

**THE STATES assembled on Wednesday,
17th April 2002 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Michael Cameron St. John Birt, Esq.**

All members were present with the exception of -

Senator Jean Amy Le Maistre - out of the Island
Senator Patricia Ann Bailhache - out of the Island
Senator Terence Augustine Le Sueur - out of the Island
Roy George Le Hérissier, Deputy of St. Saviour- out of the Island
Jennifer-Anne Bridge, Deputy of St. Helier- out of the Island

Prayers

Tribute to the late Mrs Margaret Sylvia Rose Beadle, former member of the States

The Deputy Bailiff paid tribute to the late Mrs. Margaret Sylvia Rose Beadle, former Deputy of St. Brelade.

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

Tribute to the late Mr. Winter Poignand Le Marquand, former member of the States

The Deputy Bailiff paid tribute to the late Mr. Winter Poignand Le Marquand, former Connétable of St. Peter.

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

Interception of Communications (Jersey) Law 1993: report of the Commissioner for 2001 - R.C.12/2002

The Deputy Bailiff presented to the States the annual report of the commissioner, Sir John Nutting, B.T., Q.C., made under the Interception of Communications (Jersey) Law 1993.

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

Subordinate legislation tabled

The following enactments were laid before the States, namely -

Road Racing (Hill Climbs and Sprint) (Jersey) Order 2002. R & O 28/2002.

Marriage and Civil Status (Approved Premises) (Jersey) Order 2002. R & O 29/2002.

Privileges and Procedures Committee - appointment of President

THE STATES, on the proposition of Senator Nigel Lewis Quérée, appointed Senator Christopher Gerard Pellow Lakeman, as President of the Privileges and Procedures Committee.

Special Committee on the Composition and Election of the States - appointment of Committee

THE STATES, on the proposition of the Deputy of St. Ouen, appointed Deputy Michael Edward Vibert o St. Brelade as President of the Special Committee on the Composition and Election of the States.

Matters presented

The following matters were presented to the States -

St. Saviour's Road to Westley Court and Salisbury Cottages: acquisition of roadway (P.35/2002): comments - P.35/2002. Com.

Presented by the Finance and Economics Committee.

General Reserve: grant of additional funds to 31st December 2001 - R.C.11/2002.

Presented by the Finance and Economics Committee.

Planning and Building core services: resources - R.C.13/2002.

Presented by the Planning and Environment Committee.

St. Helier Surface Water Link and Storage Tank Contract ("The Cavern"): report - Volume 1. R.C.14/2002.

Presented by the Public Services Committee.

The following matters were presented on 2nd April 2002 -

Appointments made by the States: review of procedures - R.C.8/2002.

Presented by the House Committee.

Code of Practice on Public Access to Official Information: annual report for 2001 - R.C.9/2002.

Presented by the House Committee.

The following matters were presented on 9th April 2002 -

Machinery of Government: freedom of representation (P.25/2002): comments - P.25/2002 Com.

Presented by the Policy and Resources Committee.

Proposed Race Discrimination (Jersey) Law (P.32/2002): comments - P.32/2002 Com.(2).

Presented by the Finance and Economics Committee.

Jersey Community Relations Trust (P.33/2002): comments - P.33/2002 Com.(2).

Presented by the Finance and Economics Committee.

Commercial House, Commercial Street, St. Helier: lease of 3rd floor office accommodation (P.36/2002): comments - P.36/2002 Com.

Presented by the Jersey Transport Authority.

Commercial House, Commercial Street, St. Helier: lease of 3rd floor office accommodation (P.36/2002): comments - P.36/2002. Com.(2)

Presented by the Finance and Economics Committee.

Administrative Appeals: report of the Board relating to the complaint of Mr. Malay Basak against a decision of the Education Committee - R.C.10/2002.

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

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

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 27th March 2002 recording the following decisions of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land -

- (a) as recommended by the Public Services Committee, the lease to Ms. Julia Helen Roff, née

- Crewdson, of the new café facility at St. Aubin's Harbour, St. Brelade, for a period of five years from the practical completion of the refurbishment /conversion work, at a commencing annual rent of £6,000, subject to a rent review in line with the Jersey Retail Price Index after three years, with the lessee to be responsible for the maintenance and repair of the new facility, on the basis that each party would be responsible for its own legal costs arising from this transaction;
- (b) as recommended by the Harbours and Airport Committee, the lease to Despatch Delivery Limited of office accommodation on the first floor of the Airport freight Building (Lettings B133 and B134) for a period of three years from 1st April 2002, at an initial annual rent for the two areas of £4,734 (representing a rate of £9 per square foot), subject to annual review on 1st April 2003 and 2004 in line with the Jersey Retail Price Index;
 - (c) as recommended by the Harbours and Airport Committee -
 - (i) the annulment of the leases granted to Lynx Express Limited in respect of warehouse accommodation within the Airport Freight Building (Lettings B117 and B118) with effect from 31st December 2001;
 - (ii) the lease to Huelin Renouf Airfreight Limited of Lettings B117 and B118 for a period of three years from 1st January 2002 at an initial annual rent of £15,823.60 (representing a rate of £5.49 a square foot), subject to annual review on 1st January 2003 and 2004 in line with the Jersey Retail Price Index; and
 - (iii) the annulment of the lease to Huelin Renouf Airfreight Limited of warehouse accommodation within the Airport Freight Building (Letting B119) with effect from 31st December 2001;
 - (d) as recommended by the Harbours and Airport Committee -
 - (i) the lease to Regency Holdings Limited of warehouse accommodation within the Airport Freight Building (Letting B119 - measuring a total area of 1,440 square feet) for the period 31st March 2002 to 31st December 2004, at an annual rent of £7,000 (representing a rate of £4.86 a square foot), subject to annual review on 1st January 2003 and 2004, in line with the Jersey Retail Price Index; and
 - (ii) the annulment of the lease to Regency Holdings Limited of office accommodation on the first floor of the Airport Freight Building (Letting B132) with effect from 31st March 2002;
 - (e) as recommended by the Harbours and Airport Committee, the renewal of the existing lease to the Jersey Canoe Club of the Old Lifeboat Shed (Letting STC14) at St. Catherinés, St. Martin, for use as the Club's Headquarters, for three years from 1st September 2001 at an annual rent of ten per cent of the Club's gross income (membership fees), which equated to £525.70 in 2001, on similar terms and conditions as the existing lease;
 - (f) as recommended by the Housing Committee, the lease to the Jersey Electricity Company Limited of Sub-station No. 628 and Section Pillars Nos. 6684 and 6685, located at the Albert Pier Housing Development, St. Helier, for a period of 99 years, under the usual terms and conditions, with the agreed annual rent of £1 per site to be paid to the Committee upon commencement of the agreement, and on the basis that each party would be responsible for its own legal costs arising from the transaction.

Matters lodged

The following matters were lodged "au Greffe" -

La Collette, St. Helier, Phase II: transfer of administration- P.51/2002.
Presented by the Public Services Committee.

