

STATES OF JERSEY ORDER PAPER

Tuesday 1st April 2003

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Public Finances (General) (Amendment No. 23) (Jersey) Rules 2003. R&O 20/2003.
Finance and Economics Committee.

Collective Investment Funds (Recognised Funds) (Rules) (Jersey) R&O 21/2003.
Order 2003.
Finance and Economics Committee.

Gambling (Gaming and Lotteries) (Gaming Machines) (Jersey) Order R&O 22/2003.
2003.
Economic Development Committee.

Diseases of Animals (Sheep and Goat Spongiform Encephalopathy) R&O 23/2003.
(Jersey) Order 2003.
Economic Development Committee.

Road Racing (Karts) (Jersey) Order 2003. R&O 24/2003.
Home Affairs Committee.

Road Racing (Hill Climbs and Sprint) (Jersey) Order 2003. R&O 25/2003.
Home Affairs Committee.

Community Provisions (Control of Dual-Use Items and Technology) R&O 26/2003.
(Application) (Amendment No. 2) (Jersey) Order 2003.
Home Affairs Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

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

General Reserve: grant of additional funds to 31st December 2002. R.C.16/2003.
Finance and Economics Committee.

Regulation of Undertakings and Development (Jersey) Law 1973, as R.C.17/2003.
amended: policy statement.
Economic Development Committee.

States Rental Waiting List. R.C.18/2003.
Housing Committee.

Office of Fair Trading: establishment (P.97/2002) – comments. P.97/2002. Com.
Economic Development Committee. (3)

Mont Orgueil development strategy: appointment of independent expert (P.19/2003) – comments. P.19/2003. Com. (3)
Policy and Resources Committee.

Mont Orgueil development strategy: appointment of independent expert (P.19/2003) – comments. P.19/2003. Com. (4)
Finance and Economics Committee.

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

Presented on 25th March 2003

Public Lotteries: report for 2002. R.C.14/2003.
Economic Development Committee.

Freedom of Information: Consultation Paper. R.C.15/2003.
Privileges and Procedures Committee.

Mont Orgueil development strategy: appointment of independent expert (P.19/2003) – comments. P.19/2003. Com. (2)
Environment and Public Services Committee.

(b) Notification of Standing Order decisions

26th March 2003

Decisions under delegated functions.
Finance and Economics Committee.

(c) Notification of acceptance of tenders

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

Public right of access to information, financial and other records of the States of Jersey. P.34/2003.
Deputy A. Breckon of St. Saviour.

Draft Motor Traffic (No. 10) (Jersey) Regulations 200. P.35/2003.
Home Affairs Committee.

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

Lodged on 25th March 2003

Code of Conduct for elected Members of the States. P.32/2003.
Privileges and Procedures Committee.

Waterfront Enterprise Board Limited: dissolution. P.33/2003
Senator S. Syvret.

(f) Papers for consideration by the States in Committee under Standing Order 38A

E. STATEMENTS AND PROPOSITIONS RELATING TO THE ARRANGEMENT OF PUBLIC BUSINESS AT THIS OR ANY SUBSEQUENT MEETING

THE STATES are asked to note that in accordance with Standing Order 22(3), the President of the Health and Social Services Committee has instructed the Greffier of the States to withdraw the proposition concerning the draft Health Care (Registration) (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200-, (P.25/2003 lodged "au Greffe" on 18th March 2003, and set down for consideration at the present meeting).

THE STATES are asked to agree that the following matters lodged "au Greffe" be considered at their next meeting on 8th April 2003 -

Draft Water (Amendment No. 2) (Jersey) Law 200. P.24/2003.
Lodged: 4th March 2003.
Environment and Public Services Committee.

Training and Employment Partnership: disbandment. P.27/2003.
Lodged: 18th March 2003.
Economic Development Committee.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

The Deputy of St. Martin will ask a question of the President of the Home Affairs Committee regarding the status of legislation relating to the confiscation of alcohol.

