

**THE STATES assembled on Tuesday,  
25th September 2001 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache.**

**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 Patricia Ann Bailhache - out of the Island  
Senator Leonard Norman - out of the Island  
Senator Terence Augustine Le Sueur - out of the Island.

Prayers

#### **Welcome - Bishop of Winchester**

The Bailiff, on behalf of all members, welcomed to the States the Right Reverend Michael Scott-Joynt, Bishop of Winchester.

#### **Welcome - Mr. Martin Gallagher**

The Bailiff, on behalf of all members, welcomed to the States Mr. Martin Gallagher, member of the New Zealand Parliament for the constituency of Hamilton West.

#### **Subordinate legislation tabled**

The following enactments were laid before the States, namely -

**Health Insurance (Pharmaceutical Benefit) (General Provisions) (Amendment No. 17) (Jersey) Order 2001. R & O 134/2001.**

**Road Racing (Motor Vehicle Rally) (Jersey) Order 2001. R & O 135/2001.**

#### **Matters presented**

The following matters were presented to the States -

**States members' remuneration: consultation paper - R.C.33/2001.**  
Presented by the House Committee.

**Machinery of Government: proposed reforms (P.122/2001): comments - P.122/2001 Com.**  
Presented by the Finance and Economics Committee.

**Agriculture and Fisheries: policy report 2001 (P.126/2001) - comments - P.126/2001. Com.**  
Presented by the Human Resources Committee.

**Draft Public Elections (Jersey) Law 200- (P.132/2001): comments - P.132/2001. Com.**

Presented by the Human Resources Committee.

**Draft Health Insurance (Medical Benefit) (Amendment No. 54) (Jersey) Regulations 200 (P.138/2001): comments - P.138/2001. Com.**

Presented by the Finance and Economics Committee.

**Machinery of Government: proposed reforms (P.122/2001) - comments on amendments - P.122/2001. Amd. Com. (1) to (5).**

Presented by the Policy and Resources Committee.

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

### **Matters lodged**

The following matters were lodged “au Greffe” -

**Union Street, St. Helier: purchase of land - P.139/2001.**

Presented by the Public Services Committee.

**Draft Public Elections (Jersey) Law 200- (P.132/2001): second amendment - P.139/2001 Amd(2).**

Presented by Deputy P.F.C. Ozouf of St. Helier.

### **Cancellation of meeting**

THE STATES decided not to meet on 2nd October 2001, and accordingly agreed that their next meeting would be held on 9th October 2001.

### **Arrangement of public business for the next meeting on 9th October 2001**

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 9th October 2001 -

Projet de Loi (200-) (Amendement No. 9) réglant la procédure criminelle - P.37/2001.

Logé au Greffe le 6 mars 2001

*Député G.C.L. Baudains de St. Clément.*

Projet de Loi (200-) (Amendement No. 9) réglant la procédure criminelle (P.37/2001): rapport - P.37/2001 Rpt.

Présenté le 1er mai 2001.

*Comité de Législation.*

Projet de Loi (200-) (Amendement No. 9) réglant la procédure criminelle (P.37/2001): rapport- addendum - P.37/2001 Rpt.(2)

Présenté le 3 juillet 2001.

*Comité de Législation.*

Projet de Loi (200-) (Amendement No. 9) réglant la procédure criminelle (P.37/2001): amendments- P.37/2001 Amd.

Logé le 28 août 2001.

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

Draft Health and Safety at Work (Amendment No. 3) (Jersey) Law 200 P.137/2001.

Lodged: 11th September 2001.

*Employment and Social Security Committee.*

Draft Public Elections (Jersey) Law 200- P.132/2001.

Lodged: 28th August 2001

*Legislation Committee.*

Draft Public Elections (Jersey) Law 200- (P.132/2001): comments - P.132/2001 Com.

Presented: 18th September 2001.

*Human Resources Committee.*

Draft Public Elections (Jersey) Law 200- (P.132/2001): amendments - P.132/2001. Amd.

