

STATES OF JERSEY ORDER PAPER

Tuesday 9th September 2003

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Health Care (Registration) (Prescribed Qualifications) (Jersey) Order 2003. <i>Health and Social Services Committee.</i>	R&O 65/2003.
Road Racing (Hill Climbs and Sprint) (No. 2) (Jersey) Order 2003. <i>Home Affairs Committee.</i>	R&O 66/2003.
Terrorism (Passenger and Crew Information) (Jersey) Order 2003. <i>Home Affairs Committee.</i>	R&O 67/2003.
Terrorism (Audio Recording of Interviews) (Jersey) Order 2003. <i>Home Affairs Committee.</i>	R&O 68/2003.
Terrorism (Proscribed Organizations) (Amendment) (Jersey) Order 2003. <i>Home Affairs Committee.</i>	R&O 69/2003.
Terrorism (Proscribed Organizations - Deproscription Applications) (Jersey) Order 2003. <i>Home Affairs Committee.</i>	R&O 70/2003.
Terrorism (Carding) (Jersey) Order 2003. <i>Home Affairs Committee.</i>	R&O 71/2003.
Medicines (Clinical Trial Exemptions) (Amendment) (Jersey) Order 2003. <i>Health and Social Services Committee.</i>	R&O 73/2003.
Medicines (Clinical Trial Exemptions) (No. 2) (Amendment) (Jersey) Order 2003. <i>Health and Social Services Committee.</i>	R&O 74/2003.
Medicines (Prescription Only) (Amendment No. 5) (Jersey) Order 2003. <i>Health and Social Services Committee.</i>	R&O 75/2003.
Tourism (General Provisions) (Amendment No. 10) (Jersey) Order 2003. <i>Economic Development Committee.</i>	R&O 76/2003.
Places of Refreshment (Registration) (Fees) (Jersey) Order 2003. <i>Economic Development Committee.</i>	R&O 77/2003.
Potatoes (Precautions Against Blight) (Amendment No. 10) (Jersey) Order 2003. <i>Economic Development Committee.</i>	R&O 78/2003.
Export of Flowers (Amendment) (Jersey) Order 2003.	R&O 79/2003.

Economic Development Committee.

Export of Agricultural Produce (Amendment No. 12) (Jersey) Order 2003. R&O 80/2003.

Economic Development Committee.

Gorey Fête (Jersey) Order 2003. R&O 81/2003.

Environment and Public Services Committee.

Road Traffic (Saint Brelade) (Amendment No. 14) (Jersey) Order 2003. R&O 82/2003.

Environment and Public Services Committee.

Road Traffic (Speed Limits) (Jersey) Order 2003. R&O 83/2003.

Environment and Public Services Committee.

Battle of Britain Air Display (Jersey) Order 2003. R&O 84/2003.

Environment and Public Services Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

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

Jersey Law Commission: Report for 2002. R.C.39/2003.

Legislation Committee.

General Reserve: grant of additional funds to 30th June 2003. R.C.40/2003.

Finance and Economics Committee.

A Tobacco Strategy for Jersey (P.109/2003): comments. P.109/2003.

Finance and Economics Committee. Com.

An Alcohol Strategy for Jersey (P.110/2003): comments. P.110/2003.

Finance and Economics Committee. Com.

Fief de la Fosse: proposed agreement with Les Pas Holdings Limited P.117/2003.

(P.117/2003) – addendum to report. Add.

Policy and Resources Committee.

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

12th August 2003

Bas du Mont Flats, Pier Road, St. Helier: transfer of administration of P.112/2003.

land (P.112/2003) – comments. Com.

Housing Committee.

Fief de la Fosse: proposed agreement (P.117/2003) – comments. P.117/2003.

Finance and Economics Committee. Com.

19th August 2003

States of Jersey Audit Commission: Annual Report - 2002.

Finance and Economics Committee.

States of Jersey Law 1966, as amended: delegation of functions – Housing (General Provisions) (Jersey) Regulations 1970. *Housing Committee.* R.C.37/2003.

Public and private sector construction workflow projections. *Economic Development Committee.* R.C.38/2003.

Public right of access to information, financial and other records of the States of Jersey (P.34/2003): comments. *Privileges and Procedures Committee.* P.34/2003. Com. (2)

(b) Notification of Standing Order decisions

30th July, 6th August and 2nd September 2003

Decisions under delegated functions. *Finance and Economics Committee.*

(c) Notification of acceptance of tenders

18th July 2003

Janvrin School Nursery – new nursery class. *Education, Sport and Culture Committee.*

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

Draft Costs in Criminal Cases (Witnesses’ Allowances) (Amendment No. 6) (Jersey) Regulations 200. *Finance and Economics Committee.* P.128/2003.

Parish of St. Peter: grant of a loan. *Finance and Economics Committee.* P.129/2003.

Draft Licensing (No. 15) (Jersey) Regulations 200. *Economic Development Committee.* P.130/2003.

Income Tax: introduction of higher rate. *Deputy G.P. Southern of St. Helier.* P.131/2003.

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

29th July 2003

Draft Waste Management (Jersey) Law 200- (P.211/2002): second amendments. *Environment and Public Services Committee.* P.211/2002. Amd.(2)

Benefits paid by the Housing and Employment and Social Security Committees: protection. *Deputy G.P. Southern of St. Helier.* P.116/2003.

Fief de la Fosse: proposed agreement with Les Pas Holdings Limited. *Policy and Resources Committee.* P.117/2003.

5th August 2003

A Tobacco Strategy for Jersey (P.109/2003): amendments. P.109/2003.
Senator E.P. Vibert. Amd.

