

**THE STATES assembled on Tuesday,  
29th May 2001 at 9.30 a.m. under  
the Presidency of the Deputy Bailiff,  
Michael Cameron St. John Birt, Esquire.**

**His Excellency the Lieutenant Governor,  
Air Chief Marshal Sir John Cheshire, K.B.E., C.B.,  
was present**

All members were present with the exception of -

Senator Frank Harrison Walker - out of the Island  
Senator Paul Vincent Francis Le Claire - ill  
Maxwell Robert de la Haye, Connétable of St. Brelade - out of the Island  
Henry George Coutanche, Connétable of St. Lawrence - out of the Island  
Shirley Margaret Baudains, Deputy of St. Helier - out of the Island  
Imogen Stephanie Nicholls, Deputy of Grouville - ill  
Jacqueline Jeannette Huet, Deputy of St. Helier - out of the Island  
Francis Gerald Voisin, Deputy of St. Lawrence - out of the Island  
Celia Joyce Scott Warren, Deputy of St. Saviour - out of the Island  
Philip Francis Cyril Ozouf, Deputy of St. Helier - out of the Island  
John Benjamin Fox, Deputy of St. Helier - out of the Island

Prayers

#### **Matter presented**

The following matter was presented to the States -

**Committee of Inquiry: procedures for recruitment of Honorary Police Officers (P.67/2001) - report -  
P.67/2001 Rpt**  
Presented by the Home Affairs Committee.

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

#### **Matters lodged**

The following matters were lodged "au Greffe" -

**Hautlieu School: approval of drawings - P.83/2001.**  
Presented by the Education Committee.

**Draft Companies (Amendment No. 6) (Jersey) Law 200- P.84/2001 (re-issue).**  
Presented by the Finance and Economics Committee.

#### **Projet withdrawn under Standing Order 17(6)**

THE STATES noted that in accordance with Standing Order 17(6) the following matter had been withdrawn -

Draft Road Traffic (No. 51) (Jersey) Regulations 200-.  
Lodged: 28th March 2000. P.40/2000.  
*Home Affairs Committee.*

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

THE STATES granted leave to the Finance and Economics Committee to withdraw its proposition regarding Draft Companies (Amendment No. 6) (Jersey) Law 200- (P.29/2001 lodged "au Greffe" on 20th February 2001) the Committee having lodged a revised proposition "au Greffe" at the present meeting.

### **Arrangement of public business for the next meeting on 5th and 6th June 2001**

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 5th and 6th (and possibly 7th) June 2001 -

Draft Planning and Building (Jersey) Law 200- P.50/2001.

Lodged: 27th March 2001.

*Planning and Environment Committee.*

*Continuation of consideration. The preamble and Article 2 were adopted on 15th May 2001. Articles 1, 3-21 were approved, as amended where appropriate, on 22nd May 2001.*

Draft Planning and Building (Jersey) Law 200- (P.50/2001): comments - P.50/2001 Com.

Presented: 3rd April 2001.

*Finance and Economics Committee.*

Draft Planning and Building (Jersey) Law 200- (P.50/2001): amendments - P.50/2001 Amd.

Lodged: 10th April 2001.

*Deputy J.L. Dorey of St. Helier.*

Draft Planning and Building (Jersey) Law 200- (P.50/2001): third amendments - P.50/2001 Amd.(3).

Lodged: 1st May 2001.

*Deputy C.J. Scott-Warren of St. Saviour.*

Draft Planning and Building (Jersey) Law 200- (P.50/2001): fifth amendments.

First Presented: 15th May 2001.

*Agriculture and Fisheries Committee.*

Mont St. Clair, Belvedere Hill, St. Saviour and Mascot Motors Garage, Georgetown Park Estate, St. Clement: Exchange of Land- P.76/2001.

Lodged: 15th May 2001.

*Planning and Environment Committee.*

Mont St. Clair, Belvedere Hill, St. Saviour and Mascot Motors Garage, Georgetown Park Estate, St. Clement: Exchange of Land (P.76/2001): comments - P.76/2001 Com.

Presented; 22nd May 2001.

*Finance and Economics Committee.*

Jersey Consumer Council: appointment of Chairman - P.80/2001.

Lodged: 22nd May 2001.

