

**THE STATES assembled on Tuesday,
22nd June 2004 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

All members were present with the exception of –

Gerard Clifford Lemmens Baudains, Deputy of St. Clement– ill
Geoffrey John Grime, Deputy of St. Mary– ill.

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Road Racing (Hill Climbs and Sprint) (No. 2) (Jersey) Order 2004.	R&O 58/2004.
Community Provisions (Burma/Myanmar Sanctions) (Jersey) Order 2004.	R&O 59/2004.
Water Pollution (Code of Good Agricultural Practice) (Jersey) Order 2004.	R&O 60/2004.

Matters presented

The following matters were presented to the States –

Public and private sector construction workflow projections. <i>Presented by the Economic Development Committee.</i>	R.C.29/2004.
Public Sector Manpower Report: December 2003. <i>Presented by the Finance and Economics Committee.</i>	R.C.30/2004.
States Strategic Plan 2005 to 2010 (P.81/2004): comments. <i>Finance and Economics Committee.</i>	P.81/2004. Com.
States Strategic Plan 2005 to 2010 (P.81/2004): amendment (P.81/2004 Amd.)– comments. <i>Presented by the Policy and Resources Committee.</i>	P.81/2004. Amd.Com.
States Strategic Plan 2005 to 2010 (P.81/2004): second amendment (P.81/2004 Amd.(2))– comments. <i>Presented by the Policy and Resources Committee.</i>	P.81/2004. Amd. (2)Com.
States Strategic Plan 2005 to 2010 (P.81/2004): third amendment (P.81/2004 Amd.(3))– comments. <i>Policy and Resources Committee.</i>	P.81/2004. Amd. (3)Com.
States Strategic Plan 2005 to 2010 (P.81/2004): third amendment (P.81/2004 Amd.(3))– comments. <i>Presented by the Finance and Economics Committee.</i>	P.81/2004. Amd. (3)Com.(2)

States Strategic Plan 2005 to 2010 (P.81/2004): fourth amendment (P.81/2004 Amd.(4))– comments. <i>Presented by the Policy and Resources Committee.</i>	P.81/2004. Amd. (4)Com.
Lord Coutanche Court, Seaton Place, St. Helier: Seaton Lane– proposed sale (P.93/2004) – comments. <i>Presented by the Environment and Public Services Committee.</i>	P.93/2004. Com. (2).
Licensing Law: purchase of alcohol for persons under 18 (P.95/2004) – comments. <i>Presented by the Economic Development Committee.</i>	P.95/2004. Com.
St. Aubin's Harbour, St. Brelade: lease of an area of land to Alcora Limited (P.108/2004) – comments. <i>Presented by the Harbours and Airport Committee.</i>	P.108/2004. Com.

The following matters were presented on 15th June 2004 –

Jersey Dental Scheme: Annual Report for the year ended 31st December 2003. <i>Presented by the Employment and Social Security Committee.</i>	R.C.26/2004.
Working Group on 14 – 19 Curriculum: Interim Report. <i>Presented by the Education, Sport and Culture Committee.</i>	R.C.27/2004.
Ecology Fund: report for 2003. <i>Presented by the Environment and Public Services Committee.</i>	R.C.28/2004.

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 10th June 2004, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Health and Social Services Committee, the lease to Jersey Telecom Limited of part of the Five Oaks Central Stores Warehouse, St. Saviour, for the balance of a period of nine years deemed to have commenced from 4th January 2000, at an annual rent of £40,000 subject to three-yearly open market rent reviews, (namely, from 4th January 2003, at an annual rent of £40,500 as from that review date), on an internal repairing basis, with the tenant retaining the right to utilise adjoining WC facilities and having the use of the adjoining open yard and storage area, (which had hitherto been used on the basis of a monthly licence), and with each party to bear its own legal and professional costs arising from the transaction;
- (b) as recommended by the Housing Committee, the sale to Mrs. Elizabeth Pauline Barlow, née Butler, of a parcel of land, (measuring 6.75 square metres), to the north-west of No. 1 La Place Le Boutillier Le Clos D'Avoine, St. Brelade, for a consideration of £2,500, on the basis that Mrs. Barlow would be responsible for the reinstatement of the curb, and for both parties' legal costs, as well as the administration costs of the Department of Property Services and Law Officers' Department amounting to £700, arising from the transaction, with the future use of the land to be regulated by means of a restrictive building covenant; and,
- (c) as recommended by the Housing Committee, the lease to the Jersey Electricity Company Limited of an area of land in respect of Electricity Substation No. 181, situated at Le Bel D'Enton, Mont Les Vaux, St. Brelade, for a period of 99 years deemed to have commenced on 25th December 2003, for an annual rent of £10 payable in total at the commencement of the lease, with each party to be responsible for its

own legal costs arising from the transaction.