12th August 2003

States Resource Plan 2004 – 2008. P.118/2003.
Policy and Resources Committee.

Draft Fire Service (Amendment No. 5) (Jersey) Law 2003 (Appointed P.119/2003.
Day) Act 200-.
Home Affairs Committee.

Jersey Community Relations Trust. P.120/2003.
Policy and Resources Committee.

Succession Rights for children born out of wedlock. P.121/2003.
Legislation Committee.

Draft Transfer of Functions (Economic Development Committee) P.122/2003.
(Jersey) Act 200-.
Finance and Economics Committee.

19th August 2003

A Tobacco Strategy for Jersey (P.109/2003): second amendment. P.109/2003.
Deputy A. Breckon of St. Saviour. Amd.(2)

Draft Sea Fisheries (Amendment) (Jersey) Law 2002 (Appointed Day) P.123/2003.
Act 200-.
Economic Development Committee.

Draft Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations P.124/2003.
200-.
Economic Development Committee.

Draft Sea Fisheries (Underwater Fishing) (Jersey) Regulations 200-. P.125/2003.
Economic Development Committee.

Draft Animal Welfare (Jersey) Law 200-. P.126/2003.
Economic Development Committee.

Draft Licensing (Licence Fees) (Jersey) Regulations 200-. P.127/2003.
Economic Development Committee.

2nd September 2003

States Resource Plan 2004 – 2008 (P.118/2003): amendment. P.118/2003.
Harbours and Airport Committee. Amd.

States Resource Plan 2004 – 2008 (P.118/2003): second amendments. P.118/2003.
Connétable of St. Helier. Amd.(2)

(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 President of the Home Affairs Committee will seek leave to defer consideration of the draft Regulation of Investigatory Powers (Jersey) Law 200-, (P.89/2003 lodged "au Greffe" on 24th June 2003), from the present meeting to a later date.

THE STATES are asked to agree that the following matters lodged "au Greffe" be considered at the present meeting -

States Auditors: further extension of contract. P.113/2003.
Lodged: 22nd July 2003.
Finance and Economics Committee.
(consideration in camera).

3 Edward Place, The Parade, St. Helier: purchase. P.114/2003.
Lodged: 22nd July 2003.
Health and Social Services Committee.

The President of the Policy and Resources Committee has given notice that he will ask the States to agree to resolve into a Committee of the Whole House at the next meeting on 16th September 2003, in accordance with Standing Order 38A, for the purpose of considering the following matter as the first item of public business, and that this Committee of the Whole House be held in camera –

Fief de la Fosse: proposed agreement with Les Pas Holdings Limited. P.117/2003.
Lodged: 29th July 2003.
Policy and Resources Committee.

Fief de la Fosse: proposed agreement (P.117/2003) – comments. P.117/2003.
Presented: 12th August 2003. Com.
Finance and Economics Committee.

THE STATES are asked to agree that the following matters lodged "au Greffe" be considered at their next meeting on 16th September 2003 -

States Resource Plan 2004 – 2008. P.118/2003.
Lodged: 12th August 2003.
Policy and Resources Committee.

States Resource Plan 2004 – 2008 (P.118/2003): amendment. P.118/2003.
Lodged: 2nd September 2003. Amd.
Harbours and Airport Committee.

States Resource Plan 2004 – 2008 (P.118/2003): second amendments. P.118/2003.
Lodged: 2nd September 2003. Amd.(2)
Connétable of St. Helier.

In accordance with Standing Order 17(6), the following Paper is deemed to have been withdrawn -

Jersey Harbours: progress towards the Trust Port. P.128/2002.
Lodged: 23rd July 2002.
Harbours and Airport Committee.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

Senator C.G.P. Lakeman will ask questions of the President of the Environment and Public Services Committee regarding Field 126, St. Clement.

Senator E.P. Vibert will ask a question of the President of the Policy and Resources Committee regarding the appointment of a Communications Consultant.

Senator E.P. Vibert will ask a question of the President of the Environment and Public Services Committee regarding the Connex bus service.

The Deputy of St. John will ask a question of the President of the Policy and Resources Committee regarding negotiations in respect of the proposed new Guernsey fishing vessel licensing scheme in relation to Jersey.

The Deputy of St. John will ask a question of the President of the Economic Development Committee regarding negotiations in respect of the proposed new Guernsey fishing vessel licensing scheme in relation to Jersey.

Senator E.P. Vibert will ask a question of the President of the Policy and Resources Committee regarding the employment contract of a senior public servant.

Deputy G.C.L. Baudains of St. Clement will ask questions of the President of the Environment and Public Services Committee regarding a water resources survey and the proposed draft Water Resources Law.

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

Deputy P.N. Troy of St. Brelade will ask a question of the President of the Finance and Economics Committee regarding proposed user pays charges for late income tax returns.

The Deputy of St. John will ask questions of the President of the Environment and Public Services Committee regarding the quality of bathing water in St. Aubin's Bay.

Senator E.P. Vibert will ask questions of the President of the Policy and Resources Committee regarding meetings, correspondence, costs and advice received in connection with matters relating to Les Pas Holdings Limited.

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Policy and Resources Committee regarding the value of the Waterfront site and breakdown of legal costs as related to matters involving Les Pas Holdings Limited.

Senator E.P. Vibert will ask questions of the President of the Policy and Resources Committee regarding the proposed in-camera Committee of the Whole House discussion on 16th September 2003, and the position of Addendum Public Relations as related to matters involving Les Pas Holdings Limited.

Senator E.P. Vibert will ask a question of the President of the Policy and Resources Committee regarding the declaration of interests by those attending its meetings at which it discussed matters involving Les Pas Holdings Limited.