Machinery of Government: establishment of an Appointments Commission - P.52/2002.

Presented by the Policy and Resources Committee.

Draft Public Markets (Administration) (Amendment) (Jersey) Regulations 200- P.53/2002.

Presented by the Industries Committee.

The following matter was lodged on 2nd April 2002 -

Jersey Financial Services Commission: appointment of Commissioner - P.47/2002.

Presented by the Finance and Economics Committee.

The following matters were lodged on 9th April 2002 -

Draft Motor Vehicles (International Circulation) (Amendment No. 13) (Jersey) Regulations 200 P.48/2002

Presented by the Home Affairs Committee.

Jersey Arts Trust: appointment of Chairman - P.49/2002.

Presented by the Education Committee.

Draft Companies (Amendment No. 7) (Jersey) Law 200P.50/2002.

Presented by the Finance and Economics Committee.

Arrangement of public business for the present meeting

THE STATES agreed that the third reading of the draft Planning and Building (Jersey) Law 200- (P.87/2001 adopted as amended and lodged au Greffe in second reading on 6th June 2001) be considered at the present meeting.

THE STATES noted that under Standing Order 22(3) the President of the Industries Committee had instructed the Greffier of the States to withdraw the proposition concerning Commercial House, Commercial Street, St. Helier: lease of 3rd floor office accommodation (P.36/2002 lodged "au Greffe" on 19th March 2002) and set down for consideration at the present meeting.

THE STATES gave leave to the President of the Policy and Resources Committee to defer consideration of the proposition regarding the Jersey Community Relations Trust (P.33/2002 lodged "au Greffe" on 12th March 2002) from the present meeting to a later date.

Arrangement of public business for the next meeting on 23rd April 2002

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 23rd April 2002 -

St. Helier Waterfront: lease and sale of land to Waterfront Enterprise Board Limited - P.45/2002.

Lodged: 26th March 2002.

Policy and Resources Committee.

Jersey Financial Services Commission: appointment of Commissioner - P.47/2002.

Lodged: 2nd April 2002.

Finance and Economics Committee.

Draft Motor Vehicles (International Circulation) (Amendment No. 13) (Jersey) Regulations 200 P.48/2002.

Lodged: 9th April 2002.

Home Affairs Committee.

Jersey Arts Trust: appointment of Chairman - P.49/2002. (re-issue)

Lodged: 9th April 2002.

Education Committee.

Draft Companies (Amendment No. 7) (Jersey) Law 200P.50/2002.

Lodged: 9th April 2002.
Finance and Economics Committee.

Projets withdrawn under Standing Order 17(6)

THE STATES noted that, in pursuance of Standing Order 17(6), the following matters lodged “au Greffe” had been withdrawn -

Buildings of local interest: removal from register - P.185/99.
Lodged: 16th November 1999.
Deputy of St. John.

Tenants and Lodgers: return of deposits - P.46/2001.
Lodged: 20th March 2001.
Senator C. Stein.

Jersey Mineral Strategy 200 - 2020 - P.51/2001.
Lodged: 27th March 2001.
Planning and Environment Committee.

States of Jersey Fisheries Protection Vessel the ‘Norman Le Brocq’ - question and answer (Tape No. 731)

The Deputy of St. John asked the President of the Agriculture and Fisheries Committee, the following question -

“Given that the States of Jersey Fisheries Protection Vessel the Norman Le Brocq has to undergo a refit, will the President -

- (a) advise members of the number of engine hours the vessel has operated since new, this figure broken down to a weekly average and the total number since the date of delivery of the vessel?
- (b) give details of the work to be carried out, and advise from which vote the money will come?
- (c) advise whether it is the Committee’s intention to increase the time the vessel will spend at sea annually in the light of the increased sea area that should be patrolled? If the answer is in the affirmative, will the President give details of any re-training of staff from within the department that is being considered?”

In the absence of the President, who was out of the Island, the Deputy of St. Martin, rapporteur of the Agriculture and Fisheries Committee, replied as follows -

“(a) Since new
2,062.2 hours
9.374 hours per week

Since delivery
2,026.2 hours.

The difference between the hours since new and hours since delivery represents the hours spent commissioning the vessel.

(b) The work will be to -

repaint hull where necessary
renew sacrificial sea rider guides
service and paint trawl, potting and anchor winches
service gas drenching system
service steering system and draw shafts for Lloyds survey

service engine and associated fittings and fit engine water heaters
test and replace batteries as appropriate
update and service safety gear
update radio and telephone connexions
replace one chair
improve ventilation
refurbish interior where needed.

Current budget allocation to Fisheries does not cover this cost. The Department is currently reviewing the allocation of its overall budget in an attempt to make provisions for this cost and for others which are similarly not covered in the current allocation.

- (c) The last time the sea areas under Jersey control increased was 31st March 1997. Necessary staff changes were made about the time of the increase and have since been maintained. The approval of the median line by Her Majesty's Government in February this year did not practically alter the sea areas managed by Jersey. In those five years since that date the Committee has been of the view that the time the vessel has been at sea is entirely appropriate for the fisheries that exist in local waters.

The answer to the second part of question (c) is not in the affirmative."

Ruling by the Data Protection Registrar - question and answer (Tape No. 731)

Deputy Geoffrey Peter Southern of St. Helier asked Deputy Terence John Le Main of St. Helier, President of the Housing Committee, the following question -

"Following the ruling of 15th March 2002 by the Data Protection Registrar that the Housing Committee acted in breach of the Third Principle of the Data Protection (Jersey) Law 1987, as amended, in making public confidential data held on file,

- (a) in addition to the educative measures set in place following the above ruling, what further steps will the President take to re-establish the confidence and trust of tenants in matters of confidentiality when dealing with the Housing Committee?
- (b) in order to give members of this Assembly the opportunity to review their confidence in the President, would he consider resigning and putting his name forward again for the Presidency?"

The President of the Housing Committee replied as follows -

"(a) In the statement which I made to the Assembly on 19th March 2002 I identified the measures which the Committee has agreed to implement in accordance with the Enforcement Notice served by the Data Protection Registrar. I also repeated my apology to the tenant concerned for releasing information which should not have been released.

My Committee is not proposing to take any further steps as it believes that these measures will be fully effective in restoring any damage that may have occurred to the trust and confidence of tenants in their dealings with the Department and the Committee.

- (b) No."

British-Irish Council - questions and answers (Tape No. 731)

The Deputy of St. John asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following questions -

"The Island was recently to have hosted a meeting of the British-Irish Council, now postponed. Would the President advise members -

- (a) how much funding had been set aside for this event, which vote was this money to come from and how much has already been spent?
- (b) in the event of further proposals to host such events will the Assembly have an opportunity to discuss this, given the charge to the tax payer in respect of arrangements, and particularly for security?
- (c) of the reasons for, and the value to Jersey of, the President personally playing such an active rôle within the British-Irish Council?"