Matters lodged

The following matters were lodged “au Greffe” –

Modernisation of Jersey’s Gambling Legislation (P.62/2004): amendments. <i>Presented by Senator E.P. Vibert.</i>	P.62/2004. Amd.
Fiscal Strategy (P.106/2004) – amendments. <i>Presented by Deputy G.P. Southern of St. Helier.</i>	P.106/2004. Amd.
Mr. William Richmond-Pickering: acceptance of bequest and establishment of Rivington Travelling scholarship. <i>Presented by the Education, Sport and Culture Committee.</i>	P.117/2004.
Commissioners of Appeal for Income Tax: appointment. <i>Presented by the Finance and Economics Committee.</i>	P.118/2004.
Sale of properties. <i>Presented by the Housing Committee, and referred to the Environment and Public Services Committee.</i>	P.119/2004.
Draft Jersey Association for Mental Health and Jersey Schizophrenia Fellowship (Integration with Jersey Focus on Mental Health) (Jersey) Law 2003 (Appointed Day) Act 200-. <i>Presented by the Health and Social Services Committee.</i>	P.120/2004.
Public and political access to economic models. <i>Presented by Senator S. Syvret.</i>	P.121/2004.
Draft Taxation (Implementation) (Jersey) Law 200-. <i>Presented by the Policy and Resources Committee.</i>	P.122/2004.
Modernisation of Jersey’s Gambling Legislation: gaming devices. <i>Presented by Senator E.P. Vibert.</i>	P.123/2004.

The following matters were lodged on 15th June 2004 –

Bus Service Tendering Process: Committee of Inquiry – terms of reference and membership (P.99/2004) – amendment. <i>Presented by Deputy R.G. Le Hérisssier of St. Saviour.</i>	P.99/2004. Amd.
Composition and Election of the States Assembly. <i>Presented by Deputy of St. Martin.</i>	P.115/2004.
Shadow Public Accounts Committee: revised membership. <i>Presented by the Privileges and Procedures Committee.</i>	P.116/2004.

Jersey Competition Regulatory Authority: appointment of member and Chairman (P.63/2004) – withdrawn

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Economic Development Committee had instructed the Greffier of the States to withdraw the proposition regarding the Jersey Competition

Regulatory Authority: appointment of member and Chairman, (P.63/2004 lodged "au Greffe" on 20th April 2004).

Bus Service Tendering Process: Committee of Inquiry – terms of reference and membership (P.99/2004) – withdrawal of paragraphs (a) and (b)

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Policy and Resources Committee had instructed the Greffier of the States to withdraw paragraphs (a) and (b) of the proposition regarding the Bus Service Tendering Process: Committee of Inquiry – terms of reference and membership, (P.99/2004 lodged "au Greffe" on 25th May 2004), and set down for consideration at the present meeting.

Arrangement of public business for the present meeting

THE STATES acceded to a request of the President of the Policy and Resources Committee that the following item, set down for consideration at the present meeting, be taken as the first item of public business –

Model Agreements on taxation of savings income. P.97/2004.
Lodged: 18th May 2004.
Policy and Resources Committee.

THE STATES acceded to a request of the President of the Finance and Economics Committee that the following items, set down for consideration at the present meeting, be taken as the last items of public business –

Draft Stamp Duties and Fees (No. 3) (Jersey) Regulations 200. P.53/2004.
Lodged: 6th April 2004.
Finance and Economics Committee.

Draft Stamp Duties and Fees (No. 3) (Jersey) Regulations 200 (P.53/2004): P.53/2004. Amd.
amendment.
Lodged: 8th June 2004.
Finance and Economics Committee.

Draft Data Protection (Jersey) Law 200-. P.70/2004.
Lodged: 20th April 2004.
Finance and Economics Committee.

Draft Data Protection (Jersey) Law 200- (P.70/2004): amendments. P.70/2004. Amd.
Lodged: 11th May 2004.
Deputy J.L. Dorey of St. Helier.

Arrangement of public business for the next meeting on 6th July 2004

THE STATES rejected a proposition of Senator Stuart Syvret that the proposition of the Finance and Economics Committee concerning the Fiscal Strategy, (P.106/2004 lodged "au Greffe" on 1st June 2004), be not considered on 6th July 2004.

Members present voted as follows –

POUR: 20

CONTRE: 28

ABSTAIN: 0

Senator J.A. Le Maistre
Senator S. Syvret
Senator W. Kinnard

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur

Senator P.V.F. Le Claire
Senator E.P. Vibert
Senator R.J. Shenton
Connétable of St. Martin
Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. John
Deputy P.N. Troy (B)
Deputy J-A. Bridge (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J de Faye (H)

Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy of St. Martin
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy F.G. Voisin (L)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)

THE STATES adopted a proposition of Senator Philip Francis Cyril Ozouf that the proposition of the Housing Committee concerning the Sale of Properties, (P.119/2004 lodged “au Greffe” on 22nd June 2004), be not considered on 6th July 2004.

