

**THE STATES assembled on Tuesday,
18th March 2003 at 9.30 a.m. under
the Presidency of Michael Nelson de la Haye Esquire,
Greffier of the States.**

**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 –

Francis Herbert Amy, Connétable of Grouville – ill
John Baudains Germain, Connétable of St. Martin– ill
John Le Sueur Gallichan, Connétable of Trinity – out of the Island
Jeremy Laurence Dorey, Deputy of St. Helier– out of the Island

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 9) (Jersey) Order 2003.	R&O 16/2003.
Terrorism (Enforcement of British Islands Orders) (Jersey) Rules 2003.	R&O 17/2003.
Residential Homes (General Provisions) (Amendment No. 9) (Jersey) Order 2003.	R&O 18/2003.

Committee for Postal Administration – resignation of members

THE STATES noted the resignation of Senator Terence Augustine Le Sueur, Deputy Jacqueline Jeannette Huet of St. Helier and Deputy Roy George Le Hérissier of St. Saviour from the Committee for Postal Administration.

Committee for Postal Administration – constitution and appointment of members

THE STATES, in accordance with Article 28(2)(b) of the States of Jersey Law 1966, as amended, and on a proposition of Deputy Patrick John Dennis Ryan of St. Helier, President of the Committee for Postal Administration, determined that the Committee for Postal Administration should, henceforth, consist of the President and four other elected members of the States.

THE STATES appointed the following as members –

The Connétable of St. Lawrence
The Deputy of St. Ouen.

The President accordingly declared that the above had been elected members of the Committee for Postal Administration.

Matters presented

The following matters were presented to the States –

The Jersey Electricity Company Limited: annual report and accounts 2002. <i>Presented by the Finance and Economics Committee.</i>	
Taxation of rental subsidies for essentially employed public employees. <i>Presented by the Policy and Resources Committee.</i>	R.C.12/2003.
States of Jersey Law 1966, as amended: delegation of functions – harbours. <i>Presented by the Harbours and Airport Committee.</i>	R.C.13/2003.
Office of Fair Trading: establishment (P.97/2002) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.97/2002. Com.(2)
Field 126, La Grande Route de la Côte, St. Clement: construction of homes (P.17/2003) – comments. <i>Presented by the Environment and Public Services Committee.</i>	P.17/2003. Com.
Field 126, La Grande Route de la Côte, St. Clement: construction of homes (P.17/2003) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.17/2003. Com.(2)
Mont Orgueil development strategy: appointment of independent expert (P.19/2003) – comments. <i>Presented by the Education, Sport and Culture Committee.</i>	P.19/2003. Com.

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

Matters noted – land transaction

THE STATES noted an Act of the Finance and Economics Committee dated 26th February 2003, (revised), showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

as recommended by the Housing Committee, the sale of a strip of land running through the underground area immediately under the Jubilee Promenade (adjacent to the Albert Pier Housing car park, at the Waterfront, St. Helier), in order that it might be incorporated into the comprehensive sale of the Waterfront Housing Development, so as to enable the sale of the apartments to be completed whilst retaining the Jubilee Promenade in public ownership, for a nominal consideration of £10, on the basis that the Committee would be responsible for all reasonable legal costs arising from this transaction.

This notification revised the details of the transaction reported to the States on 4th March 2003.

Matters lodged

The following matters were lodged “au Greffe” –

Draft Health Care (Registration) (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200-	P.25/2003.
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Presented by the Health and Social Services Committee.

States Members' remuneration: establishment of an independent review body. P.26/2003.
Presented by Senator E.P. Vibert, and referred to the Privileges and Procedures Committee.

Training and Employment Partnership: disbandment. P.27/2003.
Presented by the Economic Development Committee, and referred to the Employment and Social Security Committee.

Draft Public Finances (Appointment of Investment Managers) (Jersey) Regulations 200-. P.28/2003.
Presented by the Finance and Economics Committee.

Social rented housing: policy on setting rents. P.29/2003.
Presented by Deputy G.P. Southern of St. Helier, and referred to the Employment and Social Security and the Housing Committees.

Assemblée Parlementaire de la Francophonie: Executive Committee membership. P.30/2003.
Presented by Senator J.A. Le Maistre.

Waterfront Enterprise Board Limited: appointment of Directors. P.31/2003.
Presented by the Policy and Resources Committee.

Arrangement of public business for the present meeting

THE STATES agreed to defer consideration of the draft Parish Rate (Administration) (Amendment) (Jersey) Law 200-, (P.16/2003 lodged "au Greffe" on 18th February 2003), from the present meeting to their next meeting on 1st April 2003.

Arrangement of public business for the next meeting on 1st April 2003

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 1st April 2003 –

Draft Parish Rate (Administration) (Amendment) (Jersey) Law 200-. P.16/2003.
Lodged: 18th February 2003.
Connétable of St. Martin.

Draft Parish Rate (Administration) (Amendment) (Jersey) Law 200- (P.16/2003): P.16/2003.
comments. Com.
Presented: 25th February 2003.
Legislation Committee.

Mont Orgueil development strategy: appointment of independent expert. P.19/2003.
Presented: 18th February 2003.
Presented by Deputy R.G. Le Hérissier of St. Saviour.

Mont Orgueil development strategy: appointment of independent expert P.19/2003.
(P.19/2003) – comments. Com.
Presented: 18th March 2003.
Presented by the Education, Sport and Culture Committee.

Mont Orgueil development strategy: appointment of independent expert (P.19/2003) – amendment. Lodged: 4th March 2003. <i>Presented by Deputy G.C.L. Baudains of St. Clement.</i>	P.19/2003. Amd.
Health and Safety Appeal Tribunal: appointment of member. Lodged: 4th March 2003. <i>Employment and Social Security Committee.</i>	P.22/2003 (<i>re-issue</i>).
Draft Health Care (Registration) (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200-. Lodged: 18th March 2003. <i>Health and Social Services Committee.</i>	P.25/2003.
Draft Public Finances (Appointment of Investment Managers) (Jersey) Regulations 200-. Lodged: 18th March 2003. <i>Finance and Economics Committee.</i>	P.28/2003.
Assemblée Parlementaire de la Francophonie: Executive Committee membership. Lodged: 18th March 2003. <i>Presented by J.A. Le Maistre.</i>	P.30/2003.
Waterfront Enterprise Board Limited: appointment of Directors. Lodged: 18th March 2003. <i>Presented by the Policy and Resources Committee.</i>	P.31/2003.

Tax Information Exchange Agreement with the United States of America – Paragraph (b) – P.172/2002

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Policy and Resources Committee had instructed the Greffier of the States to withdraw the proposition regarding Tax Information Exchange Agreement with the United States of America – Paragraph (b), (P.172/2002 lodged “au Greffe” on 24th September 2002).