The Deputy of St. John will ask questions of the President of the Housing Committee regarding the Assisted House Purchase Scheme.

Deputy G.P. Southern of St. Helier will ask questions of the President of the Housing Committee regarding the Housing Committee's Strategic Policy Report 2002-2006.

The Deputy of St. John will ask a question of the President of the Harbours and Airport Committee regarding ferry operators on the Jersey-St. Malo route.

Deputy T.J. Le Main of St. Helier will ask a question of the President of the Policy and Resources Committee regarding a 'smart card' system for Jersey.

The Deputy of St. John will ask a question of the President of the Environment and Public Services Committee regarding explanatory literature available to the public on building laws and regulations.

Deputy R.G. Le Hérissier of St. Saviour will ask questions of the President of the Policy and Resources Committee regarding Jersey-born passport holders and the involvement of States members in international affairs policy.

Senator P.V.F. Le Claire will ask questions of the President of the Policy and Resources Committee regarding work permits and the proposed population policy.

The Deputy of St. John will ask a question of the President of the Economic Development Committee regarding the constitution of the Jersey Milk Marketing

Board.

The Deputy of St. John will ask a question of the President of the Finance and Economics Committee regarding aid provided for the dairy industry exit strategy in 2002.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

The President of the Policy and Resources Committee will make a statement regarding the Public Employees Contributory Retirement Scheme.

K. PUBLIC BUSINESS

Draft Parish Rate (Administration) (Amendment) (Jersey) Law 200-. P.16/2003.
(re-issue).

Lodged: 18th February 2003.

Connétable of St. Martin.

Draft Parish Rate (Administration) (Amendment) (Jersey) Law 200- (P.16/2003): comments. P.16/2003.
Com.

Presented: 25th February 2003.

Legislation Committee.

Mont Orgueil development strategy: appointment of P.19/2003.
independent expert.

Lodged: 18th February 2003.

Deputy R.G. Le Hérisse of St. Saviour.

Mont Orgueil development strategy: appointment of P.19/2003.
independent expert (P.19/2003) – comments. Com.

Presented: 18th March 2003.

Education, Sport and Culture Committee.

Mont Orgueil development strategy: appointment of P.19/2003.
independent expert (P.19/2003) – comments. Com.(2)

Presented: 25th March 2003.

Environment and Public Services Committee.

Mont Orgueil development strategy: appointment of P.19/2003.
independent expert (P.19/2003) – comments. Com.(3)

Presented: 1st April 2003.

Policy and Resources Committee.

Mont Orgueil development strategy: appointment of P.19/2003.
independent expert (P.19/2003) – comments. Com.(4)

Presented: 1st April 2003.

Finance and Economics Committee.

Mont Orgueil development strategy: appointment of P.19/2003.
independent expert (P.19/2003) - amendment. Amd.

Lodged: 4th March 2003.

Deputy G.C.L. Baudains of St. Clement.

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 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>Senator J.A. Le Maistre.</i>	P.30/2003.
Waterfront Enterprise Board Limited: appointment of Directors. Lodged: 18th March 2003. <i>Policy and Resources Committee.</i>	P.31/2003.

M.N. DE LA HAYE
Greffier of the States

27th March 2003

Explanatory Notes regarding subordinate legislation tabled at this meeting.

R&O 20/2003

These Rules amend the Public Finances (General) (Jersey) Rules 1967, to specify additional securities in which investment managers may invest public money.

The Rules were made on 26th March 2003, and come into force 7 days after they were made.

R&O 21/2003

The purpose of this Order is to revoke the Collective Investment Funds (Recognized Fund) (General Provisions) (Jersey) Order 1988, and to replace it with updated provisions.

The Order was made on 26th March 2003, and comes into force 7 days after it was made.

R&O 22/2003

Article 1 is an interpretation provision.

Article 2 and *Schedule 1* specify the forms that are to be used for applying for the grant, renewal or transfer of a licence for an authorized gaming machine in a licensed betting office and the form of the licence itself.