Members present voted as follows –

POUR: 28

Senator J.A. Le Maistre
Senator S. Syvret
Senator L. Norman
Senator W. Kinnard
Senator P.V.F. Le Claire
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator E.P. Vibert
Senator R.J. Shenton
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Helier

Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. John
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)

CONTRE: 20

Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F. Routier
Connétable of St. Martin
Connétable of St. Peter
Connétable of St. Clement
Connétable of Grouville
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy J.J. Huet (H)
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)

ABSTAIN: 0

Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J de Faye (H)

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 6th July 2004 –

St. Aubin's Harbour, St. Brelade: lease of an area of land to Alcora Limited. Lodged: 1st June 2004. <i>Deputy of St. John.</i>	P.108/2004.
St. Aubin's Harbour, St. Brelade: lease of an area of land to Alcora Limited (P.108/2004) – comments. Presented: 22nd June 2004. <i>Presented by the Harbours and Airport Committee.</i>	P.108/2004. Com.
Taxation policies: a transparent enquiry. Lodged: 9th March 2004. <i>Senator S. Syvret.</i>	P.41/2004.
Taxation policies: a transparent enquiry (P.41/2004) – comments. Presented: 1st June 2004. <i>Finance and Economics Committee.</i>	P.41/2004. Com.
Taxation policies: a transparent enquiry (P.41/2004) – comments. Presented: 8th June 2004. <i>Policy and Resources Committee.</i>	P.41/2004. Com. (2)
Modernisation of Jersey's Gambling Legislation. Lodged: 20th April 2004. <i>Economic Development Committee.</i>	P.62/2004. (re-issue)
Modernisation of Jersey's Gambling Legislation (P.62/2004): amendments. Lodged: 22nd June 2004. <i>Senator E.P. Vibert.</i>	P.62/2004. Amd.
Modernisation of Jersey's Gambling Legislation (P.62/2004): comments. Presented: 11th May 2004. <i>Finance and Economics Committee.</i>	P.62/2004. Com.
Modernisation of Jersey's Gambling Legislation: gaming devices and establishment of a Gaming Trust Fund. Lodged: 22nd June 2004. <i>Senator E.P. Vibert.</i>	P.123/2004.
Draft Transfer of Functions (Environment and Public Services Committee) (Jersey) Act 200-. Lodged: 25th May 2004. <i>Environment and Public Services Committee.</i>	P.100/2004.
Fiscal Strategy. Lodged: 1st June 2004.	P.106/2004.

Finance and Economics Committee.

Fiscal Strategy (P.106/2004) – amendments. Lodged: 22nd June 2004. <i>Deputy G.P. Southern of St. Helier.</i>	P.106/2004. Amd.
Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 2) (Jersey) Regulations 200-. Lodged: 8th June 2004. <i>Economic Development Committee.</i>	P.113/2004.
Shadow Public Accounts Committee: revised membership. Lodged: 15th June 2004. <i>Privileges and Procedures Committee.</i>	P.116/2004.
Commissioners of Appeal for Income Tax: appointment. Lodged: 22nd June 2004. <i>Finance and Economics Committee.</i>	P.118/2004.
Public and political access to economic models. Lodged: 22nd June 2004. <i>Senator S. Syvret.</i>	P.121/2004.
Draft Taxation (Implementation) (Jersey) Law 200-. Lodged: 22nd June 2004. <i>Presented by the Policy and Resources Committee.</i>	P.122/2004.

Employment of public relations consultants – question and answer (Tape No. 926)

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

“Would the President –

- (a) inform members whether the Committee is still employing public relations consultants and if so, would he name the companies or individuals so employed by the Committee?
- (b) confirm the fees charged to the Committee by the consultants and the amounts paid to them in the last 12 months?”

The President of the Policy and Resources Committee tabled the following written answer –

“(a) Yes; the Policy and Resources Committee is still employing public relations consultants.

As noted in the response to the question in the States from Senator E.P. Vibert on 9th September 2003 the Committee is currently employing Mrs. Katie Le Quesne as a Communications Consultant on contract basis.

The Committee has also been employing a London based firm, ‘Quiller Consultants’ to monitor and promote Jersey’s international finance interests under a long-standing contract arrangement which has been terminated from September 2004.

The Committee also employs Mr. Philip Jeune of ‘PJ News and Publishing’ to co-ordinate the publication of the ‘Changing States’ newsletter, which is published four or five times a year and is circulated to all States employees.

- (b) The fees charged to the Committee by the consultants for this work in the last 12 months, together with the amounts paid to them, are as follows –

Mrs. Katie Le Quesne is receiving a fee of £55,000, and there are no further expenses in this connection.

The fees charged by Quiller Consultants are £135,000, with no additional expenses.

The fees paid to PJ News and Publishing amount to £2,096.15 in respect of work carried out on the last four issues of Changing States.

The total amount paid for public relations consultants over the last 12 months therefore amounts to £192,096.15. It should be noted that this amount is expected to decrease very significantly from 2004 onwards with the expiry of the contract with Quiller Consultants.”