*Senator S. Syvret.*

Public Employees Contributory Retirement Scheme: Committee of Management - membership - P.82/2001.

Lodged: 22nd May 2001.

*Human Resources Committee.*

### **School Bus revenue and an appropriate public transport policy structure - questions and answers (Tape No.651)**

Deputy Roy George Le Hérissier of St. Saviour asked Deputy Alan Simon Crowcroft, President of the Public Services Committee, the following questions -

- “1. The President recently stated, in answer to a question, that he estimated £100,000 was lost last year from anticipated School Bus Revenues. Would he outline what actions have been taken to

overcome this serious loss of revenue?

2. Given factors such as the considerable time delays that impeded negotiation of a Service Level Agreement with Jersey Bus, would the President indicate whether the Committee sees a new structure, such as a Transport Commission, as a more effective means of applying public transport policy? If not, how does the Committee intend to reform internal procedures and structures so that this area is dealt with in a more effective manner?"

The President of the Public Services Committee replied as follows -

- “1. I do not believe I ever stated an estimated figure for lost revenue on the school bus system. Nonetheless, actions have been and continue to be taken to maximise the income from the school bus system. The actions include new accounting procedures in the participating schools, more vigilance by the operator and raising awareness at school assemblies of the consequences of cheating and that those caught will be banned from using the bus system.
2. If and when any smartcard system is introduced by the States, this will allow much closer control and monitoring of any travel scheme, however, such a system would be too expensive to introduce solely for the school bus service.

The Committee does not see that creating a Transport Commission would improve matters.

As I have indicated before, it is my intention to bring a bus strategy to the House, in the near future. The proposals therein will make provision for effective delivery of bus services in the Island.”

#### **Rate of Growth in the Island’s GDP and comparisons with European Union rates of GDP - question and answer (Tape No. 651)**

Senator Stuart Syvret, asked the Deputy of St. Mary, Vice-President of the Finance and Economics Committee, in the absence of the President, the following question -

“Will the Vice-President provide for the Assembly the following information -

- (a) the rate of growth in the Island’s GDP per capita for each of the years 1990 to 1999?
- (b) the average annual rate of growth in the Island’s GDP per capita for the period 1990 to 1999?
- (c) the rate of growth of GDP per capita in each European Union member state for each of the years 1990 to 1999?
- (d) the average annual rate of growth of GDP per capita in each European Union member state for the period 1990 to 1999?
- (e) the rate of growth in the European Union average GDP per capita for each of the years 1990 to 1999 and the average for this period?

and will he provide the information in a format that allows ready comparison?"

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

“The requested information is set out in the following tables. They show that the real growth of Jersey's GDP per head between 1990 and 1999, after removing the effects of inflation, averaged 1.0 per cent a year. As will be evident from examining the year by year figures, this is the result of low, sometimes negative, growth in the early nineties and much greater increases in the latter part of the decade. Between 1995 and 1999 the average growth rate is estimated at 3.6 per cent a year. I should make clear that these are estimates made by the Head of Statistics based mainly on income tax information and his own population estimates which are subject to revision when 2001 Census figures become available.

Comparable information is not available for all EU Member States for the full period, as will be seen from table (c). Complete information, drawn from OECD publications, is only available for Belgium, Denmark, Finland, France, Italy and the United Kingdom. These six Member States all had growth rates of GDP per capita greater than Jersey's over the period 1990 to 1999. The average annual rate of growth over the period for these six countries was 1.4 per cent.

Information is available for all 15 EU member states from 1995. The average annual growth rate of real GDP per capita in the EU from 1995 to 1999 was 2.1 per cent. Three member states - Ireland, Finland and Luxembourg - showed growth rates faster than Jersey's rate of 3.6 per cent. Spain's and Portugal's figures were only slightly slower than Jersey's.

Our advisers' opinion is that GDP is not the most appropriate indicator of the resources available to Jersey: it includes a lot of profits which are repatriated elsewhere, and for meaningful comparisons of levels it would be better to use Gross National Product or Gross National Income, as it is now usually labelled. However, when we are comparing rates of growth the problem is less severe and GDP per head provides a reasonable basis for comparison.