Article 3 and *Schedule 2* impose restrictions on the sale, supply and maintenance of authorized gaming machines.

Article 4 and *Schedule 3* impose requirements in respect of authorized gaming machines.

Article 5 introduces further details that are to be included in statements that are to be affixed to authorized gaming machines.

Article 6 specifies the information to be included in the records and accounts that are to be maintained by licence holders, the period for which such accounts are to be retained and the manner in which the accounts are to be verified and confirmed.

Article 7 provides the short title and brings the order into force 7 days after it was made.

The Order was made on 26th March 2003.

R&O 23/2003

This Order extends the provisions of the Diseases of Animals (Jersey) Law 1956 with respect to separation notification to the Committee and power to slaughter, to sheep and goat spongiform encephalopathy.

The Order was made on 26th March 2003, and comes into force 7 days after it was made.

R&O 24/2003

The purpose of this Order is to allow the Jersey Kart and Motor Club to close the Ronez road loop in St. John, between 9.30 a.m. and 2.30 p.m. on each of the Sundays specified in the Schedule to the Order, for the purpose of holding motor races with karts.

The Order was made on 27th March 2003.

R&O 25/2003

The effect of this Order is to allow the Jersey Old Motor Club to close and use the following roads in St. Helier for motor races, (including practice), on the dates and between the times shown -

- (a) parts of Pier Road, Mount Bingham, South Hill, Fort Regent Road, and the car parks at South Hill and La Collette Gardens, on 8th June 2003 between 10 a.m. and 5 p.m;
- (b) part of Westmount Road, on 7th June 2003 between 10 a.m. and 5 p.m; and

- (c) part of Victoria Avenue and one of the adjoining lay-bys on 6th June 2003 between 7 p.m. and 11 p.m.

The Order was made by the Home Affairs Committee on 27th March 2003.

R&O 26/2003

This Order further amends the Community Provisions (Control of Exports of Dual-Use Items and Technology) (Application) (Jersey) Regulations 2002, by adding a reference to Council Regulation (EC) 149/2003 to the provision giving effect to Council Regulation (EC) 1334/2000 in Jersey. 149/2003 replaces the annexes to 1334/2000 so the overall effect is to vary the restrictions on exporting of dual-use items. The opportunity has been taken to recast the provision so as to remove spent amendments and facilitate the addition of later ones.

The Order was made on 27th March 2003 and comes into force on 7th April 2003.

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

26th March 2003

- (a) as recommended by the former Agriculture and Fisheries Committee, (now subsumed into the Economic Development Committee), the sale to Mr. Geoffrey Richard Foulerton of Field No. 442, Le Mont de la Mare St. Catherine, St. Martin, (measuring 1.3.20 vergées- access to which was from the adjoining B62 main road), for a consideration of £6,100, subject to the terms of a Wayleave Agreement with the Jersey Electricity Company Limited passed before the Royal Court in September 2002 permitting the public to retain the Postal Box and Directional Traffic Signs as currently established on the land, with each party being responsible for its own legal costs arising from this transaction;
- (b) as recommended by the Environment and Public Services Committee, the variation of the existing lease to Two Way Properties Limited of the first floor offices at Thorp House, Rouge Bouillon, St. Helier, (until 31st July 2005), so as to establish Mr. Terrance William Cooper as a guarantor in place of Computer Solutions Limited, in respect of which a satisfactory financial reference had been received; and to surrender back to the public one of the two car parking spaces previously designated to the lessee under the terms of a 'side letter' annexed to the lease document, on the basis that the proposals were not considered to be prejudicial to the public's interest as lessor, with the lessee to be responsible for the Committee's legal fees and expenses arising from this transaction;
- (c) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with Mr. Anthony John Palmer, Mrs. Jennifer Stephens Palmer, née Gould, and Mrs. Florence Ada Gould, née Stephens (the Grantees), the joint owners of No. 9 Wesley Street, St. Helier, for a consideration of £10, in order to permit surface water drainage to be taken from No. 9 Wesley Street through the publicly-owned property Nos. 37 Wesley Street, St. Helier, subject to the work in relation to the drainage rights being undertaken at no cost to the public and to the reasonable satisfaction of the Chief Executive Officer of the Housing Department, and with the Grantees to be responsible for the Committee's reasonable legal and professional fees arising from this transaction;
- (d) as recommended by the Housing Committee, the assignment of the lease (until 14th January 2020, subject to three-yearly open market rent reviews) of Shop B, Jardin du Soleil, First Tower, St. Helier (present tenants Edgar Holdings Limited) to Mr. Alex Keith Harrison and Miss Emma Jane Vida Jeffrey, to be guaranteed by Mr. Ian William Harrison, with the assignor to be responsible for the Committee's reasonable legal costs arising from this transaction; and
- (e) as recommended by the Harbours and Airport Committee, the sale to Lakeside Residential Homes Limited of an area of land, (measuring approximately 570 square metres), at La Rue de la Commune, St. Peter, for a consideration of £8,000, on the basis that the vendor would contribute a further £500 towards any legal costs incurred by the Committee.

