff and distributed to the Chief Executive at the Policy and Resources Department, the Attorney General and the Greffier of the States. Each has a different rôle - the Policy and Resources Committee to liaise with different departments and to co-ordinate policy, the Attorney General to advise on constitutional and legal implications, the Greffier of the States as custodian of the States records with the extensive knowledge which derives from that experience. Replies to official correspondence are formulated by what amounts in practice to a partnership between the Policy and Resources Department, the Law Officers' Department and the States Greffe and are signed by the Bailiff, who in his letter to the President of Policy and Resources Committee recently described himself as a constitutional and advisory long stop.

In my view, the proposed change in the Island's approach to external relations - whether it be good or bad - would raise constitutional issues which merit very careful consideration. That consideration should be given in the context of the right structures for handling the process rather than the people who might happen to inhabit particular positions at any given time.

The proposed changes to the make up of the States Assembly by the removal of the Senators and Connétables, unless the Connétables should also happen to be elected as Deputies, also raise some constitutional issues. There is no doubt in my view that the Crown will want to examine closely legislation which impacts on voters' rights of representation, so that it may, while respecting the expression of the will of the people of Jersey through their elected representatives, at the same time ensure that any changes introduced are consistent with the United Kingdom's international commitments made on the Island's behalf and with its consent.

Legal Issues

As to legal issues, the likelihood is that the changes to which the question relates would be likely to involve an extensive review of existing legislation. This is tackled in more detail in the answers below to the specific questions -

- (a) Three Laws are most obviously affected - the States of Jersey Law 1966, the Loi (1897) sur les Elections Publiques and the Franchise (Jersey) Law, 1968. Changes to all three will probably be substantial. It may prove quicker to produce new laws.

The number of laws that will need to be assessed however (and may need to be amended) will depend on the particular reform proposed, but in some cases it will be substantial. The replacement of the Committee system with a ministerial system would probably require the review of the vast majority of the primary legislation currently in force and of a significant percentage of secondary legislation. It is not obvious that all functions presently within the jurisdiction of a Committee will necessarily devolve on only one Minister. If that is so, the review of some pieces of legislation may take considerable time and give rise not just to legal but also policy issues; for example, should a particular Committee function be assigned to the Minister with this responsibility or the Minister with that responsibility. The review of other pieces of legislation might take less time.

The removal of the Connétables unless elected as Deputies would also give rise to a review of many of the statutes presently in force, starting as far back as the Code of Laws 1771 which would need amendment.

- (b) I think any answer to this question at this stage runs the risk of misleading the Assembly. As a best guess, I suspect the matters raised by this question could be tackled in four pieces of primary legislation. Not all the proposed Clothier reforms would necessarily require new primary legislation although the likelihood is that even where that is not required, secondary legislation will be needed. Some of these may be substantial jobs - for example, the creation of an Appointments Commission for senior appointments in the Civil Service.

Standing Orders would need comprehensive attention.

- (c) The usual procedure at present is that the Committee responsible for the subject which requires new legislation will develop, with the help of its officers, a policy objective which is sometimes submitted to the Assembly. The Committee then approves the drafting instructions to the Law Draftsman which have been prepared by the Committee's officers sometimes in conjunction with advisers in my Chambers. The Law Draftsman prepares draft legislation which is sometimes put out for consultation. Occasionally it is referred demi-officially to the Home Office for any assistance which Home Office officials are able to give.

After the draft legislation has been lodged au Greffe for at least two weeks, it is debated. If passed by the Assembly, it is submitted for Royal Assent. This normally is received within three to six months.

One of the Clothier proposals was an increased use of consultative or discussion papers (paragraph 10.4) *'which fully present relevant data and underlying arguments and set out options for discussion and debate'*. Although the Clothier report has yet to be debated, I might perhaps take the opportunity of saying that this recommendation appears to me to be consistent with a procedure which should normally be followed for the development and introduction of good and reliable legislation.