“(j)” category employees and education grants – question and answer (Tape No. 813)

Senator Edward Philip Vibert asked Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee, the following question –

“Would the President inform members whether or not the Committee has investigated all the “(j)” category employees who failed to include their rent subsidies in their tax returns for the purpose of determining whether any of their children have received education grants for higher education, which is means tested and based on declared earnings, and, if not, would the President assure members that such an investigation will be carried out and that details of how much has been overpaid in grants to these persons, if applicable, will be given to members?”

The President of the Education, Sport and Culture Committee replied as follows –

“Officers in the Department for Education, Sport and Culture have been working with the Income Tax Department to identify all “(j)” category employees who received rental subsidies over the last five years. Whether or not these were declared on employees tax returns is a matter between the employee and the Comptroller of Income Tax.

For the 2003/2004 academic year, there are two “(j)” category employees who have applied for student

awards for higher education. Of these, one employee did not declare a gross family income and therefore pays the maximum parental contribution. The second is not in receipt of a rent subsidy and receives an amount towards tuition fees but not the maintenance grant. Information relating to previous years is currently being collated.”

Aid to the dairy industry – question and answer (Tape No. 813)

The Deputy of St. John asked Deputy Francis Gerald Voisin of St. Lawrence, President of the Economic Development Committee, the following question –

“In response to a question on 10th December 2002, asked of the then President of the Agriculture and Fisheries Committee, the Assembly was informed that some £850,000 of aid had been given to the dairy industry for two restructuring schemes. This aid was over and above other direct and indirect aid received by the industry annually. In the most recent report of the Jersey Milk Marketing Board for the last six months, it is reported that losses of almost £1.43 million pounds have been recorded. Within that report, one reason given for the poor results is that the underlying losses, before exceptional items and payments in respect of producers leaving the scheme, was £703,000.

Would the President confirm that the £703,000 loss is in addition to the £850,000 received as part of the exit strategy for farmers?”

The President of the Economic Development Committee replied as follows –

“Yes, I can confirm that the £703,000 is in addition to the £850,000 received as part of the exit strategy for farmers, but it should be noted that the £703,000 is funded from the Dairy’s reserves and not public funds.”

New strategy to control inflation – question and answer (Tape No. 813)

Senator Edward Philip Vibert asked Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee, the following question –

“Will the President inform members whether the Committee intends to develop a new strategy in order to control inflation, which, last year, was described by his predecessor as ‘Jersey’s most serious financial problem’, and, if so, would he advise whether the Committee intends to bring this strategy to the Assembly for consideration, and when?”

The President of the Finance and Economics Committee replied as follows –

“The current Finance and Economics Committee remains of the view that inflation is too high in Jersey.

The tools put in place by the States Anti-Inflation Strategy, P.125/2000, remain crucial to the control of inflation in the Island. This is especially important as, unlike most other jurisdictions, the control of interest rates, the most effective anti-inflation measure, is unavailable to Jersey.

It was always recognised that the solution would not be easy and that, as the Strategy states, there are no “quick fixes”.

In the long-term fight against inflation, the initiatives set in place by the Strategy remain essential, none more so than the control of States’ expenditure. The deficits caused by States’ expenditure growing too rapidly, (as it did in the past), have undoubtedly contributed to the level of inflation in the Island.

Balancing the budget, especially through the control of public expenditure, continues to be the Finance and Economics Committee’s primary objective. This is true both from the viewpoint of curbing inflation but is also necessary in order to avoid excessive tax increases and hence reduce the Island’s competitiveness.

Relative success has been achieved by reducing increases in expenditure to less extravagant levels, in that Presidents and their Committees have, over the last two years, assisted the Finance and Economics Committee in exercising previously unforeseen degrees of control over the rises in States expenditure, yet if we are to avoid inflationary deficits then even greater control and restraint is necessary.

One of the other policy measures included in the approved anti-inflation strategy was the introduction of a Competition Law for Jersey. Robust and effective competition policies have been shown elsewhere to be extremely effective in the fight against inflation. The Finance and Economics Committee looks forward to supporting the Economic Development Committee when it brings this important law to the States very shortly.

Whilst the Committee is satisfied that it should continue with the measures set in place by the existing Strategy, it was hoped that more progress in bringing down the headline inflation figure would have been achieved by now.

More needs to be done. As long as our inflation rate remains above that of the U.K. our competitive position will surely be eroded with painful and significant consequences.

A group has been set-up between the Finance and Economics, Policy and Resources and the Economic Development Committees to co-ordinate economic policy matters. This group will consist of the Presidents of the three Committees and chaired by the Vice-President of the Finance and Economics Committee.

One of this group's major tasks will be to seek to improve understanding about the causes of inflation. Working with advisors, this group will discuss what additional measures could be introduced to strengthen and supplement our existing policies in a manner which is consistent with our Fiscal Strategy and make recommendations to the Finance and Economics Committee.

The fight against inflation is not just one for the Finance and Economics Committee, nor just the States, but one which must be addressed in the Island as a whole. The best way this Assembly can show its leadership and commitment is to curb its enthusiasm for spending. At the end of the day that remains, in my view, one of the major causes of inflation in the Island."

Standardising States publications – question and answer (Tape No. 813)

Senator Paul Vincent Francis Le Claire asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following question –

“Will the President advise members what actions, if any, the Policy and Resources Committee is taking to ensure that all people are able to use government documents with ease, and that best value for money is obtained in the production of reports, States documents, letterheads and business cards by standardising their publication?”

The President of the Policy and Resources Committee replied as follows –

“Although I am quite happy to provide answers in relation to actions taken or intended by the Policy and Resources Committee, I am sure members will recognise that the subject matter of this question clearly extends right across the States.

In terms of actions taken by the Policy Resources Committee, I confirm that:

- (a) all documents it produces, or are produced by the Policy and Resources Department, (except, of course, those which are translated into another language), are written in understandable and plain English and are published in accordance with normal States' procedures for obtaining value for money; and,

- (b) wherever appropriate, such documents are published on the States of Jersey or Government Reforms internet websites and the Policy and Resources intranet website and are made available for reference at the Central Library.

I further confirm that:

- (a) my Committee is soon to bring forward proposals for a States' corporate "Translation Policy" which, if approved, will require all Committees and departments to have all relevant documents translated to a recognised and consistent standard;
- (b) the Committee will be updating the States of Jersey and Policy and Resources websites to enhance their capabilities and inter-activeness;
- (c) in developing proposals as to how the new ministerial executive government will function, the Committee will also be seeking, with the States Greffe, to establish new standards for document production and management which should act as a catalyst for improvements across the States; and,
- (d) by utilising the workflow and electronic document management and the business process change tools and systems within our existing ICT strategy, the Policy and Resources Committee intends to support all States' Committees and departments in developing more effective and efficient ways of communication.

In the future, I have no doubt that the Council of Ministers will develop a new public image for itself and for the new corporate public service as a whole and, in so doing, will ensure that maximum value for money is achieved by the standardised and centralised production of all its documentation. However, we can only lead by example in such matters and cannot require others to follow suit."