QUESTION PAPER

(See Item G)

The Deputy of St. Martin will ask the following question of the President of the Home Affairs Committee -

“On 21st May 2002, the States, in adopting the proposition regarding Confiscation of Alcohol; introduction of legislation, (P.46/2002), approved in principle the introduction of legislation to permit police officers to confiscate alcohol in certain circumstances and charged the Home Affairs Committee to prepare the necessary draft legislation.

On 24th September 2002, in response to questions regarding the steps taken to comply with the States’ decision, the President stated that –

‘The Committee had only discussed the issue only once before issuing instructions to the Law Draftsman to prepare the appropriate amendments to the Policing of Roads, Parks and Beaches Regulations. When these amendments are drafted the Committee will waste no time in bringing them to the States’.

Will the President inform the Assembly when the Committee intends to present the draft legislation to the States for approval?”

The Deputy of St. John will ask the following questions of the President of the Housing Committee -

- “1. (a) Will the President inform members of any limits that apply to the purchase price of property under the Assisted House Purchase Scheme?
- (b) Will the President inform members whether the Committee intends to bring the matter of the Assisted House Purchase Scheme to the States for debate, and, if so, when?
2. Will the President inform members whether or not the Committee is reviewing its policy on the acquisition of property in a company name, and, if so, whether this matter will be brought to the States for debate, and when?”

Deputy G.P. Southern of St. Helier, will ask the following questions of the President of the Housing Committee -

- “1. Paragraph 3.7.2 of the Housing Committee’s Strategic Policy Report 2002-2006, (P.2/2002), regarding the vigorous pursuit of fraud investigation states that –

the Committee is satisfied that the cost of resources for fraud investigation is more than recovered by the savings made on the payment of subsidy.

Will the President inform members -

- (a) how many alleged or suspected cases of fraud were brought to the attention of the Department in 2002?
- (b) of these, what proportion were reported to the Department anonymously by members of the public?
- (c) what proportion of the total cases suspected were followed with investigation by a fraud officer?
- (d) how many cases resulted in recovery of funds and what was the total recovered?

- (e) in how many cases of fraud were eviction proceedings pursued?
2. Will the President outline for members what procedures or guidelines, if any, are in place to protect tenants should unfounded allegations arise against them?"