- (d) I regret I am unable to answer this question. There are in my view too many variables. Sometimes the timetable is short. The offence of wasting police time for example was the subject of a statute passed by the States within four months of a Royal Court decision that such conduct was not criminal at customary law. On the other hand it may be pointed out that the Companies Law of 1991 had a gestation period of nearer 20 than 10 years. Clearly the length of time needed increases in line with the length, complexity and controversy surrounding the proposed new legislation and reduces according to the political imperatives.
- (e) I have not been asked previously to give attention to these or similar questions and accordingly no detailed examination of the work which would be involved in preparing legislative changes has been undertaken either by my Department or, as I understand it, by the Law Draftsman.

I am advised by the Law Draftsman that prior to the publication of the Clothier Report 30 days of drafting time was allocated in this year's law drafting programme for reforms which might be necessary.

It would be difficult and time consuming to prepare a reliable estimate for a work schedule when it is unclear what work will actually be entailed.

By way of comparison, the Report of the Privy Council on proposed reforms in the Channel Islands was published in March 1947. The Assembly of the States (Jersey) Law was passed on 17th February, 1948 and received Royal Assent on 2nd June 1948. This reform, whilst wide ranging, tackled only the composition of the States. Furthermore, in 1948, the number of laws to be reviewed was commensurately less.

There are many imponderables at this stage as indicated earlier and I do not think any reliable estimate could currently be given. Some of the proposed changes are self contained and in terms of legislation relatively straightforward - for example the creation of an Ombudsman. Others will require a great deal of work. If all the Clothier reforms mentioned in the question were to be carried forward into legislation, the law drafting job would be very substantial indeed. Of course the States may resolve even in respect of reforms approved in principle that not all legislation needs to be promoted at the same time. If there is a political imperative to achieve particular pieces of legislation by particular dates, the Assembly can be assured that both the Law Draftsman and his team and I and my colleagues, will make every possible effort to meet those dates. Naturally we cannot promise the impossible but it will not be for want of trying.

The Law Draftsman has seen this answer and has asked me to say that in so far as the answer affects him, he agrees with it."

Mont Orgueil Castle - questions and answers (Tape No. 638)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following questions -

- “1. In answering question 1 of the Deputy of St. Martin’s questions on 13th February about Mont Orgueil Castle, the President stated, in reference to the work in the ‘German Room’, that “The work involved the renewal of existing worn out services” and “No formal application was requested for this work and no formal permit was given”.

Would the President -

- (a) confirm that, whilst an electricity cable did supply the castle in other areas, there was previously no cable in this particular area, and certainly no water or drainage services anywhere near this part of the castle, and
 - (b) as a result reconsider his statement that the work involved was the renewal of existing services, and
 - (c) state whether a permit would normally be required for installing new services of this type, and, if so, what action will he be taking against the Trust for non application for a permit?
2. With regard to question 1(c), the President answered that ‘This material is now held in the archaeological museum at La Hougue Bie’. In view of the fact that -

- (a) such removal would be in contravention of Article 5 of the Granada Convention (to which we are a party); and
- (b) I am advised by the Société Jersiaise that the material has in fact been put in the fireplace, by the doorway and possibly thrown over Peyton’s bastion,

would the President agree that his answer was incorrect?

3. (a) would the President confirm that the brick hut with a concrete base, recently build beside the old stables, was contained within a permit for the cable laid from the main road to the first gate, and was classified as temporary?
- (b) if the answer to (a) is in the affirmative, would the President advise when it will be removed?
 - (c) if the answer to (a) is in the negative, would he state whether such construction normally requires permission and, if so, details of the permit issued?

4. Was the President aware that the vaulted brick bridge inside the First Gate has been demolished by the Jersey Heritage Trust, and would he -

- (a) state whether permission would normally be required for such demolition and,
- (b) if the answer to (a) is in the affirmative, give details of the permission granted.