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

"I am pleased to be able to take this opportunity to confirm revised arrangements for the third British-Irish Council Summit Level Meeting, which was to have been held in Jersey on 19th April but which was postponed because of the memorial service to be held on that day in London for Her Late Royal Highness The Princess Margaret.

The Summit will now take place on Friday 14th June 2002 at the Royal Jersey Agricultural and Horticultural Society's Headquarters in Trinity. The two other possible venues - Elizabeth Castle and St Helier Town Hall - were ruled out, in the former case in particular because of the timing of high tide on that day, and in the latter case on security grounds.

Arrangements for this very important meeting are well in hand. I am particularly pleased that the first BIC Summit to be held outside the capital cities of Dublin and London is to be held in Jersey. It will be the first time the Island will have hosted a top-level international meeting of this kind in its own right and not in right of the United Kingdom.

Turning to the Deputy's specific questions -

- (a) First, the budget. A sum of £150,000 has been provided by the Finance and Economics Committee from the General Reserve. This sum reflects in particular the costs of security that will arise on such an occasion because of the need to provide protection for VIPs and was established after advice had been taken from the Police. The unforeseen postponement has not surprisingly led to some abortive costs. Some £13,900 was spent by the Jersey Heritage Trust on various works at Elizabeth Castle before the postponement emerged, but fortunately much of this will be of lasting value to the Castle and its visitors. There are also some abortive Police costs to be repaid and these are being considered at the moment.
- (b) Members will recall that in October 1998 the Assembly agreed in principle the Island's participation in the British-Irish Council, when it approved the proposition of the Policy and Resources Committee "British-Irish Council (P.185/98). The report which accompanied that proposition outlined the expectations for the Council and the work it would carry out.

On 8th February 2000 I provided answers to questions asked by Deputy Breckon which sought to place in the minutes of this Assembly a brief account of my attendance on behalf of Jersey at the inaugural Summit meeting in London on 17th December 1999. Also on 8th February 2000 my Committee presented to the States, R.C.3/2000, which encapsulated the published Summit communiqué.

On 4th December 2001 I made a further statement to this Assembly, in which I brought members up to date concerning the second Summit meeting held in Dublin on 30th November 2001 and advised that it had been agreed that Jersey would host the next Council meeting to be held in the spring of 2002.

I have been gratified by the wide approbation that all these announcements have received, both from this Assembly and the wider public. If a cycle of two summits per year is envisaged, Jersey can expect to play host again in 2006. I am sure that there will be every opportunity before that date to discuss the matter once more.

- (c) The Island's participation in the British-Irish Council affords a significant opportunity for Jersey to

work alongside the other seven BIC administrations at top level. This is intrinsically important for Jersey. But it is also, crucially, our small contribution to making the Good Friday agreement work, and thus helping to consolidate the political settlement in Northern Ireland.

In view of this, I do not consider my personal participation in the British-Irish Council to be onerous. My simple but important role, as President of the Policy and Resources Committee and as senior representative of the Island is to ensure that Jersey plays its proper part and is perceived as a mature and responsible jurisdiction. In view not only of this, but also because of the role BIC plays in the Northern Ireland settlement, my, and the Island's, continued participation is of the highest importance."

Airport landing fees - question and answer (Tape No. 731)

Senator Paul Vincent Francis Le Claire asked the Deputy of St. Mary, President of the Harbours and Airport Committee, the following question -

- “(a) would the President provide for members the passenger numbers for both the airport and harbours for the first quarter of 2002 and the corresponding period in 2001 so that a direct comparison can be made?
- (b) airport landing fees are usually increased annually by Order of the Committee in the early part of the year, but such an Order has not yet been made this year. Has the Committee decided to freeze airport landing fees? If the answer is in the affirmative, would the President indicate why, and for how long?
- (c) what has been the reaction of the airlines in relation to any proposed increases in charges levied upon them by the Committee?
- (d) can the President confirm whether airlines were refusing to pay proposed increases in airport landing fees, and if the answer is in the affirmative, would he advise members of the reason(s) for refusal?”

The President of the Harbours and Airport Committee replied as follows -

- “(a) The total passenger numbers for the first quarter of 2002 to 31st March which was Easter Sunday (2001 - 15th April)

	<u>2002</u>	<u>Change %</u>	<u>2001</u>
Airport	264,445	(-0.8)	266,695
Harbour	63,682	(+21.2)	52,553

- (b, c and d) The Harbours and Airport Committee, together with representatives of the Jersey Transport Authority and the Tourism Committee met with members of BATA, the British Air Transport Authority on 20th March this year to discuss a number of issues, which were inter related and this is why I am replying to questions b, c and d together.

The airlines stated that Jersey was regarded as a marginal route but they had established a long-term commitment to the Island, which they were keen to retain provided that the business was sustainable.

Since 11th September 2001 the airlines were facing considerable financial pressures and any additional charges at this time could adversely affect the viability of the routes.

We have been required to increase the levels of security at the Airport and of course these have

to be paid for. Security is the responsibility of the airlines and Jersey Airport manages this on their behalf on a no profit/open book basis. In fact it costs us a small amount of money to administer it for them, but this is simpler and cheaper than the airlines forming their own company to administer it themselves. The Airport is responsible for providing adequate space for these stop and search procedures to be undertaken.

In addition to the increased cost of security there should have been a 2½ per cent increase in dues with effect from 1st January to cover increased costs particularly the last pay award that was well in excess of 2½ per cent. However in recognition of the difficulties facing the airlines it had been decided to delay this until the introduction of the summer timetable.

At the meeting on 20th March 2002 the additional cost of security was discussed following the receipt of letters from the airlines saying that they were not going to pay the additional security costs. Having reminded them that these costs were their responsibility and not ours the Committee offered in a spirit of co-operation and partnership recognising their current financial difficulties not to impose the 2½ per cent increase in dues, until 30th June 2002. They then agreed to pay the security charges in return for the offer of the delayed increases in dues to 30th June.

In reaching this compromise solution there are a number of issues that the Harbours and Airport Committee had to bear in mind: -

1. The need to run the Airport as commercially as possible.
2. The strategic importance of the Airport to the Island.
3. The importance of maintaining good air links for the finance and tourism industries as well as local residents.
4. The user pays principle (but the user should only pay for what he uses).
5. The future of financing of the Capital Programme outlined in our 2020 Plan.”