Lodged: 18th September 2001.

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

Draft Public Elections (Jersey) Law 200- (P.132/2001): second amendment - P.132/2001. Amd(2).

Lodged: 18th September 2001.

*Deputy P.F.C. Ozouf of St. Helier.*

### **Cost of the publication ‘Poor People’ - question and answer (Tape No. 675)**

The Deputy of St. John asked Deputy Paul Francis Routier of St. Helier, Vice-President of the Employment and Social Security Committee, the following question -

“Will the President inform members what the cost was to the Employment and Social Security Committee for the hard back book entitled ‘Poor People’ distributed to members at the States’ meeting of 11th September 2001 and which vote did the money come from?”

The Vice-President of the Employment and Social Security Committee replied as follows -

“I would like to thank the Deputy for raising this question because it gives me the opportunity to say that I believe this has been a very worthwhile project. We were fortunate in getting Mary Phillips to write the book and she has done an excellent job in tackling a very difficult subject.

The total cost of commissioning and printing 500 books was £12,700 but income will be generated from the public sale of these books, which are now in the shops. This money has come from the Department’s printing and stationery budget and profit from the sale of these books will be offset against the cost.

I would add that the Committee felt it was an important subject not only to research but also to ensure that the work was made widely available. Apart from being a tangible and lasting memento of the 50th anniversary of the Social Security Scheme, it was also felt that such an important book would help any forthcoming deliberations on the eradication of poverty. Poverty is still a key issue for us in Jersey now and I hope that the book will stimulate further discussion and ideas as to how we eradicate it.”

### **Quarantine arrangements and the numbers of cattle with BSE culled in 2001 - questions and answers (Tape No. 675)**

The Deputy of St. John asked Senator Jean Amy Le Maistre, President of the Agriculture and Fisheries Committee, the following questions -

- “1. Would the President explain what quarantine facilities the Committee is able to put in place to meet its obligations under the Rabies (Importation of Dogs, Cats and other Mammals) (Jersey) 1976 Order as amended for dogs imported from countries not covered by the pet travel scheme?”

2. (a) Will the President give members the total number of cattle suffering from BSE culled in 2001 to date and advise members how the carcasses were transported out of the Island?
- (b) Will the President advise members whether the Agriculture and Fisheries Committee has abandoned the proposal to build an animal incinerator, and if so why?"

The President of the Agriculture and Fisheries Committee replied as follows -

- “1. Under this Order the landing of a dog, cat or other mammal on the Island other than from the United Kingdom, Guernsey, Isle of Man or Ireland is prohibited other than by licence granted by the Department of Agriculture and Fisheries Committee. Such a licence would require that the animal be placed in an approved quarantine facility for a period of six months.

The introduction of the PETS Travel Scheme has meant that animals imported from countries involved in this scheme are exempt from the requirement to be placed into quarantine. The direct importation of dogs or cats into Jersey from countries not covered by the PETS Travel scheme is not permitted.

Dogs and cats imported from non PETS Travel scheme countries must go through a six month period of quarantine in approved quarantine kennels in the United Kingdom prior to being accepted into Jersey. There are 54 registered dog and cat quarantine facilities in the United Kingdom.

Animals entering the United Kingdom, other than under the PETS travel scheme, are allowed to do so under special licence but have to go direct into the pre-booked quarantine facilities within the United Kingdom. Animals entering illegally are seized and held in quarantine facilities at the owners expense or destroyed and the owner may be prosecuted, depending on the circumstances. Stray pets discovered on imported vehicles, for example, are held for 15 days after which they are destroyed, if an owner cannot be identified.

Any dog or cat landed in Jersey in contravention of the PETS Travel scheme rules would be held in a secure holding facility at the JSPCA Animal Shelter for a maximum period of 72 hours, whilst the situation pertaining to the animal and the owner was being sorted out. The Department of Agriculture and Fisheries and the JSPCA have a written contract for the use of these facilities for this purpose.