Senator E.P. Vibert will ask a question of the President of the Policy and Resources Committee regarding negotiations, fees and legal costs relating to matters involving Les Pas Holdings Limited.

Senator P.V.F. Le Claire will ask questions of the President of the Policy and Resources Committee regarding that Committee's decisions relating to matters involving Les Pas Holdings Limited.

Senator P.V.F. Le Claire will ask questions of the President of the Policy and Resources Committee regarding parking provisions, excavation costs and spoil toxicity implications of the site proposed in the settlement with Les Pas Holdings Limited.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

Social rented housing: policy on setting rents. P.29/2003.
Lodged: 18th March 2003.
Deputy G.P. Southern of St. Helier.

Social rented housing: policy on setting rents (P.29/2003) – comments. P.29/2003.
Presented: 29th April 2003. Com.
Employment and Social Security Committee. (re-issue)

Social rented housing: policy on setting rents (P.29/2003) – comments. P.29/2003.
Presented: 20th May 2003. Com.(2)
Housing Committee.

Social rented housing: policy on setting rents (P.29/2003) – comments. P.29/2003.
Presented: 20th May 2003. Com.(3)
Finance and Economics Committee.

Draft Mental Health (Amendment) (Jersey) Law 200-. P.94/2003.
Lodged: 1st July 2003.
Health and Social Services Committee.

Draft Public Library (Jersey) Regulations 200-. P.95/2003.
Lodged: 8th July 2003.
Education, Sport and Culture Committee.

La Collette, St. Helier: transfer of administration of roadway. P.96/2003.
Lodged: 8th July 2003.
Environment and Public Services Committee.

Draft Agricultural Marketing (Amendment No. 7) (Jersey) Law 200-. P.107/2003.
Lodged: 15th July 2003.
Economic Development Committee.

Draft Maincrop Potato Marketing Scheme (Revocation) (Jersey) Act P.108/2003.
200-.
Lodged: 15th July 2003.
Economic Development Committee.

Draft Fish Health (Amendment) (Jersey) Regulations 200-. P.111/2003.
Lodged: 15th July 2003.
Economic Development Committee.

Bas du Mont Flats, Pier Road, St. Helier: transfer of administration of P.112/2003.
land.
Lodged: 15th July 2003.
Environment and Public Services Committee.

Bas du Mont Flats, Pier Road, St. Helier: transfer of administration of P.112/2003.
land (P.112/2003) – comments. Com.
Presented: 12th August 2003.
Housing Committee.

Subject to E -

States Auditors: further extension of contract. P.113/2003.
Lodged: 22nd July 2003.
Finance and Economics Committee.
(consideration in camera).

3 Edward Place, The Parade, St. Helier: purchase. P.114/2003.
Lodged: 22nd July 2003.
Health and Social Services Committee.

M.N. DE LA HAYE
Greffier of the States

4th September 2003

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 65/2003

The effect of this Order is to prescribe qualifications for registration under the Health Care (Registration) (Jersey) Law 1995.

A person will be qualified for registration in the Island as an ambulance paramedic, biomedical scientist, chiroprapist, clinical scientist, dietitian, occupational therapist, orthoptist, physiotherapist, radiographer or speech and language therapist if registered in the equivalent occupation under the Health Professions Order 2001 of the United Kingdom. These provisions will come into force on 1st August 2003.

A person will be qualified for registration in the Island as an osteopath if registered as such under the Osteopaths Act 1993 of the United Kingdom. These provisions will also come into force on 1st August 2003.

The Order was made by the Health and Social Services Committee on 28th July 2003.

R&O 66/2003

This Order authorizes the Classic and Vintage Motor Racing Club of Jersey to hold motor races on roads comprising the Five Mile Road course on 29th August 2003 and the Grève de Lecq course on 30th August 2003.

The times at which the roads may be closed and used for those purposes are specified in the Order.

The Order was made by the Home Affairs Committee on 31st July 2003.

R&O 67/2003

Under paragraph 14(2) of Schedule 8 to the Terrorism (Jersey) Law 2002, an examining officer may give owners or agents of a ship or aircraft arriving in or leaving, or expected to arrive in or leave, the Island, a written request for information which the owners or agents are then under a duty to supply. This Order specifies the information that the officer may request.

The Order was made on 31st July 2003, and came into force on 1st September 2003.

R&O 68/2003

This Order –

- (a) imposes a requirement for the audio recording of any interview, in a police station, by an officer of the States of Jersey Police of a person detained under Article 37 of or Schedule 8 to the Terrorism (Jersey) Law 2002 (the “2002 Law”); and
- (b) brings into operation a code of practice applicable to the audio recording of such interviews.

A suspected terrorist may be detained under Article 37 of the 2002 Law.

A person suspected of having been concerned in the commission, preparation or instigation of acts of terrorism may be detained at any port, including the airport, under Schedule 8 to the 2002 Law.

The Order was made on 31st July 2003 and came into force on 1st September 2003.

R&O 69/2003

This Order adds organizations to the list of proscribed organizations in Schedule 1 to the Terrorism (Jersey) Law 2002. The Order also adds a note to the Schedule clarifying the identity of the organization known as Jemaah

Islamiyah which is added to the list.

The Order was made on 31st July 2003 and came into force on 1st September 2003.

R&O 70/2003

The purpose of this Order is to set out the procedures for a proscribed organization or an individual affected by the proscription of an organization to apply to the Home Affairs Committee for the organization to be deproscribed.

In particular, the Order requires the Home Affairs Committee to consider an application within 120 days and, in the event that the application is refused, to inform the applicant of the rights of appeal available.