Recent speed monitoring and roadworthiness of vehicles - questions and answers (Tape No. 731)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Deputy Alastair John Layzell of St. Brelade President of the Home Affairs Committee, the following questions -

- “1. In view of the recent initiative to reduce speed by conducting speed monitoring at a number of accident black spots, would the President -
 - (a) give figures to show, in each of the last five years, how many accidents were caused by inappropriate speed, how many were caused by excessive speed and how many were caused by speeds in excess of the speed limit prevailing in that area at the time?
 - (b) explain whether, despite the much slower traffic in Jersey, there is a higher percentage of crashes caused by speed than in the United Kingdom, where the figure is only six percent?
 - (c) advise members how many States police officers were involved in monitoring speed at accident blackspots and what duties they had been taken from in order to carry out this task?
 - (d) advise members of the cost to the States arising from accidents caused by speed, including an explanation of how that figure has been arrived at and give a breakdown of these costs?
2. Would the President inform members how many motoring accidents in each of the last five years were either caused or exacerbated by a vehicle being in an unroadworthy condition, such that it would have failed a certificate of roadworthiness test (‘MOT’) in the United Kingdom?”

The President of the Home Affairs Committee replied as follows -

“1.(a) Police statistics concerning accidents in Jersey are compiled as a result of the observations of Police Officers, their investigations, information received from witnesses and on a small number of occasions, reports from the States of Jersey Police accident investigators. This information is readily available for the last two years, however before this time was not placed on computer database and is therefore not easily accessible.

In 2000, there were 146 accidents attributed to excessive speed for the prevailing conditions. This represents 16 per cent of all reported accidents. In 2001 there were 108 or 15 per cent and so far this year, 18 per cent can be attributed to excess speed.

Since the beginning of 2000, 33 accidents have been formally investigated by the States of Jersey Police Accident Investigation Unit. Of these 33, 26 were injury accidents, 3 of them fatal. The investigating team established that, of these 33, 20 or 60 per cent were caused by speed in excess of the speed limit.

(b) In response to this question, I draw the Deputy’s attention to the Department of the Environment and the Region’s Road Safety Strategy Report published in March 2000 in which it states -

‘Research has shown that speed is a major contributory factor in about 1/3 of all road accidents in the U.K.’

From the statistics shown in the answer to question (a), it can be seen that on average, Jersey suffers from accident figures that are approximately half that of the U.K. and this may very well be due to the lower speed limits in force in the Island.

(c) During the eight-day period of the campaign, three motorcycle officers were tasked specifically to carry out speed checks at various locations around the Island, however at all times were available for other operational commitments and indeed were used on a number of occasions where appropriate. A total of six other officers were used on a small number of occasions during this period to assist in checks, however whilst doing so, were also fully operational and available for any other commitments. No officers were taken away from other duties in order to perform this particular function. It is important to note that all officers involved in this recent operation were working towards one of the promises of the 2002 policing plan, to *‘work to preserve and improve the quality of life in Jersey’*. In delivering this promise the States Police will *‘seek to reduce the number of casualties on our roads and improve road safety’*.

Similarly, in the States of Jersey Police Public Survey completed in 2001, 36 per cent of those who expressed an opinion, believed that excessive speed was the most important issue for the Police to deal with in their local neighbourhood. This compares with 11 per cent for drugs, eight per cent for burglary and seven per cent for vandalism. This shows that speeding in their neighbourhood, was by far the biggest concern for those people who returned their questionnaire.

(d) No research has been completed in Jersey that would indicate the average cost to the States of an accident caused by any factor. Research in the United Kingdom however, has shown that the average cost of an accident that results in the death of one or more persons is approximately one million pounds.

2. Of the 907 recorded accidents in 2000, Police officers attributed 17, or 1.9 per cent of those accidents to a vehicle being in a defective condition. Of the 722 in 2001, 21 or 2.9 per cent were attributed to a defective vehicle, and so far this year there have been two or 1.3 per cent out of a total of 150. It is not possible to state how many of these vehicles would have failed a U.K. M.O.T.

It is standard practice for both the States and Honorary Police to arrange for vehicles to be examined at the Driver and Vehicle Standards Department (DVSD) if they have reason to believe they may be defective. Of the 161 vehicles taken to DVSD in 2000 for examination as a result of a specific police request, 110 were found to be defective, and of the 196 in 2001, 116 were found to be defective. The Department does not use the U.K. MOT certificate as a basis for examination. They are informed by Jersey legislation, and examine the vehicles accordingly.”

Fisheries control at Les Minquiers and Les Ecréhous over the Easter period - question and answer (Tape No. 731)

The Deputy of St. John asked the President of the Agriculture and Fisheries Committee, the following question -

- “(a) Will the President give details of how many fisheries officers were on duty and whether or not the officers were in the areas of Les Minquiers or Les Ecréhous during the recent spring tides which covered the Easter holiday period?
- (b) If officers were on duty in these areas, how many low water fishermen were stopped and had their catches checked and were any detained for illegally taking ormers?”

In the absence of the President, who was out of the Island, the Deputy of St. Martin, rapporteur of the Agriculture and Fisheries Committee, replied as follows -

- “(a) There were three officers on duty and because surveillance over the winter period of spring tides over the whole Bailiwick has shown the greatest problem to be with leisure fishermen contravening the conservation regulations around the coasts of Jersey, this was the area targeted over the Easter period. No surveillance was done on the reefs.
- (b) In the coastal zone around Jersey some 91 inspections of low water leisure fishermen’s catch were carried out and particular guidance was given on the new regulations for shellfish minimum sizes that the States approved on 18th December 2001 which came into force on 1st January this year.

Illegally caught ormers had been found on previous occasions, however, none were found over these tides. A number of minor offences on other species were reported and these were dealt with by way of verbal warnings.”

Implications arising from the adoption of measures outlined in the Code of Conduct group findings - questions and answers (Tape No. 731)

Senator Paul Vincent Francis Le Claire asked Senator Frank Harrison Walker, President of the Finance and Economics Committee, the following questions -

“With regard to the possible implications arising from the adoption of measures outlined in the Code of Conduct group findings to examine potentially harmful tax measures in E.U. member States, would the President -

- (a) explain to members how many exempt companies there are in Jersey, how their taxes are calculated and on the basis of income from which sources (e.g. Jersey source income), and the tax collected last year in total from these companies?
- (b) provide for members details of the amount of monies held on deposit in Jersey by exempt companies?
- (c) explain to members how many international treasury operations there are in Jersey, how their taxes are calculated and on the basis of income from which sources, and the tax collected last year in total from these companies?
- (d) provide for members details of the amount of monies held on deposit in Jersey by international treasury operations?
- (e) explain to members how many international business companies there are in Jersey, how their taxes are calculated and on the basis of income from which sources, and the tax collected last year in total from these companies?

- (f) provide for members details of the amount of monies held on deposit in Jersey by international business companies?
- (g) explain to members how many captive insurance companies there are in Jersey, how their taxes are calculated and on the basis of income from which sources, and the tax collected last year in total from these companies?
- (h) provide for members details of the amount of monies held on deposit in Jersey by captive insurance companies?
- (i) provide for members an approximation of the numbers of people employed in Jersey in a direct way with the previously mentioned companies and financial services?"

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

"I shall reply to each of the questions in the order that they have been asked.