Employment of public relations consultants – question and answer (Tape No. 926)

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

“Would the President –

- (a) inform members whether the Committee is still employing public relations consultants and if so, would he name the companies or individuals so employed by the Committee?
- (b) confirm the fees charged to the Committee by the consultants and the amounts paid to them in the last 12 months?”

The President of the Finance and Economics Committee tabled the following written answer –

- “(a) Yes; the Finance and Economics Committee is employing the public relations consultants ‘Unlimited Exposure’.
- (b) The fees charged by ‘Unlimited Exposure’ in the last 12 months were £5,760, which is the same as the amount paid to them.”

Employment of public relations consultants – question and answer (Tape No. 926)

Senator Paul Vincent Francis Le Claire tabled the following written question of Deputy Francis Gerald Voisin of St. Lawrence, President of the Economic Development Committee–

“Would the President –

- (a) inform members whether the Committee is still employing public relations consultants and if so, would he name the companies or individuals so employed by the Committee?
- (b) confirm the fees charged to the Committee by the consultants and the amounts paid to them in the last 12 months?”

The President of the Economic Development Committee tabled the following written answer –

- “(a) The Committee employs a number of public relations consultants and agents as detailed below, mainly to promote Jersey as a tourist destination; this is a vital part of the work undertaken by the department,

and is consistent with business practice employed by most marketing organisations who will always bring in specialist expertise particularly in overseas markets where local knowledge is essential. The Committee does not employ consultants to manage the relationship between itself and the local media.

Cairns and Associates, Promote Jersey Royal potatoes by, for example –

- running a proactive press office from January to June;
- creating and issuing fact sheets about the history of the Jersey Royal;
- targeting food pages of nationals, regional and consumer magazines with Jersey Royal recipes;
- monitoring trade titles and provide information for all relevant features;
- running a reactive press office from July to November, responding to media enquiries;
- conducting all necessary account management for the smooth running of the account; and,
- to ensure optimum coverage in 2005 start planning this year as some of the monthly titles have copy lead times of around a year and there is only have a short period of time when the potatoes are in harvest.

Lingo Publication Relations, Lingo PR & Marketing offers a fully operational press office service for Jersey Tourism. Its principal has worked for the Island since 1997 and she and her team know the Island very well. Lingo offer all assistance in media visits and have a large selection of copy should ready written pieces be required.

À Deux Comme. In France, À Deux Comme offers a fully operational press office service for Jersey Tourism. Its principal has specialised in tourism and lifestyle for the past 10 years and offers personal assistance to journalists to suit their requirements, arranging press visits with itineraries to include all useful contacts and appointments specific to their desired subjects. Other services provided to the media include handling general queries, distributing press releases about activities and events on-Island, press packs, arranging press conferences and interviews, attending exhibitions and press functions and managing a video and image library.

Expert PR and HWM Communications GmbH in Germany is the representative for Public Relations, Advertising and Marketing in the German Market and has extensive knowledge about the Island of Jersey, its countryside, history and its fascinating culture. For example Expert PR and HWM assist in organised research trips for journalists and television crews and the dispatch of information, slides and film material.

Holland – BrouwerBetist. The agency has acted as Jersey Tourism's Marketing and PR-representative in the Netherlands since January 2003. All activities are focused on both Jersey and Guernsey, being positioned as the joint destination 'Channel Islands' on the Dutch market. Services to the press include: handling of press requests, production and distribution of press releases and bulletins, organisation of press trips, assistance with press workshops and supply of images and videos. The agency can also be contacted for travel trade campaigns, joint promotions, promotional activities and all other options to promote the Channel Islands.

Belgium – Commsultants Benelux, Commsultants has been Jersey Tourism's Market representative since 1995 and during those years has maintained a direct relationship with the press in both Belgium and Luxembourg. Commsultants supply news about Jersey on a regular basis based upon subjects that come available either from input from Jersey or through its own initiative with subjects particularly interesting to different niche audiences. It manages a hard copy info-centre which allows journalists to browse through and view historic data, current news and expected future highlights. As Jersey Tourism's representative Commsultants participate in activities from partner organizations such as the BTA which in turn increases the number of contacts with the press.

USA – AMPR. AMPR is Jersey Tourism's Public Relations consultant in North America. AMPR has offices in New York and Los Angeles and has represented Jersey for six years. AMPR offer a wealth of experience and insight to the media wishing any support from the Island.

Switzerland – CPS Communications. CPS Communications has acted for Jersey Tourism since 1996, as PR-professionals CPS assist the media to organise individual and group press trips. Through press releases in German and French CPS supplies news about Jersey on a regular basis based upon subjects that become available.

Ireland – Project PR. Jersey Tourism has had a Press & Public Information Office serving the Irish market since 1994. Services provided to the media include: handling general queries, distributing relevant information about activities and events on-Island, organising press visits, managing a video and image library, and arranging support activities such as competitions and promotions.

Addendum Media promote all training programmes and initiatives for the Training and Employment Partnership.