The Order was made on 31st July 2003, and came into force on 1st September 2003.

R&O 71/2003

This Order would require every person landing in or embarking from the Island, whether by ship or aircraft, to complete a landing card if required to do so by a police officer, an immigration officer or a customs officer and would further require commercial carriers to supply passengers with the cards.

The Order was made on 31st July 2003, and came into force on 1st September 2003.

R&O 73/2003

The effect of this Order together with the Medicines (Clinical Trial Exemptions) (No. 2) (Amendment) (Jersey) Order 2003, will be to recognise, for the purposes of the Medicines (Jersey) Law 1995, a clinical trials exemption granted in the U.K. This will remove the need for the Health and Social Services Committee to grant an exemption where an exemption has been granted in the U.K. and it is intended to treat Jersey residents in Jersey under the trial protocol.

The Order was made on 6th August 2003, and came into force on 13th August 2003.

R&O 74/2003

The effect of this Order together with the Medicines (Clinical Trial Exemptions) (Amendment) (Jersey) Order 2003, will be to recognise, for the purposes of the Medicines (Jersey) Law 1995, a clinical trials exemption granted in the U.K. This will remove the need for the Health and Social Services Committee to grant an exemption where an exemption has been granted in the U.K. and it is intended to treat Jersey residents in Jersey under the trial protocol.

The Order was made on 6th August 2003, and came into force on 13th August 2003.

R&O 75/2003

This Order extends the exemption from the requirement that certain medicinal products may only be sold or supplied in accordance with a prescription given by a doctor or dentist to cover a pharmacy acting under the terms of a contract to supply medicinal products to the prison for the benefit of prisoners.

The Order was made on 6th August 2003, and came into force on 13th August 2003.

R&O 76/2003

This Order increases the fees for the grant or renewal of registration of premises under the Tourism (Jersey) Law 1948 by approximately 2.5%. The fees were last increased on 1st October 2002.

The Order was made on 6th August 2003, and comes into force on 1st October 2003.

R&O 77/2003

This Order increases the prescribed fee for registration, or renewal of registration, of premises as a place of refreshment under the Places of Refreshment (Jersey) Law 1967, by approximately 2.5%.

The Order was made on 6th August 2003, and comes into force on 1st January 2004.

R&O 78/2003

This Order revokes Article 11 of the Potatoes (Precautions against Blight) (Jersey) Order 1961 which purported to prescribe a penalty for contravention of the Order. The provisions concerned with offences and penalties are in Article 23(1) of the Agricultural Marketing (Jersey) Law 1953, the Law under which the Order is made.

The Order was made on 6th August 2003, and came into force 7 days after it was made.

R&O 79/2003

This Order revokes Article 6 of the Export of Flowers (Jersey) Order 1972 which purported to prescribe a penalty for contravention of the Order. The provisions concerned with offences and penalties are in Article 23(1) of the Agricultural Marketing (Jersey) Law 1953, the Law under which the Order is made.

The Order was made on 6th August 2003, and came into force 7 days after it was made.

R&O 80/2003

This Order removes that part of Article 10 of the Export of Agricultural Produce (Jersey) Order 1972 which purported to prescribe a penalty for contravention of the Order. The provisions concerned with offences and penalties are in Article 23(1) of the Agricultural Marketing (Jersey) Law 1953, the Law under which the Order is made.

The Order was made on 6th August 2003, and came into force 7 days after it was made.

R&O 81/2003

The effect of this Order is to allow the St. Martin's Gymkhana and Fête Committee to use Gorey Pier for the purpose of holding the Gorey Fête on 21st August 2003.

It also authorizes the Fête Committee temporarily to close the site to traffic and to impose temporary traffic restrictions in other roads, in connection with the fête, between 19th and 22nd August 2003.

The Order was made on 7th August 2003, by the Environment and Public Services Committee on the application of the Fête Committee and after consultation by the Committee with the Connétables of Saint Martin and Grouville and the Harbours and Airport Committee.

R&O 82/2003

This Order will prohibit waiting on either side of the road outside No. 117, Le Clos des Sables, and will remove the prohibition on waiting on 18 yards of the east side of Le Clos Saut Falluet.

The Order was made on 18th August 2003, and came into force 7 days after it was made.

R&O 83/2003

This Order replaces the Road Traffic (Speed Limits) (Jersey) Order 1996 and its 5 amendments.

The new Order makes the following changes –

- (a) in Grouville, the following roads become subject to a 30 m.p.h. speed limit– La Rue Horman, Le Chemin des Maltieres (between La Rue Horman and La Chevre Rue) and La Chevre Rue (between Gorey Village Main Road and Les Chemins des Maltieres);
- (b) in Saint Brellade, the following roads become subject to a 20 m.p.h. speed limit– La Mielle Clement, Belle Vue and Les Landes Avenue; and,
- (c) in Saint Peter, the part of La Rue de l'Eglise that is subject to a 20 m.p.h. speed limit will now be the portion between the entrance to Clifton Place and La Grande Route de Saint Pierre; and Route de l'Hermitte becomes subject to a 20 m.p.h. speed limit.

The provisions of the 1996 Order dealing with speed limits indicated by the displaying of traffic signs on roads are not brought forward.

The Order, which was made by the Environment and Public Services Committee on 18th August 2003, will come into force on 9th September 2003.

R&O 84/2003

The effect of this Order is to allow Jersey International Air Display a.r.l. to control access to certain public roads and other places in connection with the viewing of the Battle of Britain air display on 11th September 2003.

The Order was made on 18th August 2003.