- (a) There are approximately 19,000 exempt companies in Jersey. An exempt company pays a charge of £600 per annum. It does not pay any income tax on profits or income arising outside Jersey. In the case of income arising in Jersey (apart from bank interest which is exempt in accordance with the usual concession) the exempt company is liable to income tax at the standard rate of tax of 20 per cent, as are the profits of a trade carried on through an established place of business in Jersey. In 2001, the sum of £11.4 million was collected from exempt companies. Any income tax paid by exempt companies is included in the income tax statistics, but it is not a significant amount. However, exempt companies are at the heart of Jersey's finance industry and are instrumental in providing many of the services and products within that industry.
- (b) This information is not available.
- (c) Unlike exempt companies and international business companies - which have their own specific and generic data base on the Income Tax Department computer system - international treasury operations do not, so providing an accurate answer to this question is not possible.
- (d) This information is not available.
- (e) There are currently 166 International Business Companies in Jersey. I provided the information on the different rates of tax that can be applied to International Business Companies in an answer to a recent question posed by Senator Kinnard. In 2001, some £37 million was collected from International Business Companies. That sum included £3.4 million of tax relating to earlier years.
- (f) This information is not available.
- (g) A captive insurance company is able to take advantage of either exempt company status or international business company status and there are currently 13 captive insurance companies in Jersey. In 2001, the sum of £7,800 was collected from those companies.
- (h) This information is not available.
- (i) The number of people employed in the financial services industry as a whole in 2000 is estimated at 12,240, which is some 24 per cent of the total workforce. It is not possible to give an approximation of the numbers employed in a direct way with the previously mentioned companies and financial services activities."

Recent developments concerning the E.U. Tax Package statement

The President of the Policy and Resources Committee made a statement in the following terms -

- "1. Sir, it is important that I make a statement to the Assembly today about recent developments concerning the E.U. Tax Package. To aid understanding, all members will also find on their desks a short note describing the main features of the Tax Package (Annex 1), and a letter that I sent to the

Paymaster General last Friday, 12th April (Annex 2), following several conversations that I had had with her over the previous two days.

2. It is well known that the U.K. Government attaches high political importance to the success of the Tax Package. Its view is that this is essential for the continued economic well being of the City of London. I believe it also sees the Package as a way of heading off pressure for tax harmonisation within the E.U. Views may differ about the validity of these objectives but they do explain the pressure from the U.K. which Jersey, together with the other Crown Dependencies and the Overseas Territories, is now facing to commit to the Package. This pressure has begun to intensify in recent months, not least because certain Member States have made it clear that agreement is dependent upon commitment by all the U.K.'s territories.
3. The Member States decided at the outset that, although the Package related to the E.U. Single Market, it should include dependent territories, such as ourselves, and, in certain respects, key third countries such as Switzerland and the U.S.A. Otherwise restrictive measures within the E.U. could just lead to a flight of capital across borders. Member States with dependent or associated territories therefore committed themselves to ensuring that, within the framework of their constitutional arrangements, the principles of the Code of Conduct applied in those territories. At a slightly later point they committed themselves to ensuring, on the same basis, that the same measures as in the Savings Directive should apply to those territories. In relation to key third countries, they would promote adoption of equivalent measures as in the Directive and promote the Code of Conduct. It was obviously not a practicable proposition to seek implementation of the Code in third countries.
4. We were very concerned in 1998 about the constitutional implications of this because there was an implication that the U.K. Government might simply seek to find a way of imposing such measures upon us, despite Jersey's fiscal autonomy and the fact that we were not within the E.U.'s fiscal territory. As many Members will recall, we had extensive discussions with the U.K. authorities on this point at the time. This led to the language I have just noted, that any action by Member States to ensure the Package's adoption by their dependent and associated territories would be, 'within the framework of their constitutional arrangements'. I informed the Assembly about this in a statement on 2nd December 1998. There have been since then a number of statements on the Parliamentary record, including from the Paymaster General herself, to this same effect.
5. The pressure we now face is, however, essentially economic and political, rather than constitutional. The U.K. is saying that the Tax Package is vital to its interests and that if we, Jersey, and the other territories, do not adopt the Package those interests will be damaged. The Paymaster General said to me last week that the U.K. was not prepared to allow that to happen and that if we did not commit to the Package, the U.K. would consider options for economic measures against Jersey in an attempt to make us comply.
6. This pressure is not wholly new. We have had several discussions with the Treasury over the last year or so about the Tax Package. Some of these meetings also dealt with the OECD initiative too. Senator Walker and I have had two meetings with Ms Primarolo and her colleagues at 11 Downing Street. Our colleagues in Guernsey and the Isle of Man have done the same. All along we have worked on the basis that the date for decisions was end-2002, as agreed by the E.U. itself.
7. Last week, however, Ms. Primarolo telephoned me to say that she wanted a commitment to the Code of Conduct from Jersey within a week because she faced an important meeting in Brussels on 18th April at which she did not want to have to say that the U.K. had not secured Jersey's commitment, or at least made real progress towards securing it.
8. The Minister confirmed that no other Crown Dependency or Overseas Territory has made such a commitment or had been asked to do so in the same timescale. She was singling Jersey out because she believed we had not sufficiently 'engaged' in discussions about how to implement the Package. Yet, and the point needs emphasising, in fact we are in exactly the same position as Guernsey and the Isle of Man. She argued, however, that in her view they had been more 'constructive'. Unfortunately, she was not inclined to accept my argument that we were in the middle of our fiscal review and that the Tax Package had to be considered in parallel with that.
9. Notwithstanding, my immediate response to the Minister was that only the States, the Island's

Parliament, could make such a commitment on behalf of the Island and that, even if the States were prepared to, the timescale she had indicated was quite unrealistic. I also emphasised that it was quite unreasonable and disproportionate to single out Jersey in the manner that she proposed. I repeat again, for it is a very important point, that there is no difference of substance between Jersey and the other Crown Dependencies; none of the three, nor indeed any other U.K. Overseas Territory, has made a commitment to the Package, and no other was approached last week to do so as we were.