Within the 72-hour period one of the following options would be followed with the animal, depending upon the particular circumstances -

- released to its owner
- returned to the country of origin
- sent to United Kingdom for quarantine
- destroyed and disposed of.

In addition the owner could be prosecuted if it was determined that there was an attempt to import the animal in contravention of the legal requirements.

There are no approved Rabies quarantine facilities in Jersey. The construction, maintenance and staffing of such a facility is expensive and the demand for such a facility has largely been nullified by the introduction of the PETS Travel Scheme. Many of the registered quarantine facilities in the United Kingdom have reportedly suffered severe loss of business (with some having to close) due to the introduction of the PETS Travel Scheme. For the same reason, in Guernsey, the registered quarantine facility has now ceased to operate.

2. (a) No animals were diagnosed as suffering from BSE in 2001 nor 2000, thus none were culled for this reason during those years. The last case recorded was in 1999.
- (b) The Agriculture and Fisheries Committee has not abandoned the proposal to build an animal incinerator.

Department officers are in discussion with officers of the Public Services Department regarding the specification and costs of building an incinerator. Public Services Department Officers have informed the Department that they are in consultation with Carl Bro, the consultants who prepared the original study on the combined Clinical and Animal Incinerator. Carl Bro are reviewing the background material and will consider it in line with current legislation. We are informed that the Report will be prepared in the next two months.”

**Report on the ‘introduction to Work Permits’ (P.107/2000) and the smart card scheme - questions and answers (Tape No. 675)**

Senator Paul Vincent Francis Le Claire asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following questions -

- “1. During a meeting in the Policy and Resources Department on 21st August 2001, I was told that a report to my proposition ‘Introduction of work permits’ (P.107/2000) would be made available, ahead of the Committee’s general proposition in relation to population. As stated on the morning of 18th September 2001 to the Assembly, this general proposition was to be ready before the end of the year. Would the President confirm when the Committee’s report on my proposition will be presented so that I may seek to have it debated?”
2. Would the President advise members of progress on the smart card scheme and what is his Committee’s schedule for its implementation?”

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

- “1. The Policy and Resources Committee will be considering a draft report on the Senator’s report and proposition at its next meeting on 4th October 2001. Subject to the Committee’s consideration on that date, it shall table our report on the Senator’s proposition on Tuesday, 9th October 2001.
2. The Policy and Resources Committee will also be considering during October 2001 a report and proposition on the proposed smart card scheme on the basis of the study that was commissioned from De La Rue. As soon as the Committee has approved the draft it will be lodging a report and proposition inviting the States to make a decision on putting such a scheme in place.”

**Draft Housing (General Provisions) (Amendment No. 16) (Jersey) Regulations 2000 statement**

Deputy Terence John Le Main of St. Helier, President of the Housing Committee made a statement in the following terms -

“On 10th April 2001 the Housing Committee lodged ‘au Greffe’ the draft Housing (General Provisions) (Amendment No. 16) (Jersey) Regulations 2000 (P.64/2001).

The proposed amendment was to repeal and replace Regulation 2 of the Housing Regulations, which currently makes it a requirement that the Committee must satisfy itself before giving its consent to a sale, transfer or lease of land to a Company that consent can be justified “in the best interests of the community” on housing grounds. The proposal was to reverse the onus of proof by providing that the Committee should only not give its consent to such a transaction if it was satisfied that to give consent would not be in the best interest of the community on housing grounds.

The Committee proposed the amendment after receiving from companies a number of applications to purchase which were in effect neutral in terms of the interests of the community. The Committee was therefore required to reject these applications as it could not be demonstrated that they were in the best interests of the community.

When the draft Regulations were lodged my Committee received a number of comments which cast doubt on the power of the Committee to adequately exercise control over purchases by companies if the onus of proof regarding the transaction not being in the best interests of the community was placed on the Committee. After further consideration of all the legal advice on this matter, the Committee has concluded that there is a risk that a significant number of applications by companies to purchase might have to be granted simply because it would be difficult to prove that not to grant consent would actually not be in the best interest of the community. Once consents are granted, even if subsequently the transaction proves to be not in the best interest of the community, it is too late to do anything to reverse the position. Accordingly the Committee has decided to withdraw the draft Regulations (P.64/2001).”