- (b) The Committee is reluctant to publish details of fees and costs paid to consultants for the following reasons –
- (i) the information is commercial, in confidence and might jeopardise the competitive position of the consultants and the Committee;
 - (ii) the release of the information constitutes a breach of confidence because the contracts entered into between the department and the above consultants were on the understanding that they would remain confidential; and,
 - (iii) the release of such information would jeopardise the Committee’s competitive position in sourcing fee proposals, especially at this time when some contracts are about to be renewed.

The Committee paid a total of £9,000 to Jersey based, and £314,970 to off-Island PR consultants and agencies over the last 12 months.”

Tidal ball, Elizabeth Marina – question and answer (Tape No. 926)

The Deputy of St. John tabled the following written question of Senator Leonard Norman, President of the Harbours and Airport Committee –

“Would the President advise members –

- (a) when the tidal ball, at the entrance to Elizabeth Marina, will be operational?
- (b) why the tidal ball has failed regularly since it was installed? and,
- (c) the cost of repairs to date, including the estimated cost for the current repairs?”

The President of the Harbours and Airport Committee tabled the following written answer –

“The Deputy's question has been forwarded to the Honorary Secretary of the Jersey Sculpture Trust which has ownership and responsibility for the sculpture referred to. When a reply is received a copy will be passed to the Deputy.”

Oral questions (Tape No. 926)

Deputy Roy George Le Hérisssier of St. Saviour asked the following question of the President of the Environment and Public Services Committee –

“Would the President confirm whether the statement made by Committee member Deputy de Faye

during the debate on the need for an Inquiry into the Jambart Lane development, namely that ‘in ball park figures it’s going to cost us £100,000, give or take £50,000’, represented the Committee’s view, and, if so, how this estimate was arrived at?”

Senator Edward Philip Vibert will asked following question of the President of the Policy and Resources Committee –

“Would the President advise members whether he told the TGWU, on 24th May 2004, that there would be no redundancies during the five years of the ‘visioning process’, and, if so, why the Committee’s rapporteur, the following day, told the Assembly that after three years the Parishes would be able to transfer maintenance of parks etc. to private enterprise?”

Senator Edward Philip Vibert asked following question of the President of the Economic Development Committee –

“Is the Committee aware of any large sums of money being invested in Jersey to escape moves in the U.K. to stop the use of U.K. limited partnerships used by pension funds and insurers to avoid paying stamp duty on property sales, and, if so, whether the Committee will consider closing off this apparent tax avoidance scheme?”

Deputy Roy George Le Hérisier of St. Saviour asked the following question of the President of the Health and Social Services Committee –

“Would the President list, in descending order, the top ten operations subject to the longest waits, giving the average wait and steps contemplated to reduce these waits?”

The Deputy of St. John asked the following question of the President of the Policy and Resources Committee (in his capacity as Vice-Chairman of the Emergencies Council) –

“(a) With the progressive introduction of centralised warehousing off-Island by local food wholesalers, what is the Emergencies Council’s current policy on the provision of emergency food supplies and over what period does this provide for?

(b) When will a new Emergency Measures Plan be produced and will it be submitted to the States for consideration?”

Deputy Geoffrey Peter Southern of St. Helier asked the following question of the President of the Finance and Economics Committee –

“Is the Committee considering taking action to prevent large multi-national companies using off-shore Jersey based companies to avoid the payment of tax in countries where they trade, particularly in developing countries as has recently come to light involving a large coffee trader?”

Change in Presidency

The Bailiff retired from the Chair during oral questions and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Jersey Competition Regulatory Authority – statement

Deputy Francis Gerald Voisin of St. Lawrence, President of the Economic Development Committee made a statement in the following terms –

“The Economic Development Committee has considered the appointment of the Chairman of the Jersey

Competition Regulatory Authority (JCRA) for some months. In considering this appointment the Committee consulted with the Appointments Commission as it is required to do and the Commission agreed that the existing Chairman could be reappointed without advertising the post if we were satisfied with his performance.

A proposition to reappoint the Chairman of the JCRA, P.63/2004 was lodged on 20th April 2004, and it was intended to debate this proposition before the term of office expired on 16th May 2004.

In 2003, the Economic Development Committee asked the Internal Audit department to carry out an Audit of the JCRA and at the end of April 2004 we received a draft report, which revealed significant weaknesses in the governance of the JCRA. Several weeks were allowed for the Authority to respond to this draft report but the final Internal Audit report still identified significant weaknesses.

The Economic Development Committee has now decided to withdraw the report and proposition and will not be proposing the re-appointment of the former Chairman whose contract has now expired.

Furthermore, I have involved the Chairmen of the Shadow Public Accounts Committee, who will be proposing to issue two reports, one into the issues raised by the internal Audit Report relating to the JCRA and a second relating to corporate governance and value for money issues where the States establish independent organisations similar to the JCRA.

As a result of withdrawing P.63/2004, the JCRA is without a Chairman, but the Committee has been advised that this does not affect the operation of the Authority.