10. We have said clearly to the Treasury that, subject to safeguarding our vital economic interests and to a clear level playing field, we shall take the Code of Conduct principles into account in our review of fiscal strategy and also examine whether we can address the Directive by adopting measures that are the same as or equivalent to those set out in it. We have emphasised that in any event we recognise the wish of E.U. Member States to limit as far as possible any circumvention of the Directive, if or when it comes into force, and that accordingly we shall not allow Jersey to be a place outside the E.U. where E.U. residents could avoid paying their due taxes. As my letter to the Minister makes clear, we want to reach an agreement with the U.K. on the Tax Package and we are ready and willing to enter into constructive discussions to that effect. The progress of our fiscal strategy review makes this now timely.
11. However any agreement has to be mutually acceptable. A unilateral commitment to the Code of Conduct principles and automatic exchange of information would harm, potentially significantly, the Island's interests. The exempt company regime has been a cornerstone of our tax regime for over 40 years and is the foundation on which the success of our finance industry has been built (as is equally the case, broadly speaking, in Guernsey and the Isle of Man); and our competitive position on bank deposits would be jeopardised if we moved to automatic information exchange but our two major European competitors, Luxembourg and Switzerland, did not.
12. I said very clearly to the Minister that, while I understood that her first duty was to U.K. interests, mine was to Jersey's. Any agreement had to be based on safeguarding the Island's economic interests. I expressed a similar view when I was able to speak to the Chancellor of the Exchequer at the recent C.P.A. Golden Jubilee conference in London.
13. As I have said, our position is no different in substance from the other Crown Dependencies. We are ready to have discussions. We have suggested that U.K. officials visit Jersey very soon, and I have offered to see the Minister in London again next month.
14. This is clearly a testing moment for the Island and we must rise to the challenge with resolve. The U.K. itself is engaged in difficult European negotiations on the Tax Package. All European negotiations are long and protracted; this is a point on the road - a difficult one, but nevertheless just that: a point on the road. We must move with measured determination to give effect to the undertakings we have readily made to enter into constructive discussions, on the basis of very careful and thorough analysis of all the issues. This work is in hand, and indeed has been for some time. The overriding objective is to safeguard the Island's vital economic interests; if that requires tough decisions, and new strategies, I am confident that my Committee, and indeed this Assembly, will tackle those energetically and that we shall find a way forward which safeguards the Island's position into the future. We all know full well what is our prime objective."

STATES OF JERSEY

E.U. TAX PACKAGE: BACKGROUND NOTE

1. The Tax Package emerged in 1996 and 1997 as a response to a debate in the E.U. about so-called 'harmful' tax competition. The debate centred on the need for co-ordinated action at European level to tackle 'harmful' tax competition in order, in particular, to reduce continuing distortions in the single market, to prevent excessive losses of tax revenue (to locations outside the E.U.) and to get tax structures to develop in a more employment-friendly way. Two main areas for action that emerged were business taxation and the taxation of savings income.
2. The package took shape in late 1997, with the then new U.K. Government playing very much a leading role. (The O.E.C.D. project on 'harmful' tax competition was being developed at the same time.) Its two main elements were (a) a Code of Conduct on Business Taxation and (b) a draft Directive on the Tax Treatment of Savings Income. These two elements, as they have developed since 1997, are both in the frame now as far as the pressure now being placed upon Jersey is concerned.

The Code of Conduct on Business Taxation

3. This was agreed in December 1997 by the European Council (ECOFIN Conclusions concerning taxation policy (98/C2/01)). It is a political agreement and not a Community measure such as a directive or regulation. Its key principles are as follows -
 - tax measures which provide for a significantly lower effective level of taxation, including zero taxation, than those levels which generally apply in the Member State in question, are to be regarded as potentially harmful. In particular, the assessment of 'harmfulness' should take account of whether advantages are accorded only to non-residents or in respect of transactions carried out with non-residents;
 - Member States commit themselves not to introduce new tax measures which are 'harmful' ('standstill');
 - Member States commit themselves to re-examining their existing laws and established practices, and to amending them as necessary with a view to eliminating any 'harmful' measures ('rollback');
 - the Council considers it advisable that principles aimed at abolishing 'harmful' tax measures should be adopted on as broad a geographical basis as possible. To this end, Member States commit themselves to promoting their adoption in third countries and in territories to which the Treaty does not apply;
 - in particular, Member States with dependent or associated territories commit themselves, within the framework of their constitutional arrangements, to ensuring that these principles are applied in those territories.
4. A group was established to assess all measures that might fall within the scope of the Code. This has been chaired since its inception by Ms. Primarolo. Its first report in 1999 found some 66 measures that were potentially harmful, across all Member States (except the U.K.!). Four Jersey measures were so found: exempt companies, international business companies (IBCs), captive insurance and treasury operations. The position was similar in respect of Guernsey and the Isle of Man. Member States with measures found to be 'harmful' generally entered strong reservations in the Group's report, and of course had a seat at the table which to argue their corner; Jersey did not. We were invited by the U.K. at the outset to submit detailed material on our tax measures but had no opportunity to participate in the group itself.
5. We understand that the Code of Conduct group is meeting on 18th April in order to finalise its report to ECOFIN. We are not privy to its counsels. We expect, though, that it will portray a good deal of progress on the rollback of 'harmful' measures in Member States, although whether the detail will fully justify this in each case remains to be seen; the process to date has hardly been transparent and some commentators take the view that there is a lot of national foot-dragging. We expect, too, that the U.K.

will report to the group 'constructive engagement' on the part of the Crown Dependencies and its Overseas Territories save for Jersey. The President's statement deals with this.

Draft Directive to ensure effective taxation of savings income in the form of interest payments within the Community (COM (2001) 400)

6. The original idea agreed in 1997 was a 'coexistence' model under which each Member State would either operate a withholding tax or provide information on savings income to other Member States, or operate both systems. The provisions of such a Directive should take into account the need to preserve the competitiveness of European financial markets on a global scale. It was therefore agreed that the Member States should undertake to promote the establishment of equivalent measures in third countries, and to commit themselves to ensuring, within the framework of their constitutional arrangements, that equivalent measures were applied in their dependent and associated territories.
7. This approach floundered. The U.K. began to argue strongly that the only way forward compatible with single market objectives was automatic information exchange. This argument was driven in particular by the need to head off pressure from its partners to ensure that withholding taxes were applied to a range of activities where the City of London had a commanding commercial lead - in particular the Eurobond market. The U.K. threatened to veto the whole package unless this was dropped. It became an issue symbolic of clash between the U.K.'s strategic objective of being at the heart of Europe and its own competitive advantage. Eventually the U.K.'s persistence paid off and agreement was reached in 2000 on a revised approach -
 - the dropping of 'coexistence';
 - automatic exchange of information;
 - a transitional period of seven years for Member States that wished to continue to apply a withholding tax for the time being;
 - promotion of equivalent measures in key third countries (of which the most important ones are Switzerland and the U.S.A.). The word 'equivalent' is intended explicitly to take account of Switzerland's deeply-entrenched position in favour of retaining a withholding tax;
 - promotion of 'same' measures (ie automatic exchange of information) in dependent and associated territories, without the option of 'equivalent' measures.

This deal was worked out in tense negotiations in 2001. It has become known as the 'Feira deal' (after the place it was done) and was seen by many as a 'victory' for the U.K.'s approach and for the Chancellor himself; there were headlines, for example, about the Eurobond market having been 'saved' for London. (Hence, in particular, the focus in Ministerial statements on the economic well being of the City of London). But, it should be noted, apropos the last bullet point above, that the phrase 'within the framework of their constitutional arrangements' was lost from the Council conclusions that summarised the deal although we were assured at the time by U.K. officials that this was just a slip in a smoke-filled room and represented no change in policy.