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

30th July 2003

- (a) as recommended by the Environment and Public Services Committee, the purchase from Mr. Paul Edwin Vibert and Mrs. Nicola Daryl Vibert, née Rimeur, of an area of land at Field No. 77, St. Ouen, (measuring 1,288 square feet), required for the construction of a sewage pumping station, for a consideration of £1,288.00, on the basis that the public would at all times have vehicular and pedestrian right of way to access and egress the site to be purchased onto the remainder of Field No. 77. In addition, Mr. and Mrs. Vibert would grant the public the use of a working area on Field No. 77, (measuring 1,550 square feet), for the duration of the construction work at no extra cost. A connection to Mr. and Mrs. Vibert's property "Les Heches" would be provided free of charge. The public would also ensure suitable access for Mr. and Mrs. Vibert to the lower part of Field No. 77, the location of which crossing was to be agreed on site at the time of construction. The existing crossing between Fields Nos. 77 and 78 would remain. The public was to be responsible for both parties' legal costs arising from the transaction;
- (b) as recommended by the Education, Sport and Culture Committee, the entering into of a Deed of Arrangement with Mrs. Joan Marion Averty, née Nérou, in respect of Field No. 1245, La Pouquelaye, St. Helier, in order to agree and record a new boundary line with the adjacent Badminton Hall, on the basis that the Committee would undertake at its own cost reasonable landscaping or tree planting on the bank in Mrs. Averty's ownership, together with a payment to Mrs. Averty of £2,500 and also her legal fees incurred, (amounting to £3,825.51), up to and including the passing of the Deed of Arrangement;
- (c) as recommended by the Harbours and Airport Committee, the renewal of the lease to F. Battrick and Sons Limited of Vivier, (Letting No. A4), Albert Pier, St. Helier Harbour, for the purpose of storing fish, for a period of three years from 31st May 2003, at an annual rent of £3,464.72, (representing a rate of £4.94 a square foot), to be reviewed annually in line with the Jersey Retail Price Index;
- (d) as recommended by the Harbours and Airport Committee, the renewal of the lease to Mr. Michael Anthony Taylor of Vivier, (Letting No. A5), Albert Pier, St. Helier Harbour, for the purpose of storing fish, for a period of three years from 1st June 2003, at an annual rent of £3,672.02, (representing a rate of £4.94 a square foot), to be reviewed annually in line with the Jersey Retail Price Index;
- (e) as recommended by the Harbours and Airport Committee, the renewal of the lease to Channel Island Handling of an Office, (Letting No. A24A), Albert Pier, St. Helier Harbour, for a period of nine years from 1st May 2003, at an annual rent of £6,981.36, (representing a rate of £10.51 a square foot), to be reviewed annually in line with the Jersey Retail Price Index;
- (f) as recommended by the Harbours and Airport Committee, the renewal of the lease to Aqua-Mar Fisheries of Vivier, (Letting No. V6), Victoria Pier, St. Helier Harbour, for the purpose of storing fish, for a period of three years from 1st June 2003, at an annual rent of £7,185.13, (representing a rate of £4.14 a square foot), to be reviewed annually in line with the Jersey Retail Price Index;
- (g) as recommended by the Economic Development Committee, the renewal of the lease to the Royal Bank of Scotland International Limited, (trading as NatWest Bank), of the Old St. Aubin's Market, St. Brelade, for a period of nine years from 26th December 2003, at a commencing annual rent of £31,500, to be reviewed at the end of the third and sixth years of the term to Open Market Value with no allowance for a decrease in rent. The Lessee was to be able to carry out alterations subject to obtaining the Landlord's prior written consent, and to assign the whole of the demised premises or to sub-let them at the absolute discretion of the Lessor. The Lessee would be responsible for all internal repair and maintenance of the demised premises including all mechanical and electrical elements. The Lessor would be responsible for maintaining the structure in a wind and watertight condition. The Lessee would be responsible for all services consumed on the demised premises in relation to its occupation thereof and also for the occupier's rates. Each party was

to be responsible for its own legal costs arising from the transaction; and,

- (h) as recommended by the Education, Sport and Culture Committee, the lease to the Grainville Tennis Club, (formerly the 76 Tennis Club), of the Grainville pavilion and adjoining six playing courts, for a period of three years deemed to have commenced from 1st January 2003, at an initial annual rent of £6,200.00 subject to annual reviews in January each year in line with the Jersey Retail Price Index, on the basis that each party would be responsible for its own legal costs arising from the transaction.

6th August 2003

- (a) as recommended by the Harbours and Airport Committee, the lease to Normandie Health and Safety Limited of premises at the Fuel Compound, Jersey Airport, St. Peter, comprising an office, (Letting No. B090B) and a lobby and toilets, (Letting No. B090D), together measuring a total area of 459 square feet, for a period of three years from 1st July 2003, at an initial annual rent of £4,879.17, (representing a rate of £10.63 a square foot), with annual rent reviews on 1st June in line with the Jersey Retail Price Index;
- (b) as recommended by the Harbours and Airport Committee, the lease to British Midland Airways Limited of premises at the Fuel Compound, Jersey Airport, St. Peter, comprising a tyre store/workshop, (Letting No. B090), an office, (Letting No. B090A), and restrooms and toilets, (Letting No. B090C), together measuring a total area of 616 square feet, for a period of three years from 1st July 2003, at an initial annual rent of £6,548.08, (representing a rate of £10.63 a square foot), with annual rent reviews on 1st June in line with the Jersey Retail Price Index;
- (c) as recommended by the Economic Development Committee, the sale to Oakbank Limited of Field No. 442 La Mont de la Mare, St. Catherine, St. Martin, (measuring 1.03.20 vergées), for a consideration of £5,000.00, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (d) as recommended by the Environment and Public Services Committee, the lease to Angia Holdings Limited of the ground floor offices at Nautilus House, 6 Caledonia Place, St. Helier, (measuring approximately 1,447 square feet), for occupation by Connex Transport (Jersey) Limited in connexion with the operation of the Island's public transport services, on an internal repairing basis with the public to be responsible for meeting an appropriate share of the servicing costs for the communal areas, for a period of nine years from 24th June 2003, at an annual rent of £27,500.00, with rent reviews to be held on the third and sixth anniversaries of the lease commencement date, on the basis that each party would be responsible for its own legal costs arising from the transaction; and,
- (e) as recommended by the Health and Social Services Committee, the lease from Smilax Holdings Limited of the three-bedroom property known as No. 1 The Sheilings, Gorey, Grouville, required to enable Learning Disability Services to assist in promoting the integration of clients back into a community environment, on an internal repairing basis, for a period of three years deemed to have commenced from 16th June 2003, at an annual rent of £15,600.00, on the basis that each party would be responsible for its own legal costs arising from the transaction.