Fire safety regulations and practices at Mont Orgueil Castle – question and answer (Tape No. 813)

Deputy Celia Joyce Scott Warren of St. Saviour asked Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee, the following question –

"At some time in the future there may be more people visiting Mont Orgueil Castle, and I would therefore ask the President to advise members whether a fire audit of the Castle has been carried out by the Jersey Heritage Trust in order to ascertain that the proposals contained in the Development Strategy are fully compliant with all current fire safety regulations and practices?"

The President of the Finance and Economics Committee replied as follows –

"Every application from the Jersey Heritage Trust for development or alteration of Mont Orgueil Castle is subject to the normal planning processes, which include compliance with the fire safety requirements of the current Building Bye-Laws, administered by the Building Control section of the Environment and Public Services Department. That Department works closely with the Fire Prevention Officer in determining an application, and in considering any conditions to be placed on a permit.

The proposals outlined in the Development Strategy have been explained to the Fire Prevention Officer, in order that he may carry out an appropriate risk assessment. His recommendations will form part of any permit that may be issued. Furthermore, the finished works will also be inspected by the Fire and Rescue Service, and their officers may stipulate further conditions if they deem them necessary, such as a limitation on the number of persons that can be in a room at any one time.

It should also be borne in mind that

the castle is considered of low risk, being primarily constructed of incombustible materials;

smoking is not permitted within the castle buildings; and,
provision for a fire alarm system is included within the project budget.

I have full confidence in the ability of the Fire and Rescue Service to impose any conditions it deems necessary, and I am equally confident that the Jersey Heritage Trust will appreciate the need for safety as being of paramount importance.”

Waterfront bridge project – question and answer (Tape No. 813)

Senator Edward Philip Vibert asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following question –

“Would the President inform members how much the Waterfront Enterprise Board Limited has spent on the new bridge project to date, and what the specific cost is relating to the public opinion poll run by NOP?”

The President of the Policy and Resources Committee replied as follows –

“To date, the costs incurred in running the international design competition and the public consultation exercise for the proposed bridge have amounted to £42,768. Of this sum, £20,000, which was the first prize awarded to the winner of the design competition, would be recovered if the bridge was to be built. The additional cost of the opinion poll run by NOP was £5,500.”

Public Employees Contributory Retirement Scheme – question and answer (Tape No. 813)

Senator Leonard Norman asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following question –

- “(a) What, if any, is the current and projected funding deficit of the Public Employees Contributory Retirement Scheme?
- (b) If there is a current or projected deficit, how is it to be funded?
- (c) What assumptions are made when calculating the surplus or deficit in terms of investment returns from the fund, longevity of members and the rate of inflation?
- (d) What are the current employees’ and employer’s contributions as a percentage of total States payroll costs and as pure annual cash amounts?
- (e) Does the Committee consider the scheme to be sustainable in its current format, given its defined benefits, and if the answer is in the negative, what action does the Committee plan to take?
- (f) How is the Committee currently able to take informed decisions regarding the scheme when the last available valuation is five years out of date, and the next available valuation will be at least two years out of date?”

The President of the Policy and Resources Committee replied as follows –

- “(a) The last published valuation was at 31st December 1998, when a funding deficit of £22.2 million was shown. As this was a relatively small deficit it was agreed to carry it forward until the next triennial valuation as at 31st December 2001. The results of that valuation have not yet been finalised, but preliminary indications are that it is likely to reveal a significant deficit.
- (b) Officers of the States Human Resources Department and the Treasury have already met on a number of occasions with the Actuaries to consider a variety of ways of addressing the likely deficit, including a

possible new scheme for future employees. Once proposals have been approved by the Policy and Resources Committee they will be put to the PECRS Joint Negotiating Group which consists of representatives of current employees and pensioners under the scheme. A paper on this subject is to be considered by the Policy and Resources Committee's Human Resources Sub-Committee on 21st March 2003.

- (c) The current assumption which the Actuaries adopt regarding investment returns on the fund is that they will exceed inflation by 3.75 per cent per annum averaged over the long term future.

With regard to longevity, the Actuaries base their assumptions on the mortality experience of the scheme membership, but prudent allowances are made for future improvements in longevity. The longevity assumptions are reassessed by the Actuaries at each triennial valuation to ensure that they reflect the most up to date experience of the scheme.

The rate of inflation is not considered to have a significant impact on the results of a valuation because it is the difference between the projected investment returns and projected inflation which is of key importance. Having said that, it is worth noting that allowance is made for inflation in Jersey to exceed inflation in the United Kingdom.

- (d) In 2002, the employees' contribution to the scheme was slightly under £8 million, which was approximately 3.2 per cent of total State's payroll costs. In the same year, the employer's contribution was just over £22.2 million, which was approximately 8.9 per cent of total State's payroll costs.
- (e) The Committee believes that if agreement can be reached with the Joint Negotiating Group and Committee of Management of PECRS on ways of addressing the likely deficit, the scheme can be sustainable for the foreseeable future. It is important to note that this is not a scheme where the States meets the balance of costs. An increase in the employer's contribution rate can only come about with the approval of the States. In this respect the scheme is different from defined benefits schemes generally. In the final analysis, if the States and the Committee of Management are not able to agree on ways of addressing a deficit, pensions in payment are reduced accordingly to dispose of the deficit.
- (f) As I said in my answer to question (a), the Committee has already received preliminary results for the fund as at December 2001. Those results are subject to further discussion with the Actuaries before being finally published. However, I understand that the Actuaries in formulating their advice take into account changes in financial markets since the due date of the valuation."

Recommendations of the Dr. Donald McQueen report on the dairy industry in Jersey – question and answer (Tape No. 813)

Deputy Geoffrey Peter Southern of St. Helier asked Deputy Francis Gerald Voisin of St. Lawrence, President of the Economic Development Committee, the following question –

“Following the decision of the States on 4th March 2003, to defer debate on the proposition P.7/2003 ‘School Milk: provision for the years 2003, 2004 and 2005’, and in the light of recommendation Nos. 22, 23 and 24 of the report by Dr. Donald McQueen dated February 2003 regarding ‘The Dairy Industry in Jersey: a Strategic Review’, will the President –

- (a) indicate when he expects to bring measures to the States on the immediate assistance outlined in recommendation 22 of the report?
- (b) indicate when he expects to report what action the Committee is proposing in order to meet the longer term goal of lowering milk production costs and stabilising the size of the Island herd, as outlined in recommendations 23 and 24? and,
- (c) confirm that some means will be found to support the continued provision of school milk, (as stated in recommendation 22(c)), when the current funding arrangements terminate at the end of this

year?”