However, as members will be aware, the Economic Development Committee is currently recruiting a new member of the Authority to be Executive Director and two other new members to be non Executive Directors. Before they are appointed, and hopefully in July 2004, the Economic Development Committee will be recommending to the States the name of a person to be appointed as Chairman in accordance with the 2001 Law.”

Draft Aerodromes (Amendment No. 6) (Jersey) Regulations 200 P.91/2004

THE STATES, in pursuance of Article 4 of the Aerodromes (Administration) (Jersey) Law 1952, made Regulations entitled the Aerodromes (Amendment No. 6) (Jersey) Regulations 2004.

Lord Coutanche Court, Seaton Place, St. Helier: Seaton Lane– proposed sale – P.93/2004 Comments

THE STATES, adopting a proposition of the Housing Committee –

- (a) approved the sale of the road known as Seaton Lane, Seaton Place, St. Helier as shown on Drawing No. 991/03/67 to Spectrum (Jersey) Limited for a sum of £6,000 with each party responsible for its respective legal costs;
- (b) agreed that Spectrum (Jersey) Limited would pay compensation to the public in the sum of £10,000 following the relocation of the Town Brook and adjacent wall at the rear of Lord Coutanche Court;
- (c) authorised the Greffier of the States to sign the said drawing on behalf of the States, and the Attorney General and the Greffier of the States to pass, on behalf of the public, any such contracts as may be necessary; and,
- (d) authorised the Treasurer of the States to receive any payment to the public as it becomes due.

Licensing Law: purchase of alcohol for persons under 18 – P.95/2004

Comments

THE STATES commenced consideration of a proposition of the Deputy of St. Martin concerning the Licensing Law: purchase of alcohol for persons under 18, (P.95/2004 lodged “au Greffe” on 18th May 2004), and adopted a proposition of Senator Michael Edward Vibert that the States, in pursuance of Standing Order 27(1), move to the consideration of the next item on the Order Paper.

Members present voted as follows –

POUR: 31

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator E.P. Vibert
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy R.C. Duhamel (S)
Deputy J.J. Huet (H)
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy C.J. Scott-Warren (S)
Deputy R.G. Le Hérisier (S)
Deputy J-A. Bridge (H)
Deputy J.A. Bernstein (B)
Deputy of St. Ouen
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J de Faye (H)

CONTRE: 18

Senator J.A. Le Maistre
Senator S. Syvret
Senator W. Kinnard
Senator P.V.F. Le Claire
Senator R.J. Shenton
Connétable of St. Clement
Connétable of St. Helier
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy L.J. Farnham (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy P.J.D. Ryan (H)

ABSTAIN: 0

THE STATES further agreed that the proposition should be referred to the Home Affairs Committee and the Comité des Connétables, and re-referred to the Economic Development Committee.

Model Agreements on taxation of savings income – P.97-2004

THE STATES, adopting a proposition of the Policy and Resources Committee –

- (a) approved the 2 Model Agreements, as set out in the Appendix to the report of the Policy and Resources Committee dated 14th May 2004, as the basis for bilateral agreements on taxation of savings income to be entered into with each of the 25 Member States of the European Union;

- (b) authorised the President of the Policy and Resources Committee to sign these bilateral agreements or any documents ancillary thereto on behalf of the Island; and
- (c) charged the Policy and Resources Committee to prepare the necessary legislative changes to enable the implementation of these Agreements for consideration by the States.

Members present voted as follows –

POUR: 49

CONTRE: 0

ABSTAIN: 0

Senator J.A. Le Maistre
 Senator L. Norman
 Senator F.H. Walker
 Senator W. Kinnard
 Senator T.A. Le Sueur
 Senator P.V.F. Le Claire
 Senator P.F. Routier
 Senator M.E. Vibert
 Senator P.F.C. Ozouf
 Senator E.P. Vibert
 Senator R.J. Shenton
 Connétable of St. Martin
 Connétable of St. Ouen
 Connétable of St. Saviour
 Connétable of St. Brelade
 Connétable of St. Mary
 Connétable of St. Peter
 Connétable of St. Clement
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Lawrence
 Connétable of Grouville
 Connétable of St. John
 Deputy of Trinity
 Deputy R.C. Duhamel (S)
 Deputy A. Breckon (S)
 Deputy J.J. Huet (H)
 Deputy of St. Martin
 Deputy of St. John
 Deputy T.J. Le Main (H)
 Deputy M.F. Dubras (L)
 Deputy J.L. Dorey (H)
 Deputy P.N. Troy (B)
 Deputy F.G. Voisin (L)
 Deputy C.J. Scott-Warren (S)
 Deputy R.G. Le Hérisssier (S)
 Deputy J.B. Fox (H)
 Deputy J-A. Bridge (H)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy J.A. Bernstein (B)
 Deputy S.C. Ferguson (B)
 Deputy of St. Ouen
 Deputy P.J.D. Ryan (H)
 Deputy M.A. Taylor (C)

Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J de Faye (H)