(a) Jersey annual % growth rate GDP/capita 1995 prices

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
	3.37	-3.65	-2.78	2.72	-0.15	-1.63	4.09	4.90	3.65	1.86

(b) Jersey average annual % growth rate GDP/capita 1995 prices

1990-1999	1995-1999
0.96	3.62

(c) EU Member States - annual % growth rate in GDP per capita in 1999 US\$ ppp terms

Year	1990	1991	1992	1993	1994
United Kingdom	0.28	-1.92	-0.29	1.99	4.03
Italy	1.89	1.33	0.57	-1.21	1.93
France	2.01	0.37	0.86	-1.57	1.48
Finland	-0.41	-6.78	-3.86	-1.62	3.48
Denmark	1.07	1.16	0.96	0.47	5.43
Belgium	2.44	1.63	1.18	1.60	-0.80
Ireland		0.98	2.42	1.77	4.87
Germany			1.47	-1.80	2.04
Sweden					3.38
Spain					
Portugal					
Netherlands					
Luxembourg					
Greece					
Austria					

  

Year	1995	1996	1997	1998	1999
United Kingdom	2.42	2.42	3.15	2.25	1.88
Italy	2.42	2.42	3.15	2.25	1.88
France	1.20	0.65	1.49	2.80	3.20
Finland	3.42	3.66	5.98	5.21	3.77
Denmark	3.27	1.86	2.67	2.10	1.34
Belgium	2.44	1.00	3.16	2.28	2.48
Ireland	8.59	7.93	9.68	7.28	8.66
Germany	1.43	0.48	1.20	2.08	1.49
Sweden	3.15	0.92	1.92	2.89	3.70
Spain		2.28	3.80	4.19	3.90
Portugal		4.10	3.85	3.58	2.73
Netherlands		2.62	3.29	3.44	3.17
Luxembourg		1.54	5.89	3.67	5.34
Greece		2.14	3.29	2.94	3.13
Austria		1.82	1.03	2.80	1.90

(d) EU Member States - average annual % growth rate in GDP per capita in 1999 US\$ ppp terms

	1990-1999 (6 MS)	1995-1999 (15MS)
United Kingdom	1.76	2.42
Italy	1.18	1.32
France	1.16	2.03
Finland	1.39	4.65
Denmark	2.13	1.99
Belgium	1.66	2.23
Ireland	n/a	8.38
Germany	n/a	1.31
Sweden	n/a	2.35
Spain	n/a	3.54
Portugal	n/a	3.56
Netherlands	n/a	3.13
Luxembourg	n/a	4.10
Greece	n/a	2.87
Austria	n/a	1.89

(e) EU total - GDP per capita in 1999 US\$ ppp terms

	Year	1990	1991	1992	1993	1994
6 Member States - annual % growth rate		1.40	-0.10	-0.35	-0.22	2.37
15 Member States - annual % growth rate		n/a	n/a	n/a	n/a	n/a

	Year	1995	1996	1997	1998	1999
6 Member States - annual % growth rate		12.20	-1.38	-2.26	2.23	2.18
15 Member States - annual % growth rate		n/a	1/40	2.26	2.53	2.34

	1990-1999	1995-1999
6 Member States - average annual % growth rate	1.40	2.01
15 Member States - average annual % growth rate	n/a	2.13

**Salary of the top executive at Jersey Post - question and answer (Tape No.651)**

The Deputy of St. John, asked Senator Terence Augustine Le Sueur, Vice-President of the Committee for Postal Administration, in the absence of the President, the following question -

“The President of the Committee for Postal Administration, in reply to a question from the Deputy of St. Peter on 15th May 2001, advised that the top executive at Jersey Post is earning £30,000 a year less than his Guernsey counterpart. Does the President stand by his original statement, and if the answer is in the negative, would he like to give members an amended reply?”

The Vice-President of the Committee for Postal Administration replied as follows -

“Yes, the figures the President supplied are substantially correct, and they were included in an information pack recently distributed to applicants for the post of Managing Director of the Guernsey Post Office. However the President now understands that the package offered to applicants for the Guernsey post was not a matter of public knowledge. The figures were supplied to the President as part of his background

brief and he gave the figure to the States in good faith, but regrets that in doing so he inadvertently breached the confidentiality of those figures. The President would therefore like to apologise to the Guernsey Post Office for this breach.”