2nd September 2003

- (a) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with Mr. William Payn Murray Forster in respect of the property "Brookside", La Route de la Haule, St. Lawrence, in order to clarify boundary enclosures on the land which bordered "Le Perquage", (which latter property was under the administration of the Committee), such that the terms of the Deed would be –
 - (i) that the existing walls on the northern and western sides of "Brookside" towards Le Perquage would belong, (without offset), to Mr. Forster;
 - (ii) that Mr. Forster would be conferred all necessary access rights onto Le Perquage in order to maintain

those walls, subject to the usual conditions;

(iii) that the existing openings in the western walls could be kept as established; and

(iv) that Mr. Forster would be responsible for the reasonable legal fees incurred by the public in relation to the drafting and passing of the contract; and,

(b) as recommended by the Environment and Public Services Committee, the sale of land to Mrs. Daphne Joan Tomes, née Le Brun, of an area of land, (measuring approximately 1,200 square metres- as shown vertically hatched on Drawing No. 15/1756/1), adjacent to the property known as Le Talus, La Route du Nord, St. John for a consideration of £1, on the basis that the Committee would be responsible for both parties' legal costs arising from the transaction and any reasonable additional abortive legal fees which might already have been incurred to date in respect of the transaction, as previously approved by the States on 10th December 2002.

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**NOTIFICATION OF ACCEPTANCE OF TENDER UNDER RULE 5 OF THE PUBLIC
FINANCES (GENERAL) (JERSEY) RULES 1967, AS AMENDED -
FINANCE AND ECONOMICS COMMITTEE**

18th July 2003

The Education, Sport and Culture Committee accepted a tender in the sum of £444,933.88 submitted by Camerons Limited in respect of the Janvrin School building works for the proposed new Nursery Class. The Committee was advised that six local companies had submitted a tender for the building works but that none of these could result in an outturn cost, (excluding inflation), that was within the budget of £535,000. Following negotiations with Camerons Limited, the company with the lowest original tender, overall savings of £43,067.12 had been identified giving a revised contract sum of £444,933.88.

Contractor	Tender Value	Contract Period
Camerons Limited (Tender A)	£513,001.00	39 weeks
Camerons Limited (Tender B)	£488,001.00	32 weeks
J.P. Mauger Limited	£529,529.00	39 weeks
Stansell QVC Limited	£554,944.13	39 weeks
Hacquoil & Cook Limited	£546,693.65	39 weeks
C.A. Mauger Limited	£617,584.00	39 weeks
A. C. Mauger & Son (Sunwin) Limited	£662,168.00	39 weeks

QUESTION PAPER

(See Item G)

Senator C.G.P. Lakeman will ask the following questions of the President of the Environment and Public Services Committee –

- “1. Following the approval by the States of P.17/2003 of Deputy G.C.L. Baudains of St. Clement on 18th March 2003 relating to Field 126, La Grande Route de la Côte, St. Clement, will the President inform members –
 - (a) of the date or dates of correspondence that have passed between the Department and H.M. Attorney General seeking legal advice; and,
 - (b) the date or dates on which the matter has been considered by the Committee.
2. Would the President agree that it is desirable to resolve this matter once and for all and will he assure the Assembly that the passage of time which it is taking for the application to be considered will not be used as a basis for any alleged entitlement to compensation.”

Senator E.P. Vibert will ask the following question of the President of the Policy and Environment Committee –

- “(a) Would the President advise members how the appointment of a Communications Consultant to the Policy and Resources Committee fits in with the policy of spending restraint, which both the Committee and the Finance and Economics Committee are exhorting all other Committees to follow at the present time?
- (b) Would the President advise members –
 - (i) whether the post of Communications Consultant was advertised and, if so, where?
 - (ii) what remuneration is being paid?
 - (iii) what professional qualifications in communications the appointee holds?”

Senator E.P. Vibert will ask the following question of the President of the Environment and Public Services Committee -

“Would the President inform members –

- (a) of the fare revenue achieved by the Connex Bus company during July and August 2003?
- (b) how many officers of the Public Services Department have been engaged in monitoring the performance of the Connex Bus Company to ensure that it is delivering the bus service in accordance with its contract?
- (c) how many representatives of the Committee travel on the buses to carry out ticket inspections, as provided by the contract, and how often this is done?
- (d) how many penalty points, if any, have been accrued by Connex for service failure and the financial value of those penalty points since the start of the Company’s operations?
- (e) of progress in implementing the improvements to the core bus service as promised by Connex in their

contract for the Summer of 2003, such as the introduction of a rural 'transport on demand operation to meet the needs of the more isolated rural communities', more journeys later in the evening, regular inner and outer loop services, a round the Island service and the provision of a 'hop on-hop off' service for local residents and tourists, as well as increased ridership and increased bus revenue promised through sales and marketing and a real-time information system provided both on buses and at key locations?"