The Deputy of St. John will ask the following question of the President of the Harbours and Airport Committee -

- “(a) Will the President inform members whether the Committee has received the final report and scoping study from the Jersey Competition Regulatory Authority, (J.C.R.A.), regarding the viability of having two separate car ferry companies, namely Condor Ferries Limited and Emeraude Lines, operating the Jersey-St. Malo route for a 12 month service period, and, if not, explain the Committee’s rationale in granting a licence to Condor Ferries Limited prior to having received the J.C.R.A.’s report?
- (b) Will the President inform members whether Condor Ferries Limited and Emeraude Lines signed a memorandum of understanding with the J.C.R.A. to supply any relevant information to assist in determining whether the route was viable for more than one operator, and, if either party failed to comply, the reasons for this?
- (c) Will the President inform members of the cost to the States of the J.C.R.A. study to date, and what the final cost would be if the study was to be completed?
- (d) Will the President inform members whether the Committee is to bring the matter of shipping routes between St. Helier and St. Malo to the States for debate, and, if not, give the reasons for this?”

Deputy T.J. Le Main of St. Helier will ask the following question of the President of the Policy and Resources Committee –

“In January 2001, several members of the States attended a presentation by De La Rue as consultants commissioned by the Policy and Resources Committee to explore a ‘smart card’ system for Jersey. As a result of this consultation, it was agreed that the Committee would begin work immediately on more detailed proposals in preparation for the matter to be taken to the States. Would the President inform members –

- (a) the reasons for the delay in recommendations coming to the States? and,
- (b) when the matter is likely to be brought before the States for consideration in the form of a report and proposition?”

The Deputy of St. John will ask the following question of the President of the Environment and Public Services Committee -

- “(a) Will the President inform members whether the Committee intends to produce explanatory literature for use by the building industry and public in general relating to the many new building regulations and laws which have been introduced by the former Planning and Environment Committee over the last 3 to 5 years, and, if so, advise when this might be available?
- (b) Following the introduction of the Island Planning (Exempt Operations) (Jersey) Regulations 2002, by the former Planning and Environment Committee, will the President advise members whether requests for explanatory literature have been made by the building industry and the public, and, if so, when such information will be made available?”

Deputy R.G. Le Hérisier of St. Saviour, will ask the following questions of the President of the Policy and Resources Committee -

- “1. Will the President inform members whether the Policy and Resources Committee will review the matter of Jersey-born passport holders who, under Protocol 3 of the Treaty of Accession of the United Kingdom to the European Community, are not entitled to live and work in the European Union?
2. Will the President describe what steps the Committee will take, if any, to involve States members more fully in the formulation of international affairs policy in the future?”

Senator P.V.F. Le Claire will ask the following questions of the President of the Policy and Resources Committee -

- “1. Up to ten new member states will join the European Union in May 2004. The United Kingdom has already declared that nationals of the new member states will enjoy free movement of labour.

Will the President inform members whether the Policy and Resources Committee will be reconsidering the matter of work permits as a method of controlling population in the absence of any other policy relating to the free movement of EU labour in the Island?
2. Will the President inform members when the Policy and Resources Committee will bring forward for debate its proposals for a population policy, P.205/2002 lodged “au Greffe” on 5th November 2002, and provide an explanation of the reasons for the delay, if applicable?”

The Deputy of St. John will ask the following question of the President of the Economic Development Committee -

“Under the provisions of the Milk Marketing Scheme (Approval) (Jersey) Act 1954, a minimum of 25 signatures of registered producers are required in order to requisition the calling of a general meeting of the Jersey Milk Marketing Board. There are now only in the region of 36 cattle farmers left in the industry from an original number of approximately 1000, of which nine members sit on the Jersey Milk Marketing Board.

Will the President inform members whether the Committee will be taking any action to seek amendments to the constitution of the Jersey Milk Marketing Board, and if so, how and when this is intended?”

The Deputy of St. John will ask the following question of the President of the Finance and Economics Committee -

- “(a) Will the President inform members whether the application for aid in support of the dairy industry exit strategy in 2002 came from the industry directly or through the former Agriculture and Fisheries Committee?
- (b) Will the President inform members whether the Finance and Economics Committee inspected the accounts of the Jersey Milk Marketing Board prior to agreeing to provide aid for the dairy industry exit strategy in 2002, and, if not, explain the reasons why?”