8. There has been a lot of quite difficult debate in Europe since then around the Directive and it is clear that there are many issues not yet agreed. The main points can be summarised as follows -
 - Belgium, Austria and Luxembourg have confirmed their wish to retain a withholding tax approach for the agreed seven-year transitional period. They have indicated that they may well argue in the end game for an unlimited transitional period if it is clear that Switzerland will not move towards automatic information exchange. This is bound to be strongly resisted but the point has been emphasised by the Council's issuing the latest draft of the Directive not as **the** agreed text for adoption, subject to debate, at the end of the year, but as **a** text for the purposes of negotiation with third countries. In other words, everything remains open, and any Member State can veto the Directive;
 - the key third countries are the U.S.A. and Switzerland. Reports from various quarters suggest that talks between the Commission and them have not yet made great headway. The US position appears

to be that automatic information exchange is already covered by existing double taxation agreements with E.U. member states but this is not provided for in a manner which fits with the approach adopted by the E.U. This is likely to be a difficult issue to resolve;

- the Swiss position is key. They have said that they will not move to exchange of information. They are content to operate a withholding tax system on a 'paying agent' basis, that is, in effect collecting the tax on behalf of the Member States in respect of their residents and returning it **en bloc** with a deduction for costs. They have enunciated the principle that Switzerland will not be a place where E.U. residents can avoid their due taxes. But, the Swiss have linked this to negotiations with the E.U. in other areas - participation in the Schengen agreement (the common E.U. frontier), the E.U.'s audiovisual programmes, free trade in services (ie unrestrained access to the E.U. market), and several other programmes. There has been unease in Brussels about this, but such is the political pressure on the tax package that this has now been broadly overcome. But it has taken time. It was only last week that negotiating mandates were agreed on the E.U. side in respect of most, but not all, the areas where the Swiss seek progress. The General Affairs Council (Foreign Ministers) said in its conclusions on 15th April that the Council "expects the Swiss authorities now to engage in negotiations on taxation on savings". But this could be quite a long road;
- ECOFIN has said that it will need by the end of 2002 'sufficient assurance' that dependent territories and third countries have committed to what has been sought of them, in order, other things being equal, to be able to adopt the Directive;
- the Directive is only subject to consultation with the European Parliament, not co-decision, since it requires unanimity to be approved. The Parliament has proposed, however, an amendment that would put within the Directive itself the commitment to ensure application of the same measures by dependent territories (such as Jersey). We have had no indication yet whether the U.K. Government will or will not support this. Our present working assumption is that they will oppose it because it would be quite contrary to the constitutional arrangements. But the proposed amendment is a good indication of the way the wind is blowing in Brussels and we shall have to be very watchful of this because of the constitutional implications that could arise;
- we believe that ECOFIN will take full stock of the position regarding the Directive at its meeting on 6th June.

9. We have set out to the U.K. Government Jersey's position on the draft Directive, as follows -

- we have said, in the same vein as Switzerland that we shall ensure Jersey is and cannot be a place where E.U. citizens can avoid paying their due taxes and we shall therefore look towards adopting either same or equivalent measures as those in the draft Directive;
- we have said therefore that we are looking at all the respective merits of a withholding tax, either in common with those Member States that wish to continue to apply it, or on the Swiss model; participating in exchange of information; or offering E.U. residents the choice of having tax withheld or information exchanged;
- we have emphasised that this would be clearly subject to level playing field conditions among the Member States, other territories and the named third countries.

Our Ref: PFH/lh/3/23

12 April 2002

Ms. Dawn Primarolo MP
Paymaster General
H.M. Treasury
Parliament Street
London SW1P 3AG

Dear Minister

E.U. CODE OF CONDUCT ON BUSINESS TAXATION

I am sending you this letter to follow up the two telephone conversations that we had earlier today and the one we had yesterday. I thought it would be useful to set down exactly what Jersey's position is as I described it to you so that there can be no question of misunderstanding between us.

My first point is a simple practical one. A commitment from Jersey of the kind you sought when we first spoke yesterday cannot be given by any body in the Island other than the States Assembly, our Parliament. Even if the States were prepared to make a commitment to the Code of Conduct, that would be simply impossible in the timescale of a few days that you suggested. Furthermore, I understand that no similar requests have been made of the other Crown Dependencies.

We certainly want to reach agreement with you, as we firmly believe that it is in the best interests of both Governments that we should. As was foreshadowed in the joint Jersey/Guernsey position paper last November, we have been addressing the issues as part of a wide ranging fiscal strategy review. The issues are of such vital significance to our economic best interests that we can tackle them properly only through such a process, on which extensive consultation throughout the Island will be essential. An absence of any written response from the U.K. Government on the position paper, coupled with the exchanges I know your officials have been having with Guernsey, have certainly, over recent months, led me to assume that you rested content with our approach to the Code of Conduct through our fiscal review. We have been working on our review accordingly, bearing in mind the end-2002 deadline the E.U. has set for agreement on the tax package as a whole. We have had consultation with our finance industry and others and, as John Mills made clear to David Richardson yesterday and when they met on 26 March, we shall soon be in a position to enter into meaningful technical discussions with your officials.

The work we have been undertaking has taken a little longer than first anticipated - we have but limited resources for such things - but it has been intensive and productive; one issue under serious consideration, for example, is removal of the designer rate. As I told you, we intend to publish a major consultation document, setting out options on tax across the board, around the end of April. This foreshadows major changes to our tax structures and will naturally take into account the international tax situation generally, including the Code of Conduct and competitive pressures from other jurisdictions with generally lower corporate tax rates than our own. The document will refer to the fact that we need to respond to the Code and that we shall seek to reach agreement with you on it. It was with this in mind that I suggested we meet in early May. We could of course have briefed you more fully on the whole matter and our emerging thinking, had you been able to take up the invitation to visit Jersey that our Bailiff extended to you earlier in the year.

I confirm again, as I said to you, that we are ready to engage in constructive talks with a view to reaching agreement. I gave you my assurance on this, and in so doing my purpose was to confirm to you that Jersey was at least in the same position as Guernsey, the Isle of Man and other territories, none of which had yet, as you told me, given actual commitments on the Code of Conduct.

At the end of our first conversation today, you indicated that the assurances I had given you were not sufficient. You said that you might be prepared to think again if we immediately shared with your officials all our working papers and background work on our fiscal review, in order to demonstrate, so to speak, what I had said to you. I duly reflected on this but reverted to you to say I could not agree to this and that I regretted that

my word, which as the senior Senator of the States of Jersey I do not give lightly, was insufficient. I said that it would be inappropriate to share such papers with your officials in the manner proposed. As I have stressed to you, our view is that any discussions with your officials should be on the basis of the outcome of our own consultations and in a proper, structured way. I appreciate that the other Crown Dependencies may have dealt with the matter differently but I believe there will be no difference in the end result.