The Deputy of St. John will ask the following question of the President of the Policy and Resources Committee –

“Will the President confirm whether the Committee has been requested to help in negotiations at the highest level between H.M. Government and the Bailiwicks of Guernsey and Jersey in respect of the proposed new Guernsey fishing vessel licensing scheme, due to come into operation on 1st October 2003, and, if so, will he provide the dates when the request was received from the Economic Development Committee for assistance in negotiations.”

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

“(a) Would the President –

- (i) give details of dates of meetings held with his Guernsey counterparts at political level regarding the Guernsey Fishing Vessel Licensing Scheme and state which politicians from Jersey and Guernsey attended those meetings?
 - (ii) advise whether the Committee has asked the Policy and Resources Committee to assist in negotiations between the U.K. Government, Guernsey and Jersey regarding the Scheme given that Committee's responsibility for external affairs and, if so, when the request was made?
- (b) Would the President inform members whether the Committee has decided what action, if any, it will take to assist any Jersey fishermen who are unsuccessful in obtaining a licence under the Scheme and whether such assistance will include financial assistance to meet legal costs.”

Senator E.P. Vibert will ask the following question of the President of the Policy and Resources Committee –

“Would the President confirm that a senior public servant, on a three year contract has been told in writing that his contract would not be renewed as the Department concerned 'wishes to lower the age profile of the Department'? If this is a fact, would the President explain to members how this fits in with human rights legislation regarding age discrimination and how it fits in with the unfair dismissal legislation passed by the States only a month ago, which specifically outlaws dismissal on the grounds of age?”

Deputy G.C.L. Baudains of St. Clement will ask the following questions of the Environment and Public Services Committee –

“1. Would the President inform members –

- (a) of the total cost to date of the British Geological Survey's investigation of Jersey's water supplies?
- (b) of the approximate percentage of those costs attributable to water resources as opposed to water quality/pollution? and,
- (c) quantify approximately how many Departmental resources have been absorbed on water resources issues.

2. As the consultation period for the Draft Water Resources Law has finished would the President advise members which bodies/organisations the Committee consulted with and the number of submissions that were made?

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

“Will the President inform members when the Committee intends to present draft legislation relating to the confiscation of alcohol for the consideration of the States following the adoption of P.46/2002 on 21st May 2002, and explain why it has taken so long to present the draft legislation concerned?”

Deputy P.N. Troy of St. Brelade will ask the following question of the President of the Finance and Economics Committee –

“In the report accompanying an amendment presented to the States on 24th June 2003, by the Committee regarding user pays charges, reference was made to a proposed surcharge for the late submission of income tax returns.

Would the President inform members –

- (a) whether the Committee intends to introduce a surcharge for late submission of income tax returns and, if so –
 - (i) describe the criteria that will apply to such a charge;
 - (ii) provide an estimate of the amount to be raised by such a charge;
 - (iii) provide an estimate of the costs involved in collecting such a charge?
- (b) whether consultation has taken place with accountants or tax advisors and, provide any conclusions drawn from this process, and give details of any objections raised in this regard by professionals during the consultation exercise?”

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

- “1. Would the President confirm that regular monitoring of bathing water in St. Aubin’s Bay has taken place throughout the summer 2003, and, if so, whether it has passed the bathing water quality test on every occasion?
2. Would the President explain the reasons for the West Park swimming pool having been left drained for many days over the last few summer months?”

Senator E.P. Vibert will ask the following questions of the President of the Policy and Resources Committee –

- “1. Would the President confirm that he has attended a series of meetings with the Chairman of C.I. Traders Limited, in the company of Senator Michael Vibert, for the purpose of attempting to reach a settlement of the legal action with Les Pas Holdings Limited over the ownership of the foreshore within the Fief de la Fosse, and, if the answer is in the affirmative, would he advise members –
 - (a) when and where these meetings were held;
 - (b) whether any minutes were taken;
 - (c) whether H.M. Solicitor General was informed that these meetings were taking place;
 - (d) whether the Policy and Resources Committee was aware that these meetings were taking place; and,
 - (e) whether reports were given to members of the Policy and Resources Committee regarding what had been discussed.
2.
 - (a) Would the President confirm whether the former Solicitor General, Mr. Terry Sowden, wrote to the then Chief Adviser to the States on 23rd December 1993, recording his concern at the possible serious consequences of delay in taking up his offer to help prepare the case against Les Pas?
 - (b) Would the President make this letter and any others from the same source available to members of the States prior to the debate on the proposition concerning the proposed settlement with Les Pas Holdings Limited?
3.
 - (a) Would the President provide members with a full detailed breakdown of the £7 million figure quoted in paragraph 35 of the report accompanying P.117/2003 which is stated to be the cost even if the States were to win the action, and a full detailed breakdown of the estimated cost of £12 to £14 million if the States were to lose, as stated in the report.
 - (b) Would the President further advise members of which parts of this case the States have successfully defended where it has not been awarded costs.
4.
 - (a) Would the President advise members why the legal advice given to the Crown and the States of Jersey, on 29th August 1990, by Mr. Raymond Kidwell Q.C. and Mr. George Gadney, commissioned by H.M. Solicitor General of the time, Mr. Terry Sowden, was never made public?
 - (b) Would the President confirm that, in general terms, this advice was that –
 - (i) the claims of Mr. Falle must surely fail;
 - (ii) the Crown and the States for their respective interests may safely –
 - (A) continue their current reclamation work and use of the reclaimed land;
 - (B) continue their plans to build a marina at Havre des Pas and make such executive and legislative arrangements between the Crown and the States as will result in an unequivocal agreement and declaration of all the necessary rights; and,
 - (C) contest the claims of Mr. Falle with H.M. Attorney General representing the Crown and H.M. Solicitor General representing the States and the people of Jersey with no conflict of interest.