### **Provision of housing sites - statement**

Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, made a statement in the following terms -

“On 18th May 2001 the Planning and Environment Committee met with the Policy and Resources, Finance and Economics, Housing and Industries Committees to consider how the proposed housing sites included in the draft Island Plan which will be published on 1st June 2001, can be given practical effect. The Committees decided to advise the States of their intention to adopt the following objectives and to take action to achieve them -

- (a) to ensure that new social rented housing is built and to seek to require developers to provide homes for this purpose;
- (b) to ensure that first-time buyers have the opportunity to buy affordable housing;
- (c) to ensure that there is a better match between new first-time buyer housing and their occupiers by requiring allocations to be made in accordance with the Housing Committee policies;
- (d) to ensure that there is a faster flow of the completion of new housing following the change in zoning of land by requiring developments to be completed in a timely manner.

Following public consultation the States will be asked to decide on those sites which are recommended by the Committee for rezoning for Social rented and First Time buyer housing .

The Planning and Environment Committee considers that the totality of powers in the existing Island Planning (Jersey) Law 1964 are insufficient to ensure all of the above objectives are achieved without seeking and using compulsory purchase powers.

As will become plain during this afternoon’s continuation of the States’ debate on the draft Planning and Building (Jersey) Law 200-, the Planning and Environment Committee takes the view that the powers contained in Articles 23 and 25 of the new Law will, if enacted, be of great assistance in ensuring that the above objectives are met.

The Committee recognises that although some of the Articles of the draft Planning and Building Law have been approved in second reading, the relevant Articles of the draft Law have yet to receive States consideration. However the Committee has decided it is essential for the owners of land and developers to be informed of these obligations before publication of the draft Island Plan on 1st June. In order to meet all the objectives, planning obligations and conditions will be applied to all the sites rezoned.

This Statement is intended to give advance notice to developers, land owners and others of what is intended, subject entirely to the draft Law being approved by the States and being in force at the time of zoning. The Committee are confident that, if the new Law is enacted, these measures will succeed. Should this not be possible for any reason the States will need to consider the use of compulsory purchase powers.”

### **Draft Public Order (Jersey) Regulations 200- P.75/2001 P.75/2001: amendments of Deputy Jeremy Laurence Dorey of St. Helier**

THE STATES commenced consideration of the Public Order (Jersey) Regulations 2001, and rejected the Preamble.

Members present voted as follows -

“Pour” (12)

**Senators**

Quérée, Kinnard, Lakeman.

**Connétable**

St. Ouen.

**Deputies**

St. Mary, Layzell(B), Breckon(S), Crowcroft(H), St. Peter, Dubras(L), St. Ouen, Farnham(S).

**“Contre” (29)**

**Senators**

Horsfall, Le Maistre, Stein, Bailhache, Syvret, Norman, Le Sueur.

**Connétables**

St. Peter, Grouville, St. Helier, St. Martin, Trinity, St. Saviour, St. Clement, St. Mary, St. John.

**Deputies**

H. Baudains(C), Trinity, Duhamel(S), Routier(H), St. Martin, St. John, Le Main(H), Vibert(B)  
G. Baudains(C), Dorey(H), Troy(B), Le Hérissier(S), Martin(H).

One member abstained from voting.

**Fireworks: restrictions on sale - petition - P.25/2001  
P.25/2001: report**

THE STATES, having rejected a proposition of Senator Terence Augustine Le Sueur that they move on to the next item on the Order Paper, rejected a proposition of Deputy Jeremy Laurence Dorey of St. Helier charging the Home Affairs Committee to take all necessary steps to restrict the sale of fireworks to suitably qualified and accredited persons organising public fireworks displays.

Members present voted as follows -

**“Pour” (10)**

**Senator**

Stein.

**Connétables**

Grouville, St. Helier.

**Deputies**

H. Baudains(C), St. Martin, Dubras(L), Dorey(H), Farnham(S), Le Hérissier(S), Martin(H).

**“Contre” (28)**

**Senators**

Le Maistre, Bailhache, Syvret, Kinnard, Le Sueur, Lakeman.

**Connétables**

St. Peter, St. Martin, St. Ouen, Trinity, St. Saviour, Mary, St. John.

**Deputies**

St. Mary, Trinity, Duhamel(S), Routier(H), Layzell(B), Breckon(S), St. John, Le Main(H), Crowcrof (H), Vibert(B), St. Peter, St. Ouen, G. Baudains(C), Troy(B), Bridge(H).