The President of the Economic Development Committee replied as follows –

- “(a) Following the release of Dr. McQueen’s report on 14th February 2003, the Economic Development Committee allowed a period of one month for the dairy industry and any others with an interest in the future of the industry to put forward their views. That period ended on Friday 14th March 2003. The Committee will now be considering what steps need to be taken bearing in mind Dr. McQueen’s recommendations and the views subsequently expressed by the industry and the Agriculture and Fisheries Advisory Board. The Committee will be discussing the matter at its meeting on 26th March 2003. Depending on the outcome it is possible that the Committee will then discuss with the Finance and Economics Committee the extent to which Dr. McQueen’s recommendations for additional short-term financial assistance can be met. If necessary, the Committee will consider bringing proposals to the States.
- (b) Before deciding what action to take, the Committee must first evaluate the responses from the consultative process that ended last Friday. Dr. McQueen will be involved in deciding any proposed action.
- (c) I am not able to confirm this.”

Restrictions on foreign nationals for driving tests as related to Human Rights – question and answer (Tape No. 813)

Senator Paul Vincent Francis Le Claire asked Senator Wendy Kinnard, President of the Home Affairs Committee, the following question –

“Would the President advise members –

- (a) whether there are any restrictions on Polish workers taking their driving tests in Jersey, and, if so, why such restrictions apply?
- (b) whether there are any restrictions on other foreign workers taking their driving tests in Jersey, and, if so, which nationalities are concerned? and,
- (d) whether the Committee sought legal advice confirming that any such restrictions do not contravene human rights legislation, and, if so, what this legal advice stated?”

The President of the Home Affairs Committee replied as follows –

- “(a) In order to undertake a driving test a candidate has to obtain a Jersey provisional licence. In order to obtain a Jersey provisional licence the applicant must apply to the parochial authority on the prescribed application form under Article 2 of the Motor Vehicles (Driving Licences) (Jersey) Order 2003. The prescribed application form, (Schedule 2 of the same Order), requires the applicant to provide a permanent Jersey address.

In common with other countries, Jersey only issues provisional and full licences to permanent residents. Polish workers who work in the Island as seasonal labour can only do so for a maximum period of nine months and are here on immigration permit, so, therefore, are not permanent residents.

- (b) This restriction is not placed only on Polish workers as all non EEA (European Economic Area) citizens are subject to immigration controls, are not normally entitled to take up permanent residence and therefore not entitled to hold a Jersey licence. In the case of Polish and all non EEA workers, they cannot become residents without immigration clearance. In the event of being allowed to remain for longer than 12 months they become entitled and, indeed must, obtain a Jersey licence. As Polish

licences are not exchangeable the prescribed Jersey test would have to be passed.

Those who are working for the season on permit are entitled to drive in the Island on their own country's licence. If an employer wished his/her worker to drive as part of his/her employment he/she should perhaps first have checked that a licence was held by that employee.

- (c) As human rights legislation has yet to be implemented in the Island, advice was sought from the DVLA in Swansea as this legislation has been in force in the United Kingdom for over a year. The advice received was that there is no definitive right to drive.

As a result of the Senator's question additional clarification is being sought from the Law Officers' Department."

Interception of Communications (Jersey) Law 1993 – question and answer (Tape No. 813)

Senator Paul Vincent Francis Le Claire asked H.M. Attorney General the following question –

"By virtue of Article 3(2) of the Inception of Communications (Jersey) Law 1993, Her Majesty's Attorney General shall not issue a warrant under that Article for the interception of communications unless he considers it necessary in the interest of national security or for the purpose of preventing or detecting serious crime. Under Article 1(3)(a), the definition of serious crime includes conduct by a large number of persons in pursuit of a common purpose.

- (a) would the Attorney General explain what is meant by a 'large number of persons', in this context, and how that is legally defined?
- (b) would the Attorney General explain whether the reference to 'a large number of persons in pursuit of a common purpose' could lawfully include people who are interested or actively involved in creating political parties in Jersey?
- (c) if the answer to (b) is in the affirmative, how many such warrants have been issued in the past 10 years?

H.M. Attorney General replied as follows –

"(a) The word "large" is not legally defined either in the Interception of Communications (Jersey) Law, 1993, or in the Interception of Communications Act 1985, upon which the relevant parts of the 1993 Law are based. In accordance with the standard principles of statutory interpretation, this means that the word would be given its ordinary dictionary definition. The ordinary dictionary definition of "large", so far as it is relevant, is "having a relatively great quantity".

- (b) The Interception of Communications (Jersey) Law 1993, empowers the Attorney General to issue warrants for the interception of communications in the interest of national security or for the purpose of preventing or detecting crime, but he cannot issue a warrant for the purpose of preventing or detecting crime unless the crime is serious. The matters specified in Article 1(3)(a), including the reference to conduct by a large number of persons in pursuit of a common purpose, are the factors which make a crime a serious crime for the purposes of the law. The common purpose must, however, be criminal before the fact that a large number of persons are pursuing it together entitles the Attorney General to issue a warrant.

Unless the objectives of the political party were criminal – one example would be the carrying on of terrorist activities – it would not be lawful to issue a warrant under Article 3(2)(b) of the 1993 Law.

- (c) It is generally inappropriate that the Attorney General be questioned on the floor of this Assembly as to warrants which may have been issued because the purpose of the 1993 Law is to enable the covert

gathering of information in the interests of national security or for preventing or detecting serious crime.

However, and exceptionally, I am prepared on this occasion to depart from that rule. I confirm that I have not, and to the best of my knowledge and belief my predecessors have not, issued any warrant under the 1993 Law for the interception of communications on the grounds that those whose communications were to be intercepted included people interested or actively involved in creating political parties in Jersey.”

Feasibility studies on the future use of Fort Regent – question and answer (Tape No. 813)

Senator Edward Philip Vibert asked Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee, the following question –

- “(a) On 11th April 2000, the States adopted a proposition of the former Sport, Leisure and Recreation Committee, P.181/99 – Fort Regent: redevelopment, which stated that the proposed scheme was “intended to upgrade and re-develop the Fort in a new and exciting way, by creating a workable, attractive sporting and historic facility which is appropriate to its important prominent location in the heart of St. Helier. The scale of the building and the all-encompassing sport and recreation facilities to be provided under one roof, develops the idea originally mentioned in the 1997 Roger Quinton Associates (RQA) report”.
- (i) Would the President explain to members why the Committee has changed its thinking regarding the use of Fort Regent since the Assembly debated and approved P.181/99?
- (ii) Would the President inform members how much was spent by the Committee on preparing the report by Roger Quinton Associates (RQA)?
- (b) Would the President inform members how much has been spent at Fort Regent by the Committee for repairs and maintenance in the last three years excluding any costs relating to the pool facility, and provide members with the details of what is currently necessary to be spent on any urgent repairs and maintenance and the upgrading, where necessary, of any of the current facilities?
- (c) Would the President confirm that the Committee is now planning to carry out two feasibility studies on the future use of Fort Regent, and describe what the Committee has in mind?
- (d) Will the President undertake to bring to the Assembly full details of the brief that will be provided to the company engaged to carry out the first feasibility study, together with the costs, so that the Assembly can consider the matter before any contracts are signed in order to avoid any potential unnecessary expenditure?”