5. Would the President -

- (a) confirm that the demolition mentioned in question 4 was in contravention of Article 5 of the Granada Convention and,
- (b) if the answer to (a) is in the affirmative, advise members what he intends to do under Article 9, where ‘Each Party undertakes to ensure within the power available to it that infringements of the Law protecting the architectural heritage are met with a relevant and adequate response by the competent authority’.

6. The Valletta Convention, to which Jersey became a party on 19th September 2000, states, under Article 3(i), that we are required to ‘... Undertake to apply procedures for the authorisation and supervision of excavation ...’ and, under Article 3(ii), ‘that excavations and other potentially destructive techniques are carried out only by qualified, specially authorised persons’.

Would the President -

- (a) comment on the allegations that the trench cut through the Postern Gate, the channel cut across the ‘German Room’ wall, the trench cut across the ‘Tudor Hall’ floor, the trench leading from the Grand Battery and the pit dug in the south west corner of Peyton’s Ramparts, were, amongst other works, carried out without the required archaeological supervision?
- (b) specify the qualifications possessed by the workmen who carried out these works?
7. Would the President assure members, in order to allay fears of conflicts of interest, that officers in the Department dealing with supervision or regulatory matters concerning the Castles have no connexion with the Jersey Heritage Trust?

The President of the Planning and Environment Committee replied as follows -

“1. (a) I have been informed that there was previously no electricity cable or water services in this particular area. The works were part of the renewal of worn out services to the top of the castle.

(b) No.

(c) The work to which the Deputy refers pre-dates the restoration project and was part of the Jersey Heritage Trust’s annual programme of maintenance. As I explained in my answers on 13th February, the Trust was not required to make an application in the circumstances at the time. The totality of the works now proposed for Mont Orgueil will require an application for this type of work in the future.

2.(a) No, because the assumption which the Deputy makes in his question (a) is incorrect.

No part of the structure of the castle has been removed to La Hougue Bie. The works to services resulted in the discovery of some archaeological artefacts such as bone and pottery, and the transferral of these objects to Jersey’s archaeological museum not only does NOT contravene the Granada Convention but is consistent with the purpose of conserving our archaeological heritage, which I hope has the Deputy’s full support.

(b) I am informed that stones from the wall in the ‘German Room’ are being stored nearby in the fireplace of this locked area until they can be carefully replaced in situ. Allegations of material being thrown over Peyton’s Bastion are entirely without substance.

3.(a) A permit was issued for the improved routes for new services and cables. The temporary brick hut is a part of these works.

(b) The temporary hut will be removed on completion of the current programme of restoration works at Mont Orgueil.

(c) Answered in (a).

4.(a) The Deputy’s question refers to a modern brick and concrete bridge thought to be built in the 1960’s by the Public Works Department replacing an 18th century brick vault of similar appearance. When the Jersey Heritage Trust took over responsibility for the Castle, they sought the advice of structural engineers on a crack in the arch of the Medieval First Gate which was situated adjacent to this modern structure. After monitoring it was discovered that the crack was widening, the primary cause of the damage being identified as the modern structure.

- (b) In 1998 (pre-dating the start of the restoration project) this modern addition was carefully removed and the arch repaired. The removal of the modern brick 'bridge' was imperative to safeguard the medieval arch and a planning application was not required at that time.

5.(a) and (b)

On the contrary, the removal of the modern arch was in line with the advice contained within the Granada Convention to which we have acceded. I am grateful for the Deputy for the opportunity to remind members of the importance of Jersey fully fulfilling its obligations under all the articles in this international convention a copy of which I have arranged to be available in the members room. I hope the Deputy maintains his support when the new Planning Law comes before the Assembly shortly.

- 6.(a) I have sought and received written assurance from the Director of the Jersey Heritage Trust that -

'archaeological supervision appropriate to the requirements of each area was provided for the works listed. All of the areas were assessed, before work was carried out, by Dr. Warwick Rodwell. Specifically the channel cut across the German Room wall was monitored by Olga Finch, Curator of Archaeology, and the Trust's architect, John Williams. The trench cut across the Tudor Great Hall floor was monitored and recorded by Olga Finch. The other three items were supervised by both Dr. Warwick Rodwell and Olga Finch'.