Jersey Airport, St. Peter: Alpha Taxiway– transfer of administration – P.101/2004

THE STATES, adopting a proposition of the Environment and Public Services Committee –

- (a) authorised, for the purpose of administration of land following the construction of Alpha Taxiway, Jersey Airport as shown cross-hatched on Drawing No. 674_LAND 4(3), the transfer from the Environment and Public Services Committee to the Harbours and Airport Committee, as follows –
 - (i) the land occupied by the airport aeration pond and reed bed located to the south of L’Avenue de la Reine Elizabeth II;
 - (ii) the land to the north of the relocated L’Avenue de la Reine Elizabeth II where the road was formally located;
 - (iii) the land to the west of the airport roundabout and L’Avenue de la Commune where the road previously was located;
- (b) authorised the Greffier of the States to sign the said drawing on behalf of the States.

Jersey Airport, St. Peter: Alpha Taxiway– transfer of administration – P.102/2004

THE STATES, adopting a proposition of the Harbours and Airport Committee –

- (a) authorised the transfer of administration of land in connection with the realignment of the Alpha Taxiway, Jersey Airport as shown shaded on drawing No. 674_LAND 4(2) from the Harbours and Airport Committee to the Environment and Public Services Committee, as follows –
 - (i) the area to the road side face of the low level post and rail fence to include the cycle track running along the south perimeter of Jersey Airport, to the north of L’Avenue de la Reine Elizabeth II and adjacent to the Aero Club premises;
 - (ii) the area to the road side face of the low level post and rail fence to include the cycle track running along the south east perimeter of Jersey Airport, north west of the airport approach road;
 - (iii) the area to the road side face of the low level post and rail fence to include the cycle track running along the east perimeter of Jersey Airport, to the east of L’Avenue de la Commune, between the Air Cargo terminal and the airport roundabout;
 - (iv) the land occupied by the re-located L’Avenue de la Reine Elizabeth II and associated banks where the road has been realigned to join with the repositioned airport roundabout;
- (b) authorised the Greffier of the States to sign the said drawing on behalf of the States.

States Members’ Remuneration Review Body: appointment of members – P.105/2004

THE STATES, adopting a proposition of the Privileges and Procedures Committee, referred to their Act dated 13th May 2003, in which they agreed that an independent States Members’ Remuneration Review Body comprising persons who were not members of the States should be established, and to their Act dated 25th

November 2003, in which they approved detailed terms of reference for the Body, and –

- (a) appointed the following 5 persons as members of the Body for an initial period of 2 years, and varied their Act dated 13th May 2003, in which they agreed that the Body should consist of a Chairman and only 3 members –

Mr. Julian Rogers (Chairman);
Mr. Philip Barber (Vice Chairman);
Mr. Matthew Braid;
Mr. Brian Bullock;
Mr. Robert Gaiger;

- (b) agreed that the Body should present its recommendations on the appropriate level of remuneration for elected members for the year 2005 to the Privileges and Procedures Committee no later than 31st October 2004, and varied the Act dated 25th November 2003, accordingly.

Members present voted as follows –

POUR: 48

CONTRE: 0

ABSTAIN: 0

Senator J.A. Le Maistre
Senator S. Syvret
Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.V.F. Le Claire
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator E.P. Vibert
Senator R.J. Shenton
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
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Deputy of Trinity
Deputy R.C. Duhamel (S)
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Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy C.J. Scott-Warren (S)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisssier (S)

Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J de Faye (H)

THE STATES rose at 12.50 p.m.

M.N. DE LA HAYE

Greffier of the States.

**THE STATES assembled on Tuesday,
22nd June 2004 at 2.30 p.m. under
the Presidency of the Bailiff, Sir Philip Bailhache,
in order to receive His Royal Highness The Prince of Wales.**

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

All members were present.

Prayers

H.M. Attorney General, H.M. Solicitor General, the Dean, the Viscount, the Deputy Viscount, the Greffier of the States, and the Assistant Greffier of the States were present.

His Royal Highness The Prince of Wales, escorted by the Bailiff, and preceded by the Seal, carried by the Viscount, and Mace, carried by the Deputy Viscount, entered the States Chamber prior to members' roll call by the Greffier of the States, and was seated in the President's chair accompanied by His Excellency the Lieutenant Governor, Air Chief Marshal Sir John Cheshire, K.B.E., C.B. The Bailiff, H.M. Attorney General, H.M. Solicitor General, the Viscount, and the Deputy Viscount assumed standing positions located on the floor of the States Chamber in front of His Royal Highness The Prince of Wales.