**Convent Court, Val Plaisant/David Place and Philips House, Victoria Street, St. Helier: deed of arrangement - P.62/2001**  
**P.62/2001: comments**

THE STATES, adopting a proposition of the Housing Committee -

- (a) agreed to enter into a deed of arrangement with Pembroke House Limited, the owner of Pembroke House, 44 David Place, St. Helier, to resolve certain boundary encroachments set out in the report dated 30th March 2001 of the Housing Committee and shown on drawing number 293/01/22, for which the public would receive payment of £37,500, plus the cost of its reasonable fees in connection with the proposed transaction;
- (b) authorised the Attorney General and the Greffier of the States to pass on behalf of the public the necessary contract in connection with the proposed deed of arrangement.

**Beresford House, Bellozanne, St. Helier: variation of terms of lease - P.66/2001 (re-issue)**

THE STATES, adopting a proposition of the Public Services Committee, referred to their Act dated 25th April 1995 in which they approved the lease to Killmister, Cameron and Company of 4,300 square feet of office accommodation on the southern periphery of the Bellozanne Treatment Works, St. Helier for a period of nine years at an initial annual rent of £50,000, subject to triennial rent reviews to open market value; and -

- (a) agreed that the public should enter into an agreement with Killmister, Cameron and Co. to vary the terms of the lease to allow the lessee to surrender the lease in respect of 823 square feet of office accommodation with effect from 29th September 2000; and to agree that, following the reduction in the area demised to the lessee, the annual rent be revised to £47,800 with effect from that date;
- (b) authorised the Greffier of the States to sign the necessary agreement to give effect to the variation.

**Draft Act further amending the Act of the States dated the 18th day of June 1991 establishing a Scheme to subsidise certain dental care - P.69/2001**

THE STATES made an Act amending their Act dated the 18th day of June 1991 establishing a Scheme to subsidise certain dental care (as previously amended by Acts of the States dated 11th November 1992 and 9th September 1997 respectively).

**Human Resources Committee - resignation of member**

THE STATES noted the resignation of the Deputy of St. Peter from the Human Resources Committee.

**Committee of Inquiry: Jersey Motor Transport Company (1987) Limited - P.72/2001; P.72/2001: comments; P.72/2001: report**

THE STATES rejected a proposition of Deputy Alan Breckon of St. Saviour, requesting them in accordance with Article 36B of the States of Jersey Law 1966, as amended, to approve the appointment of a Committee of Inquiry -

- (a) to investigate fully the use made of public funds paid to the Jersey Motor Transport Company (1987) Limited (trading as Jersey Bus), and other associated companies, in relation to transport services for senior citizens, H.I.E. cardholders, schoolchildren and rebate on fuel duty;



- (b) to consider whether a service level agreement should be established in return for any or all of the funding referred to in paragraph (a) above; and
- (c) to report back to the States with such recommendations (if any) as the Committee considered to be appropriate.

Members present voted as follows -

**“Pour” (15)**

**Senators**

Le Maistre, Stein, Bailhache, Kinnard.

**Connétables**

Trinity, St. Mary

**Deputies**

Duhamel(S), Breckon(S), St. Martin, St. John, St. Ouen, G. Baudains(C), Dorey(H), Troy(B), Farnhar (S).

**“Contre” (20)**

**Senators**

Quérée, Syvret, Le Sueur, Lakeman.

**Connétables**

St. Peter, St. Helier, St. Ouen, St. John.

**Deputies**

H. Baudains(C), St. Mary, Trinity, Routier(H), Layzell(B), Crowcroft(H), Vibert(B), St. Peter, Dubr. (L), Le Hérisier(S), Bridge(H), Martin(H).

**Public Holidays and Bank Holidays (No. 2) (Jersey) Act 200 P.70/2001; P.70/2001 - comments**

THE STATES, in pursuance of Article 2 of the Public Holidays and Bank Holidays (Jersey) Law 1951, as amended, made an Act entitled the Public Holidays and Bank Holidays (No. 2) (Jersey) Act 2001.

THE STATES rose at 5.20 p.m.

**C.M. NEWCOMBE**

*Greffier of the States.*