I have given you my assurance that we want to reach agreement with you and that we shall certainly work to improve the good relationship between us. But we believe firmly that our position is no less than Guernsey's, the Isle of Man's or any other leading territory's in terms of actual commitment to the Code of Conduct, and for Jersey to be singled out adversely, as you have indicated you intend to do on 18 April, would not only be unfair, but also disproportionate and unreasonable. It would, I made clear in our conversation, also provoke intense adverse reaction in the States of Jersey, and indeed throughout the whole Island. I would certainly have to make an early States statement on the matter. There is a very real danger that we would come under intense political pressure to withdraw, publicly, from the search for agreement on the Tax Package. I do not believe that this would be in the U.K.'s best interest, nor those of the Package itself to whose success I know you attach such high political importance.

The alternative to this potentially very damaging state of affairs is your acceptance of my word given in good faith and our using this incident as a turning point for building a better mutual relationship, an undertaking on which I set great store and for seeking to make real progress that recognises the difficulties faced by both sides and which reflects the partnership between the two governments to which, the U.K. Government has publicly committed itself.

Let me say finally that I do appreciate the importance you attach to the Code of Conduct and the success of the Tax Package, and its high importance from the U.K. policy perspective. This very fact is important for Jersey too, in view of our very close links with the U.K. But as I made clear to the Chancellor when I had a word with him recently at Lancaster House, the issues in question are vital to our economic interests which we, just as you are in respect of the U.K.'s, pledged to protect. We therefore have to consider the issues in the round from that perspective. I was pleased that the Chancellor acknowledged that point. Obviously it is for you to consider U.K. policy options but I do not think it is right or proportionate, or within the spirit of the relationship between the U.K. and the Island, in all its aspects, for you to single out Jersey next week in the manner proposed.

Yours sincerely

SENATOR P F HORSFALL, OBE
PRESIDENT, POLICY & RESOURCES COMMITTEE

Draft Motor Traffic (No. 8) (Jersey) Regulations 200- P.38/2002

THE STATES, in pursuance of the powers conferred on them by the Order in Council of the twenty-sixth day of December 1851, and by Article 54A of the Motor Traffic (Jersey) Law 1935, as amended, made Regulation: entitled the Motor Traffic (No. 8) (Jersey) Regulations 2002.

Belle Vue, La Route des Quennevais, St. Brelade: transfer of administration to the Public Services Committee - P.34/2002

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

- (a) approved the transfer of administration from the Planning and Environment Committee to the Public Services Committee of the strip of land shown hatched on drawing No. PHT 395 110, at Belle Vue, La Route des Quennevais, St. Brelade, which was used to widen the main road and create a bus layby as part of the Belle Vue development;
- (b) authorised the Greffier of the States to sign the said drawing on behalf of the States.

**St. Saviour's Road to Westley Court and Salisbury Cottages: acquisition of roadway - P.35/2002
Comments - P.35/2002 Com.**

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

- (a) approved the purchase on behalf of the public of an area of land measuring approximately 200 square metres and forming an unnamed roadway off St. Saviour's Road as shown hatched on drawing No. 1159/1/41 and authorised the Greffier of the States to sign the said drawing on behalf of the States;
- (b) agreed that, if it was not possible to agree a fair and proper price with the owner or owners, whose identities were not known, the Planning and Environment Committee should be empowered to exercise Article 4 of the Island Plan (Jersey) Law 1964, as amended, to acquire the land and any interest therein by compulsory purchase, in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, as amended;
- (c) authorised the Attorney General and the Greffier of the States to pass on behalf of the public any contracts which it might be found necessary to pass in connection with the acquisition of the said land and all interest therein;
- (d) authorised the payment or discharge of expenses incurred in connection with the purchase of the said land and all interests therein from the Planning and Environment Committee Capital Vote of Credit - Major Land Acquisition (C.0904); and
- (e) agreed that the land referred to in paragraph (a), once acquired, should be transferred to the administration of the Housing Committee.

Belle Vue, La Route des Quennevais, St. Brelade: transfer of administration to the Health and Social Services Committee - P.39/2002

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

- (a) approved the transfer of administration from the Planning and Environment Committee to the Health and Social Services Committee of the site shown hatched on drawing Nos. PHT 395 10 and PHT 395 080 at Belle Vue, La Route des Quennevais, St. Brelade, for the purpose of developing the site as a residential nursing home and day-care centre; and
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Rent Control Tribunal: appointment of members - P.41/2002

THE STATES, adopting a proposition of the Housing Committee, and in pursuance of Article 3(1) of the Dwelling Houses (Rent Control) (Jersey) Law 1949, as amended, re-appointed the following persons to act as Chairman and Members of the Rent Control Tribunal for the period ending on 12th April 2003 -

Mr. Terence Lavery - Chairman
Mrs. Mary Margaret Gaiger
Mr. Ronald Peter Welling
Mr. Christopher John Sheehan.

Health and Safety Appeal Tribunal: appointment of members - P.42/2002

THE STATES, adopting a proposition of the Employment and Social Security Committee, appointed the undermentioned as members of the Health and Safety Appeal Tribunal, in pursuance of Article 17 of the Health and Safety at Work (Jersey) Law 1989, and the Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations 1989, for a period of three years commencing 1st May 2002 -

Advocate Geoffrey Le Vesconte Fiott, Chairman
Advocate Charles Malcolm Belford Thacker, Deputy Chairman
Mr. David Le Marquand
Mr. Nigel Tibbo.

Family Allowances Tribunal: appointment of members - P.43/2002

THE STATES, adopting a proposition of the Employment and Social Security Committee, appointed as Chairman and members of the Family Allowances Tribunal, in pursuance of Article 1 of the Family Allowances (Jersey) Law 1972, as amended, for the period ending 31st December 2004, the following -

Advocate Alan Richard Binnington, Chairman
Advocate Charles Malcolm Belford Thacker
Advocate Marion Whittaker
Advocate Michael Clapham
Mrs. Elizabeth Hambly
Mr. Bernard Louis Dubras
Mrs. Margaret Le Marquand
Mr. Michael Bernard Kavanagh.

Social Security Tribunal: appointment of members - P.44/2002

THE STATES, adopting a proposition of the Employment and Social Security Committee appointed as Chairman and members of the Social Security Tribunal, in pursuance of Article 1 of the Social Security (Jersey) Law 1974, as amended, for the period ending 31st December 2004, the following -

Advocate Charles Malcolm Belford Thacker, Chairman
Advocate Alan Richard Binnington
Advocate Marion Whittaker
Advocate Michael Clapham
Mrs. Elizabeth Hambly
Mr. Bernard Louis Dubras
Mrs. Margaret Le Marquand
Mr. Michael Bernard Kavanagh.

Draft Planning and Building (Jersey) Law 200- third reading.

THE STATES, subject to the sanction of Her Majesty in Council, adopted a Law entitled the Planning and Building (Jersey) Law 2002.

THE STATES rose at 12.18 p.m.

C.M. NEWCOMBE

Greffier of the States.