- (b) The work carried out to the walls of the castle was undertaken by a leading Jersey stonemason.

7. The intention of the Deputy's question appears to be to raise doubts about the motives of the staff of the Planning and Environment Committee in this matter, rather than to 'allay fears' as he purports to do, as neither I nor my Committee were aware of any concerns being expressed. I am advised by the Committee's Chief Executive Officer that, since receiving notice of the Deputy's question, he has discussed this with the people involved and is fully satisfied that absolutely no conflict of interest exists and a proper separation of responsibilities has been in place."

Referendums: Creation of a Legislative Framework - P.188/2000

THE STATES, adopting a proposition of Deputy Peter Nicholas Troy of St. Brelade referred to their Act dated 21st October 1997 in which they agreed, in principle, to the holding of referendums, and -

- (a) charged the Legislation Committee to bring forward for approval legislation to establish an appropriate legal framework under which referendums could be held in the Island; and
- (b) agreed that the drafting of this legislation be added to the legislation programme for 2002.

Members present voted as follows -

"Pour" (50)

Senators

Horsfall, Le Maistre, Stein, Quérée, Bailhache, Syvret, Walker, Kinnard, Le Sueur, Lakeman.

Connétables

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

Deputies

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin, St. John, Le Main(H), Crowcroft(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, G. Baudains(C), Dorey(H), Troy(B), Voisin(L), Scott Warren(S), Farnham(S), Le Hérisse(S), Ozouf(H), Fox(H), Bridge(H), Martin(H).

"Contre" (0)

**Morier House, Halkett Place: assignment of rights and obligations of funding arrangement - P.4/2001
Comments - P.4/2001 Com.**

THE STATES, adopting a proposition of the Planning and Environment Committee, referred to their Act dated 19th June 1996 in which they approved the granting of a lease by the public to Hambros Bank (Jersey) Limited for a period of 125 years, of the area of land known as 2 to 10, Halkett Place and 21 and 23, Hill Street, St. Helier for use for public offices, and-

- (a) authorised SG Hambros Bank & Trust (Jersey) Limited to assign to a subsidiary called SG Hambros Properties (Jersey) Limited its rights and obligations under the funding agreement in respect of Morier House, with the SG Hambros Group to pay the public's reasonable legal expenses incurred in connection with the execution of the various documents required to effect the assignment;
- (b) authorised the Attorney General and the Greffier of the States to pass, on behalf of the public, any contract which it might be found necessary to pass in connection with the assignment.

Members present voted as follows -

“Pour” (46)

Senators

Horsfall, Le Maistre, Stein, Quérée, Bailhache, Syvret, Walker, Kinnard, Le Sueur, Lakeman.

Connétables

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

Deputies

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin, Le Main(H), Crowcroft(H), Vibert(B), St. Peter, Dubras(L), St. Ouer G. Baudains(C), Dorey(H), Troy(B), Voisin(L), Scott Warren(S), Le Hérissier(S), Fox(H), Bridge(H), Martin(H).

“Contre” (1)

Deputy

St. John.

Draft Health Insurance (Medical Benefit) (Amendment No. 53) (Jersey) Regulations 200 P.20/2001

THE STATES, in pursuance of Articles 18 and 46 of the Health Insurance (Jersey) Law 1967, as amended, made Regulations entitled the Health Insurance (Medical Benefit) (Amendment No. 53) (Jersey) Regulations 2001.