The Bailiff, in the name of the States and the People of the Island of Jersey, presented a Loyal Address of Welcome in the following terms –

“TO HIS ROYAL HIGHNESS THE PRINCE OF WALES
KG, KT, GCB, OM, AK, QSO, ADC

Your Royal Highness,

800 years ago, almost to the day, a great battle was raging around the Ducal Castle at Rouen, the capital of Normandy. The castle was eventually taken by the forces of the French King, Philip Augustus, and the Duchy of Normandy was lost forever to the English Crown. Historians may argue as to when exactly the Channel Islands declared their continuing loyalty to King John but declare it they certainly did. Why should the Islanders, who spoke Norman-French, who traded with the Normans and used Norman currency, and whose ecclesiastical attachment was to the Diocese of Coutances, have elected to remain subject to the English Crown? There are no doubt a number of answers to this perennial question but of one answer we may be entirely convinced. For these Islanders, traditionalist and stubborn as Islanders generally are, the King of England was also their King and their Duke. The Normans might have switched their allegiance to the French King, but the Islanders retained their loyalty to their Duke, and to the English Crown. Although, Sir, any formal claim to the Duchy of Normandy was abandoned by your Royal predecessors many centuries ago, we still recall the origin of our connection with the Crown by using the traditional toast, ‘la Reine notre Duc’; the Queen, our Duke.

Of course your illustrious ancestor was prudent enough to confer a number of privileges upon the Islanders so as to encourage and to stimulate the loyalty which they undoubtedly felt. King John declared that the Islanders would have their own administrations and would not be incorporated into the realm of England. Most importantly of all, he granted the privilege of being governed according to the laws then in force; that is according to the customary law of Normandy and other local customs and practices. And so it is today. Important parts of the law of Jersey still have their roots firmly embedded in Norman customary law.

Loyalty to the Crown was not, however, without its price. For over 600 years, until the peace which followed the conclusion of the Napoleonic wars, our ancestors lived within sight of a frequently hostile coast. We were subject to invasions, and to murder and mayhem by sword and by fire. The Crown defended us. In the immediate aftermath of 1204 the great Castle on the hill of Gorey was constructed. Many a time did it shelter the inhabitants from the fury of invading forces. The King took responsibility for defence and the garrison was English. The Warden, later called the Governor, was directly accountable to the King for defending and protecting his subjects in Jersey.

The King’s Bailiff, le Bailli du Roi, was responsible for justice and for the Island’s civil administration. That responsibility was shared, initially with the 12 Jurats and the 12 Connétables, and later with the other elected representatives. The Bailiff was also responsible for protecting the constitutional privileges of the Island, as he is today.

The dramatic pageant which you saw earlier, Sir, told the story of the emergence of the Royal Court and, in the course of time, of our legislative assembly, the States of Jersey. The Jurats continue to administer justice, just as they did 800 years ago. The States Assembly, the records of which go back to 1524, has evolved into a democratic and lively forum in which the future shape of things can be debated. Not long ago the States debated the nature of the oath taken by Police Officers on assuming their functions. The oath of office is of great constitutional significance. An oath is sworn before the Royal Court by every public official from the Lieutenant Governor, Bailiff and other Crown Officers, Jurats and Members of the States, centeniers, vingteniers and constable’s officers, States police officers and many others down to the more humble parochial officials. Each of these oaths contains, as it has done for 800 years, an expression of loyalty to Her Majesty the Queen.

One might describe the relationship with the Crown as a golden thread woven throughout the fabric of our administration, but it is more than that. Our loyalty does not lie to the Parliament at Westminster, our loyalty does not even lie to England, nor to the United Kingdom. Our loyalty lies to the Crown, by which we mean the Monarch. Loyalty to the Crown is the life blood which flows, not just through the body politic, but through the Royal Court and through the whole of the public administration.

Your Royal Highness, the members of the Royal Court and of the States of Jersey, and indeed the people of Jersey, are proud of their association with the Crown. We are most grateful to you, Sir, for coming to Jersey on

this historic occasion and enabling us to renew our allegiance to the Crown in this way. We all rejoice in this opportunity of expressing through you our deep affection, loyalty and respect for the Queen and for her Royal House.”

His Royal Highness, The Prince of Wales was graciously pleased to reply as follows –

“Mr. Bailiff,

Thank you and the States and the people of Jersey for the warm welcome which you have given me. I am delighted to have this opportunity to join you for the celebrations this year which mark the 800th anniversary of the Island’s historic links with the Crown.

The relationship between Jersey and the Crown has been marked over the centuries by unswerving loyalty on the part of Islanders and, in return, by the Crown’s profound regard for Jersey, as symbolised by the gift from His Majesty King Charles II in 1663 of the Royal Mace which is before us today.

This Chamber is a splendid setting for a special meeting of the States of Jersey and, as you have explained, Mr. Bailiff, a most appropriate one in which to remind us that the roots of the freedoms and privileges which the Island enjoys today lie in its special relationship with the Crown.

The Queen has asked me to express Her Majesty’s thanks for the renewed pledge of loyalty to the Crown which you have made on behalf of the States and the people of Jersey and to say that the Island of Jersey is held in deep affection by Her Majesty. On a personal note, I hope and believe that the celebrations that will take place during the remainder of this year will be happy and joyous occasions.”

THE STATES adjourned at 2.50 p.m.

M.N. DE LA HAYE

Greffier of the States.