The President of the Education, Sport and Culture Committee replied as follows –

- “(a) (i) Whilst the States adopted P.181/1999, the associated funding was not allocated. Subsequently, each year, the then Sport, Leisure and Recreation Committee applied for resources through the capital allocation process to undertake the redevelopment of Fort Regent. However, each year, the project was not considered to be of a sufficient priority when compared to other projects, and, consequently, funding was not allocated. During 2002, the Committee Presidents undertook a prioritisation exercise for applications for funds for the 2004 capital programme. The submissions included an application for the redevelopment of Fort Regent, seeking funding of £2 million per annum over a ten-year period. Again this application was unsuccessful, falling short of other States’ priorities. It was clear to the then Sport, Leisure and Recreation Committee that under the current fiscal climate the Roger Quinton Associate’s proposals for the redevelopment of Fort Regent was not of sufficient priority to attract funding from the capital budget for the foreseeable future.

With no significant investment, standards will inevitably decline at Fort Regent, particularly when

compared with nearby modern facilities. These include the pool and fitness centre on the Waterfront, Haute Vallée School pool and sports hall and the Langford pool and sports hall. The merger of the former Education, and Sport, Leisure and Recreation Committees to form the Education, Sport and Culture Committee presents the opportunity to make better community use of school sites, and I have previously expressed a commitment to ensuring that full advantage is taken of this opportunity.

In 2002, all States Committees were asked to undertake a fundamental review of their business and budgets. The then Sport, Leisure and Recreation Committee completed an in depth review of its services and facilities to determine how it could best meet the needs for sport and recreation in the Island in the future.

These are the reasons that have prompted the Committee to review its range of provision. The review will determine whether the facilities at Fort Regent can continue to serve the Island while maintaining current high level standards of customer service, without further significant States' investment, or whether more appropriate arrangements may be provided at little or no additional cost to the States.

- (ii) The preparation of the Roger Quinton Associates' report cost the former Sports, Leisure and Recreation Committee £49,625.
- (b) Over the past 3 years, £960,500 have been spent on repairs and maintenance at Fort Regent. In addition £2.4 million have been spent on amenity improvements and minor capital works. Other than provision contained in the Roger Quinton Associate's report for the proposed redevelopment, there are maintenance requirements estimated at £1.8 million that cannot be met from the Fort's existing annual maintenance budget. These include replacement of glazing, access road repairs, the upgrading of mechanical and electrical equipment and the demolition of the former aquarium area. All of these items have potential implications for health and safety.
- (c) The Committee is intending to carry out a single feasibility study in two stages. The study will, in the first instance, examine the market potential for a mixed development within the Fort Regent site, set out a number of development scenarios and prepare an overall business case assessment of the Fort's potential. This will ascertain whether a mixed use development can be self funding and not reliant on any capital or revenue contributions from the States. The study will also examine the possible displacement of existing Fort user groups and set out options either for their relocation or retention on site. The study will of course, address the implications of no changes being made to existing provisions and arrangements.

The second stage, intended to examine the potential development of sport and leisure activities to the Le Rocquier school site, will only proceed if it is clear that the needs of the community living and working in St. Helier may adequately be met.

The study is due to commence in June 2003, and will take approximately 16 weeks.

- (d) The Education, Sport and Culture Committee is charged by the States to fulfil its mandate on behalf of the States and this is what it is doing by preparing the terms of reference of the study, prior to the recruitment and selection process of the consultants. For States members' information I have today circulated the Study Brief and Request for Expressions of Interest. However, I do not wish to make known the amount being requested from the Finance and Economics Committee for a planning vote until such time as the tendering process has been completed so as not to undermine that process."

Jersey Conference Bureau's report on a conference centre at Fort Regent – question and answer (Tape No. 813)

Senator Edward Philip Vibert asked Deputy Lyndon John Farnham of St. Saviour, Vice-President of the Economic Development Committee, the following question –

- “(a) would the Vice-President inform members of the full cost, including publication of the report, of the recent study carried out into building a conference centre at Fort Regent by the Jersey Conference Bureau?
- (b) would the Vice-President inform members whether or not the Jersey Conference Bureau liaised with the Education, Sport and Culture Committee during this process?
- (c) would the Vice-President inform members when the Jersey Conference Bureau became aware of plans by the Education, Sport and Culture Committee to research a proposal to move certain facilities from Fort Regent to the Le Rocquier School site?”

The Vice-President of the Economic Development Committee replied as follows –

- “(a) The full cost of the conference study is £25,000. The report is being funded by the Tourism Development Fund.
- (b) The former Sport, Leisure and Recreation Committee and senior officers of that department were aware that the study was being prepared and had previously been shown copies of architects visuals and outline proposals for the conference centre within the Queen’s Hall.
- (c) The Jersey Conference Bureau was not aware of the plans of the then Sport, Leisure and Recreation Committee to move facilities from Fort Regent to Le Rocquier School. The Conference Bureau received the information when it was released to the public in Jersey on 21st November 2002, via the media.”

Territorial Army ‘call up’ in respect of the situation in Iraq – question and answer (Tape No. 813)

Senator Leonard Norman asked Senator Wendy Kinnard, President of the Home Affairs Committee, the following question –

- “(a) How many members of the local Territorial Army Unit have been ‘called up’ in the past few weeks for possible service as a result of the situation involving Iraq?
- (b) how many of these members returned home because they were unfit for duty?
- (c) would the President give details of exactly what made them unfit for duty and indicate why their lack of fitness was not recognised before they left for the United Kingdom?
- (d) what costs were incurred in transporting these members to and from the United Kingdom and who has had to meet these abortive costs?”

The President of the Home Affairs Committee replied as follows –

- “(a) 10 Personnel were mobilised.
- (b) Appeals: Two of those who were called up appealed directly and did not travel to the United Kingdom. One is the sole carer for his disabled daughter, and the other shares the care of his disabled son, whilst his wife completes her studies.

Request for Postponement: One soldier applied for a two-week postponement as his partner had just given birth to their first child. The MOD would not consider postponements for any mobilised soldiers, and consequently the mobilisation centre returned the soldier to Jersey.

Medicals: The following cases were found:

Hernia
Stomach ulcer
Chest infection
Chest infection with possible asthma
One minor shoulder injury

Leaving two to be retained for service.

- (c) These details show these medical cases to be minor and the individuals concerned were unaware of medical problems. All five medical cases are currently being reviewed and it is likely that the majority will return to being medically fit in the near future. It should be noted that the issue of fitness refers to medical fitness and not physical fitness. Those who were mobilised had recently completed their mandatory military training for this year, which included a fitness assessment.
- (d) The cost of transporting members of the Territorial Army to and from the United Kingdom was approximately £1,500 and an approach has been made to the MOD for these costs to be reimbursed.”