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

THE STATES, adopting a proposition of the Housing Committee -

- (a) approved drawings Nos. 2, 6 - 9 and 12 - 14 inclusive and 4005/02 and 03 showing the development of eight one-bedroomed and two two-bedroomed flats as Phase III of the Sandybrook, St. Peter redevelopment;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Bequest of the late Mr. H.E. Le Seilleur: request for *ex gratia* payment - P.23/2001

THE STATES, adopting a proposition of the Health and Social Security Committee -

- (a) agreed that an *ex gratia* payment of £39,843.14 from the funds arising in respect of the bequest of the late Mr. Harold Ernest Le Seilleur to the States of Jersey, should be made *en lieu* of 'redundancy' payments to certain long-standing employees of Mr. Le Seilleur;
- (b) authorised the Treasurer of the States to make the appropriate payments to the employees concerned.

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

THE STATES, adopting a proposition of the Tourism Committee -

- (a) agreed to the transfer of administration of -

Le Braye Slip Café	Five Mile Road	St. Brelade
Driftwood Café	Archirondel	St. Martin
Old Station Café	Victoria Avenue	St. Lawrence
First Tower Café	First Tower	St. Helier
Plemont Café	Plemont	St. Ouen
Café Casino	Greve de Lecq	St. Ouen
Colleens Café	Greve de Lecq	St. Ouen
Gunsite Café	La Route de la Haule	St. Peter

as shown on drawing Nos. 633/00/04, 684/00/01, 671/00/02, 650/00/03, 339/00/05, 689/00/07 701/00/08 and 1149/00/06, from the Tourism Committee to the Planning and Environment Committee;

- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

**Site of the former Fine Gems and Craft Centre, La Route de l'Ouest, St. Ouen. - P.12/2001
Comments - P.12/2001 Com.**

THE STATES, adopting a proposition of the Planning and Environment Committee -

- (a) authorised the purchase from Beck Limited of the property known as the site of the former Fine Gems and Craft Centre, La Route de l'Ouest, St. Ouen, and the adjacent private roadway (as shown on drawing No. 1819/01/14) for £800,000 (eight hundred thousand pounds), with each party being responsible for their own legal fees, for the purpose of maintaining the land as open space for the benefit of the public of the Island;
- (b) authorised the Greffier of the States to sign the said drawing on behalf of the States;
- (c) authorised the payment or discharge of any expenses incurred in connexion with the acquisition of the said land;
- (d) authorised the Attorney General and the Greffier of the States to pass on behalf of the Public any contract it may be necessary to pass in connection with the purchase of the said land and any interest therein.

Members present voted as follows -

"Pour" (26)

Senators

Horsfall, Le Maistre, Stein, Quérée, Bailhache, Syvret, Kinnard, Le Sueur.

Connétables

St. Peter, St. Ouen, St. Saviour, St. Lawrence, St. Mary, St. John.

Deputies

H. Baudains(C), Layzell(B), Breckon(S), Grouville, Le Main(H), Crowcroft(H), Vibert(B), Dubras(L)
St. Ouen, Scott Warren(S), Fox(H), Bridge(H).

“Contre” (23)

Senators

Walker, Lakeman.

Connétables

Grouville, St. Helier, St. Martin, St. Brelade.

Deputies

St. Mary, S. Baudains(H), Trinity, Duhamel(S), Routier(H), Huet(H), St. Martin, St. John, St. Peter
G. Baudains(C), Dorey(H), Troy(B), Voisin(L), Farnham(S), Le Hérissier(S), Ozouf(H), Martin(H).

**Draft Public Holiday and Bank Holidays (Jersey) Act 200- P.27/2001
Comments P.27/2001 Com.**

THE STATES, in pursuance of Article 2 of the Public Holidays and Bank Holidays (Jersey) Law 1951, as amended, made an Act entitled the Public Holidays and Bank Holidays (Jersey) Act 2001.

Draft Harbours (Amendment No. 32) (Jersey) Regulations 200- P.28/2001

THE STATES, in pursuance of Article 4 of the Harbours (Administration) (Jersey) Law 1961, as amended, made Regulations entitled the Harbours (Amendment No. 32) (Jersey) Regulations 2001.

THE STATES rose at 5.15 p.m.

C.M. NEWCOMBE

Greffier of the States.