- (c) Would the President also confirm that the advice –
- (i) stated that the Crown conveyed three sites to the States within the Fief de la Fosse in 1982, 1983 and 1989 and it was clear that all parties believe they had the necessary rights – the Seigneur de la Fosse did nothing;
 - (ii) pointed out that in 1996 the States passed the Seignorial Rights (Abolition) Jersey Law which abolished or transferred to the Crown stated rights of the Seigneurs, so the Seigneur de la Fosse lost all rights he had enjoyed by custom.”

Deputy G.C.L. Baudains of St. Clement will ask the following question of the President of the Policy and Resources Committee –

“With regard to the report accompanying P.117/2003, ‘Fief de la Fosse: proposed agreement with Les Pas Holdings Limited’, would the President –

- (a) advise whether the £10 million valuation of the land in paragraph 35 includes estimated profit from the development of approximately 100 homes on the site and, if not, could he supply an estimation of that development profit so that members can assess the true total value of the site proposed to be transferred to Les Pas Holding Limited?
- (b) inform members of the Committee’s most recent estimate of the total legal costs that will be incurred by the States if the litigation is pursued, and give a breakdown of that estimate into costs that have not yet been incurred and costs that have already been paid and will therefore be irrecoverable even if the case is settled?”

Senator E.P. Vibert will ask the following questions of the President of the Policy and Resources Committee –

- 1. Would the President advise whether Crown Advocate Binnington will be present for the in-camera Committee of the Whole House discussion on the Les Pas Holdings matter to be held on 16th September 2003, and if not, the reasons why?
- 2. (a) Would the President confirm that at the then Policy and Resources Committee’s meeting on 23rd May 1993, that two representatives of Addendum Public Relations attended to discuss the tactics and time-scale of releasing information to States members and the media in relation to the proposed settlement with Les Pas Holdings, and, if so, whether the Committee considers there to be a difference between “tactics and timing” in the release of information and “spin doctoring” which he has denied will be practised by the Committee?
- (b) Would the President inform members –
 - (i) how much the Committee has spent with Addendum Public Relations in the last six months? and,
 - (ii) whether or not members of staff of Addendum have signed a confidentiality agreement prior to being given highly confidential information in advance of States members on the Les Pas matter?”

Senator E.P. Vibert will ask the following question of the President of the Policy and Resources Committee –

- “(a) Would the President confirm that at its meeting of 17th January 2003, three members of the Committee namely Deputy M.F. Dubras, Connétable K.P. Vibert and Senator T.A. Le Sueur declared their interest in C.I. Traders Limited?

- (b) Would the President inform members whether H.M. Attorney General declared his interest in C.I. Traders on the same date, and whether, and if so, why the Committee continued to seek his advice after that declaration of interest?"

Senator E.P. Vibert will ask the following question of the President of the Policy and Resources Committee –

“Would the President inform members –

- (a) why it was necessary to give the code name ‘Project Atlantis’, as quoted in Committee Minutes, relating to the negotiations being carried out with representatives of Les Pas Holdings Limited, and whether the use of such a code name fits in with the Committee’s policy of open, honest and accountable government?
- (b) how much has been paid in fees to Maurant, du Feu and Jeune for their services for legal advice and representation since they were appointed to act on behalf of the States and the Receiver General in relation to the litigation involving Les Pas?
- (c) whether the Committee has agreed with the Receiver General that the Crown will be paying one third of the total legal costs of this action?"

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

- “1. (a) Would the President confirm that the minutes of the Committee of 3rd of July 2003, state –

‘The Committee directed the Greffier to establish with the Bailiff the level of holdings which would be considered material, so that members with an interest could declare such interests, and if appropriate, withdraw from the debate’?

- (b) Would the President explain why the Committee only directed the Greffier to establish this ruling with the Bailiff after several Committee meetings had already taken place on this subject following the declarations of interest made in January 2003, by certain members and H.M. Attorney General?

- 2. Would the President confirm that the Committee Minutes of 26th June 2003, state that–

‘the committee decided to seek an extra States sitting on 16th September 2003 for the debate and authorised H.M. Solicitor General to ask Les Pas Holdings Limited for a further extension until the end of July 2003, in order that the matter could be lodged at the last States sitting on 29th July 2003, to avoid questions being raised by Members before the main debate’,

and, if so, would he explain why this rationale was used, and how it fits in with the policy of more open government that he has referred to in this Assembly on several occasions?

Senator P.V.F. Le Claire will ask the following question of the President of the Environment and Public Services Committee -

- “(a) Would the President confirm that on 3rd July 2003, he advised the Policy and Resources Committee, with reference to the waterfront site proposed as settlement in the Les Pas matter, that –

‘there remained an issue pertaining to the Environment and Public Services Committee’s parking

policy, which allocated only one space per unit on the Waterfront site',

and, if so, that this was because Les Pas Holdings Limited was seeking to include development of a two storey underground car park on the site, which is contrary to this parking policy.

(b) Would the President advise members –

- (i) of the estimated tipping charges connected with the provision of underground parking permitted for the site? and,
- (ii) whether the Committee has considered the implications of the spoil removed from the site turning out to be toxic, and, if so, what these are?"