Constitution of the Jersey Heritage Trust – question and answer (Tape No. 813)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee, the following question –

“Paragraph 5.3 of the Jersey Heritage Trust’s Constitution states those persons who shall be eligible for the Board. Paragraph 5.3.3 specifies ‘a member for the time being of the States of Jersey who is committed to the objectives of the Jersey Heritage Trust as set out in paragraph 3 of the Constitution and a member for the time being of the Finance and Economics Committee nominated in writing by that Committee’.

Will the President advise which two States members currently fill these two places?”

The President of the Finance and Economics Committee replied as follows –

“During 2002, it was agreed that responsibility for the Jersey Heritage Trust would be transferred from the Finance and Economics Committee to the Education, Sport and Culture Committee. On this basis it was considered inappropriate for my Committee to appoint a member to the Trust’s Board. Instead, the Education, Sport and Culture Committee, which has for all intents and purposes already assumed practical responsibility for the Trust, has nominated a member for this purpose, Deputy Carolyn Fiona Labey of Grouville.

Regrettably, although the transfer was intended to take effect from the start of the new session of this Assembly, a formal report and proposition to give legal effect to the transfer has yet to be presented to the States as the associated constitutional implications have proved to be rather more time-consuming than anticipated.

It is anticipated that the report and proposition will be lodged and debated shortly, after which the constitutional arrangements should be complete.

As to the States member “who is committed to the objectives of the Jersey Heritage Trust”, I can confirm that this member is Connétable A.S. Crowcroft of St. Helier.”

The Jersey Heritage Trust – question and answer (Tape No. 813)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee, the following question –

“Following the debate on the Jersey Heritage Trust: amendments to constitution, (P.37/2002), on 4th March 2003, would the President explain –

- (a) why he stated that the Trust’s constitution was a matter for the Royal Court rather than the States, when the States has the power to determine such matters, as has, indeed, been the case in the past? and,
- (b) why he suggested that criticisms of the Trust by the Society for the Protection of Ancient Buildings were incorrect based on an e-mail communication dated 4th May 2002, by the Society in which it withdrew its comments, and would he provide details of the content of the e-mail, the addressee, the sender, whether or not it was solicited and, if so, by whom, and whether it was subsequently confirmed by letter or fax?”

The President of the Education, Sport and Culture Committee replied as follows –

- “(a) My comment referred to in Deputy Baudains’ question was made in seeking clarification from the Attorney General of the legal position of the Jersey Heritage Trust in relation to the Deputy’s proposed amendments. I can confirm the Trust was established by the States and unlike certain other trusts is not registered with the Royal Court.
- (b) I stated that criticism of the Trust by the Society for the Protection of Ancient Buildings, (SPAB), had been incorrect because of an e-mail received by the chairman of the Trust, Jurat John de Veulle, from Peter Burman of SPAB on 4th May 2002, in which he stated –

“Turning to the earlier report, which I made with John Goom, I would like to withdraw the lines on page 5 which read:

‘the manner and extent of the archaeological intervention has aroused criticism, with which we agree, particularly since so much has been carried out before the Conservation Plan Process has been completed.’

You may remember that I raised this matter towards the end of the seminar last week, because I thought it might be sensible and helpful to articulate it. Warwick Rodwell’s reply was entirely reassuring; but, even more important, I believe that the open and thorough way in which he had earlier explained on site just exactly what he had opened up and why more than satisfied this area of concern.”

The sentiments expressed in the e-mail confirm an earlier conversation between Jurat de Veulle and Peter Burman. These comments were offered unsolicited by Peter Burman at the seminar on 24th April 2002. In that conversation Jurat de Veulle requested that Peter Burman confirm his views in writing. A copy of the full text of the e-mail has been distributed to member today with both author’s and addressee’s permission. There was no further correspondence on this matter in fax or letter.”

Possible States list of contractors/suppliers – question and answer (Tape No. 813)

Senator Paul Vincent Francis Le Claire asked Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee, the following question –

“Is there a list of contractors and businesses kept on a register within the States so that the public can understand who is supplying the States, and, if not, does the Committee have any plans to establish a register of businesses informing the public as to which accountants, builders and other contractors, etc., provide services?”

The President of the Finance and Economics Committee replied as follows –

“There is no single States-wide register of suppliers of services to the States.

It is my understanding that some departments maintain approved lists of suppliers for specific purposes, but no such central list exists, nor a public register of how much business each supplier is awarded. For internal management purposes the existing financial system can be interrogated by Committees to ascertain how much business is undertaken by individual suppliers. Indeed the new financial system being installed by the Treasury would further aid this analysis.

The provision to the public of any details, let alone a comprehensive analysis of suppliers, would prove to be difficult given data protection issues.

Nevertheless, steps are being taken to ensure fairness and value for money in the awarding of supply contracts, for example the procedure established in Code of Direction No. 8– Capital Projects – Review and Control for the awarding of construction tenders and Code of Direction 27 – engagement and use of consultants.

In addition, it is a matter of public record that all tenders awarded from construction contracts over £200,000 are reported to the States and that the States themselves appoint the States’ Auditors and their remuneration for the audit is recorded in the Annual Report and Accounts.”

Leases with the Jersey Heritage Trust – question and answer (Tape No. 813)

The Deputy of St. John asked Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee, the following question –

“Will the President inform the Assembly whether there are any premises which are occupied by the Jersey Heritage Trust which are done so without a lease being in force, and, if so, would he inform members of the reasons for this, as well as providing the terms of such arrangements including the applicable dates of commencement and termination, and a breakdown of responsibilities between the landlord and tenant in respect of maintenance issues?”

The President of the Finance and Economics Committee replied as follows –

“To answer the question as laid down would require me to reproduce a full set of documents relating to the Jersey Heritage Trust’s interest in all the properties it occupies. To provide a reasonable level of information to members, I set out the following details of all the properties occupied or administered by the Jersey Heritage Trust:

- 1 The Sir Francis Cook Gallery, Augrès, Trinity. This property was acquired by deed of gift dated 4th May 1984, from Lady Bridget Lynch Cook. As owner, the Trust has all the responsibilities of upkeep and maintenance.
- 2 No. 9 Pier Road and the property to the rear of 9 Pier Road, 17 Pier Road, 1 Caledonia Cottages and 748 square feet of land forming part of the site of 15 Pier Road, St. Helier. All this property was acquired by deed of gift from the Public dated 13th January 1989.
- 3 No. 13 Pier Road, St. Helier. This property was acquired by deed of gift from the Société Jersiaise date 13th January 1989.
- 4 No. 2 Caledonia Cottages, St. Helier. This property was also acquired by deed of gift from the Société Jersiaise dated 13th January 1989.

All the aforementioned properties situated at Pier Road and Caledonia Cottages and described in paragraphs numbered 2, 3 and 4 now form part of the new Jersey Museum complex, a property for which the Trust, as owner, has all the responsibilities of upkeep and maintenance.

- 5 On 18th June 1993, the Trust took a lease of Le Hocq Tower, St Clement for a period of twenty-five years to commence on the 24th June 1992, at £10.00 per annum, which rental was payable by one payment in advance on the passing of the contract. The Trust has the responsibilities of upkeep and maintenance of this property.
- 6 By contract dated 13th December 1996, the Trust acquired from the Public of this Island by way of deed of gift the perpetual usufruct, or life enjoyment, of the following three properties:-
 - (a) Mont Orgueil Castle together with the lands dependant thereto;
 - (b) Elizabeth Castle; and
 - (c) a certain area of rock dependant of Elizabeth Castle with the two buildings constructed thereon and generally known as the "Hermitage de St. Helier".
- 7 On 24th January 1997, the Trust exchanged certain walls and offsets at the Sir Francis Cook Gallery with "Randalls Properties Limited", the owner of "Oaklands Lodge Hotel". This was merely a re-arrangement of the boundaries and assisted the Trust with the construction of the collections store to the rear of the Sir Francis Cook Gallery.
- 8 The Trust occupies the properties known as the Occupation Tapestry Gallery and the Maritime Museum (B, C, D and E stores) under a nine-year lease from the Harbours and Airport Committee expiring on 30th June 2005. It has a nine-year lease of 'A' store granted on 1st September 2000, expiring on 1st September 2009. The Trust is responsible for internal maintenance and the Committee for external maintenance of these properties.
- 9 The Trust will soon be entering into an agreement to administer Grosnez Castle for a term of seven years, a property for which the Trust will have the responsibilities of upkeep and maintenance, within the limits of available financial resources.
- 10 The status of the Trust's occupancy of the Jersey Archive building at Clarence Road, opened in 2000, is still the subject of negotiation between the Finance and Economics Committee, the Property Services Department and the Trust. The Trust has indicated its readiness to sign a lease on the building provided that sufficient funds are made available to allow the Trust to discharge any consequent additional responsibilities for this public building.
- 11 La Hougue Bie is occupied under a management agreement entered into on 2nd November 1987, with the Société Jersiaise, the terms of which were subsequently amended by an agreement dated 23rd October 1992. The Trust is responsible for the maintenance and upkeep of all the publicly accessible buildings and spaces on the site, and the Mound itself.
- 12 Hamptonne Country Life Museum is occupied under a management agreement entered into on 21st May 1993, with the National Trust for Jersey, which is the reversionary owner of the property under contracts passed before the Royal Court on 11th December 1987, and the Société Jersiaise, usufructuary owners of the property under a contract similarly dated and also passed before the Royal Court. The Trust is responsible for the maintenance and upkeep of the buildings and grounds."

Leases with the Jersey Arts Trust – question and answer (Tape No. 813)

The Deputy of St. John asked Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee, the following question –

“Will the President inform the Assembly whether there are any premises which are occupied by the Jersey Arts Trust which are done so without a lease being in force, and, if so, would he inform members of the reasons for this, as well as providing the terms of such arrangements including the applicable dates of commencement and termination, and breakdown of responsibilities between the landlord and tenant in

respect of maintenance issues?”

The President of the Education, Sport and Culture Committee replied as follows –

“There are two States properties occupied by the Jersey Arts Trust for which leases have not yet been agreed. These are the Opera House and St. James’ Centre. Negotiations between the Trust, the Opera House Board Limited, the Jersey Arts Centre Management Association, the Property Services Department and the States Treasury are ongoing, and are focused upon the terms and conditions of the leases and the financial resources required by all parties to meet any agreement made. My understanding is that the bodies occupying the premises are unwilling to accept ‘full repairing’ leases within their current resources.

With regard to the Deputy’s enquiry concerning the breakdown of responsibilities between parties, and the effective commencement and termination dates of the leases, these items will be detailed in the lease documentation once agreed by the above parties.”

Proposed Magistrate’s Court – question and answer (Tape No. 813)

Deputy Robert Charles Duhamel of St. Saviour asked Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee, the following question –

“In January 2002, the Committee gave its approval to a Planning Vote request for £250,000 to enable studies to be undertaken of a number of sites mainly under the administration of the States of Jersey and the Parish of St. Helier with a view to maximizing their development potential.

The Finance and Economics Committee requested the then Planning and Environment Committee to establish a Feasibility Study Co-ordinating Group, (FeSCo), to include political representation from the Planning and Environment, Finance and Economics and the then Public Services Committees, together with a Treasury representative. Area study teams were not to be constrained or restricted in their thinking but to consider previously unidentified alternatives which could provide economic or social benefits.

One of the areas to be considered encompassed Lemprière Street Car Park, the States Car Park adjoining Cyril Le Marquand House, the Public Car Park in Old Street, Cyril Le Marquand House, and the Parade Triangle, which was known as area feasibility study six (AFS6).

Would the President –

- (a) advise members of the cost of the consultancy fees and the civil service time in respect of work undertaken for AFS6?
- (b) confirm that although the terms of reference for the FeSCo Group stipulated the completion of the study by August 2002, the final report was not completed until October 2002, and why no reference to either the existence of the FeSCo Group, or its final report on AFS6, was made in the Committee’s report and proposition P.202/2002, (Magistrate’s Court: approval of drawings), adopted by the States on 5th December 2002?
- (c) advise members of the recommendations contained in the FeSCo Report on AFS6, and, in particular, whether the report recommended the siting of the Magistrate’s Court as proposed in P.202/2002, and, if not, explain how this compares financially?
- (d) advise members, in view of the current budgetary constraints, what value of development premium, if any, is the Committee prepared to forego in order to pursue the construction of the Magistrate’s Court in the position set out in P.202/2002?”

The President of the Finance and Economics Committee replied as follows –

- (a) The AFS6 study group was led by the Parish of St. Helier under the FeSCo umbrella group set up and funded through a planning vote transfer by the then Planning and Environment Committee.

I am advised that the cost of consultancy fees for the AFS6 group was –

John Richards and Partners (architectural consultancy)	£6,317.00
Ross Gower Associates (engineering consultancy)	£ 343.24
Colin Smith and Partners (cost consultancy)	£1,620.00
Total	<u>£8,280.24</u>

The input to the area study (AFS6) by officers of the Parish of St. Helier has been undertaken in addition to those officers' normal duties and no costs have been charged as part of their contribution to the study, nor for civil servants' time.

- (b) The terms of reference provided for the completion of the area feasibility studies was by the end of August 2002, with the production of a document to the FeSCo group in September 2002, to enable the preparation of a coordinated report to political members.

The work of the FeSCo coordinating group was not commenced until January 2003, when all the documents recording the five area studies (subsequently referred to by FeSCo as working papers) were completed. The FESCO coordinated report was finalised in February 2003, after several drafts.

The final version of the AFS6 area document was not available when the Finance and Economics Committee met on 29th November 2002, to consider Magistrate's Court drawings. However, the Committee was provided with an extensive extract from a draft of the area document which I now understand had neither been received by, nor accepted by the FeSCo group at that time.

The Committee considered that the options identified in the draft AFS6 document did not address the requirement to procure a new property to meet the urgent needs of the Magistrate's Court and Probation Service. The Committee, therefore, strongly supported the need to continue with the current proposals to develop on the car park site adjacent to Cyril Le Marquand House and uphold previous States' decisions.

Members will be aware that the proposed use of this site for a Magistrate's Court has been the preferred option for some time and that this Assembly approved the transfer of the northern section of Old Street from the Parish of St. Helier for the sole purpose of facilitating the construction of a new Magistrate's Court with the ancillary States' offices some three years ago when adopting P.201/1999.

The conclusions of the draft AFS6 document were not relevant to the States' discussion in respect of the approval of the drawings for the building to be constructed on the agreed site under P.202/2002.

- (c) The Finance and Economics Committee has, as have all States' members, received but not yet considered the final version of the FeSCo coordinated report. The Deputy will know, as a member of the Environment and Public Services Committee, that this is to be further considered by that Committee. The FeSCo coordinated report recommends that any further study work by the Parish should concentrate on the parish yard on the basis that the Magistrate's Court building project will proceed as planned.

The draft AFS6 area document identified three favoured options. Two of these wrongly assumed that the Magistrate's Court and Probation Service could be accommodated alongside the proposed new Police Headquarters. This is unacceptable as there is a need for separation of the respective functions, not least to comply with the provisions of Article 6 of the Human Rights (Jersey) Law 2000.

The third option proposed the development of the Magistrate's Court building on the present site of

Cyril Le Marquand House. Such a radical redevelopment of the whole area could not be achieved within current States funding or in a timescale necessary to deliver the Magistrate's Court and Probation offices.

As the AFS6 report did not identify a credible alternative for the Magistrate's Court development, a financial comparison with the proposals approved in P.202/2002 cannot be made. I am informed that entirely independently, the FeSCo coordinating group subsequently reviewed the area document once the report was available and concluded that the figures postulated in it were incomplete since they were unrealistic and failed to take any account of the additional capital cost of replacement facilities which would arise. The FeSCo group therefore rejected the area group's conclusions.

- (d) The preferred options postulated in the draft AFS6 area document in respect of the Magistrate's Court are entirely unachievable, therefore any development premium hypothesised by the draft AFS6 document cannot be realised. I am advised that the FeSCo group entirely agrees with this position."

Proposed updated strategic plan – question and answer (Tape No. 813)

Senator Edward Philip Vibert asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following question –

"Would the President advise members whether the Policy and Resources Committee's proposed updated strategic plan for the Island, which he has stated will be linked to States fiscal strategy and a ten year strategic plan for the finance industry, will include the tourism and agricultural industries as part of the Committee's vision of the future, and that due attention will be paid to the needs of those industries."

The President of the Policy and Resources Committee replied as follows –

"Yes, of course. It would be unthinkable for any States' Strategic Plan to be produced without the inclusion of strategies for both the tourism, and agriculture and fisheries industries."

Draft Fishing Vessels (Safety Provisions) (Jersey) Regulations 200- P.13/2003 Amendment – P.13/2003.Amd.

THE STATES commenced consideration of the draft Fishing Vessels (Safety Provisions) (Jersey) Regulations 200-, and adopted the preamble.

Regulations 1 to 137 and the Schedules were adopted, the States having accepted amendments of Deputy Gerard Clifford Lemmens Baudains of St. Clement that in paragraph (c) of Regulation 83 after the word "emitting" there should be deleted the words "2 or more" and after the word "stars" there should be deleted the words "either together or separately", and that in paragraph (2) of Regulation 87 after the words "12 months" there should be inserted the words "or other such period as the liferaft manufacturer shall specify". The States granted leave to Deputy Gerard Clifford Lemmens Baudains of St. Clement to withdraw his amendment to Regulation 108 that after the words "Every vessel" there be inserted the words "of 6 metres or over but" and for paragraph (3) there be substituted the following paragraph –

"Every vessel less than 6 metres in length to which these Regulations apply shall be provided with at least one fire bucket with lanyard or at least one fire extinguisher."

THE STATES, by virtue and in exercise of the powers conferred upon them by the Order in Council of 14th April 1884, made Regulations entitled the Fishing Vessels (Safety Provisions) (Jersey) Regulations 2003.

Construction Industry: grant of licences – P.18/2003

THE STATES, adopting a proposition of the Economic Development Committee referred to their Act dated 23rd November 1994, in which they expressed support for the revised policy of the Finance and Economics Committee relating to the application from non-local contractors or sub-contractors for a licence under Part II of the Regulation of Undertaking and Development (Jersey) Law 1973, as amended, agreeing that such licences should only be granted if the applicants offered a price advantage of at least five per cent, and agreed that the rule should be abolished with immediate effect and replaced by the tender process rule as set out in the report of the Economic Development Committee dated 18th February 2003.

**Field 126, La Grande Route de la Côte, St. Clement: construction of homes– P.17/2003
Comments – P.17/2003 Com.**

THE STATES, adopting a proposition of Deputy Gerard Clifford Lemmons Baudains of St. Clement, requested the Environment and Public Services Committee to review the decision of the former Planning and Environment Committee to allow the construction of 9 houses on part of Field 126, La Grande Route de la Côte, St. Clement (PP.2000/2083).

Members present voted as follows –

“Pour” (26)

Senators

Le Maistre, Syvret, Norman, Kinnard, Lakeman, E. Vibert.

Connétables

St. Brelade, St. Mary, St. John, St. Peter, St. Clement.

Deputies

Trinity, Duhamel(S), Breckon(S), Huet(H), St. Martin, Baudains(C), Voisin(L), Scott Warren(S),
Le Hérissier(S), Martin(H), Southern(H), Bernstein(B), Taylor(C), St. Peter, De Faye(H).

“Contre” (18)

Senators

Walker, Le Sueur, Routier, M. Vibert, Ozouf.

Connétables

St. Ouen, St. Saviour, St. Helier, St. Lawrence.

Deputies

Le Main(H), Dubras(L), Farnham(S), Fox(H), Bridge(H), St. Mary, St. Ouen, Ryan(H), Hilton(H).

Field 126, La Grande Route de la Côte, St. Clement: construction of homes– P.98/2002 – withdrawal.

THE STATES granted leave to Senator Christopher Gerard Pellow Lakeman to withdraw the proposition concerning Field 126, La Grande Route de la Côte, St. Clement: construction of homes, (P.98/2002 lodged “au Greffe” on 11th June 2002).

Public Employees Contributory Retirement Scheme Committee of Management: membership – P.21/2003

THE STATES, adopting a proposition of the Policy and Resources Committee, and in accordance with Regulation 3(5) of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989

as amended, approved the appointment of Mr. G.A. Birbeck as a member representative on the Committee of Management for the period ending 31st December 2003, in place of Mr. D.R. Littlechild.

THE STATES rose at 5.12 p.m.

A.H. HARRIS

Deputy Greffier of the States.