### **Draft Housing (General Provisions) (Amendment No. 16) (Jersey) Regulations 200- (P.64/2001) - withdrawal**

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Housing Committee had instructed the Greffier of the States to withdraw the Draft Housing (General Provisions) (Amendment No. 16, (Jersey) Regulations 200- (P.64/2001 lodged “au Greffe” on 10th April 2001).

### **Indemnity of organisations providing commercial services relating to air transport in Jersey against third party war and terrorism insurance - statement**

The Deputy of St. Mary, President of the Harbours and Airport Committee, made a statement in the following terms -

“Since the tragic events of 11th September 2001 in New York, insurers have notified the aviation industry that insurance cover for war, hijacking and other associated perils would cease. This has happened as from midnight last night, Monday, 24th September 2001.

Jersey Airport remains insured for all normal operations except for this one clause. Guernsey and the Isle of Man are in a similar situation.

The United Kingdom government has set up a short-term war, terrorism and related perils scheme for the next 30 days that covers airlines, airports, refuelling companies, security companies and other agencies operating at United Kingdom airports. The Channel Islands are not party to this arrangement.

I have to notify members that the States themselves are now covering the war, terrorist and related risks in respect of Jersey Airport and its associated activities. All other areas of the Airport’s insurances remain in place in the sum assured of £400 million.”

### **Woodville Hotel Site, St. Helier: sale of flats P.123/2001-comments - P.123/2001 Com.**

THE STATES, adopting a proposition of the Housing Committee -

- (a) authorised the sale by the public to first-time buyers on the Housing Committee’s “first-time buyer waiting list”, on a flying freehold basis and upon completion, of 55 two-bedroom and four one-bedroom flats on the site of the former Woodville Hotel, St. Helier, at such prices, and otherwise upon such terms and conditions, as shall be agreed by the Housing and Finance and Economics Committees;
- (b) authorised the Attorney General and the Greffier of the States to pass the necessary contracts on behalf of the States.

Members present voted as follows -

“Pour” (41)

Senators

Horsfall, Le Maistre, Stein, Qu erie, Syvret, Walker.

#### **Conn tables**

Grouville, St. Helier, St. Martin, Trinity, St. Saviour, St. Clement, St. Brelade, St. Lawrence, St. M  
St. John, St. Peter.

#### **Deputies**

H. Baudains(C), St. Mary, Trinity, Duhamel(S), Routier(H), Grouville, Huet(H), St. John, Le Main(H)  
Vibert(B), St. Peter, Dubras(L), St. Ouen, G. Baudains(C), Dorey(H), Troy(B), Voisin(L), ScotWarren  
(S), Farnham(S), Le H rissier(S), Ozouf(H), Fox(H), Bridge(H), Martin(H).

“Contre” (2)

#### **Deputies**

Breckon(S), St. Martin.

#### **Machinery of Government: proposed reforms - P.122/2001 Amendments (1) to (5) and comments**

THE STATES commenced consideration of the proposition of the Policy and Resources Committee regarding the Machinery of Government: proposed reforms and of amendments of Deputy Michael Edward Vibert of St. Brelade that in paragraph (a) -

- (1) after the words ‘replaced by a’ there should be inserted the words ‘combined Committee/’ and there should be deleted the words ‘as set out in the report of the Policy and Resources Committee dated 26th July 2001;’
- (2) in sub-paragraph (i) before the word ‘committee’ there should be inserted the word ‘present’;
- (3) in sub-paragraph (ii) for the words ‘who will nominate’ there should be substituted the word ‘and’;
- (4) in sub-paragraph (iii) for all the words after ‘by a minister’ there should be substituted the words ‘the States will appoint up to four other members to serve on a Committee to be responsible for the policy and strategy of each Department of government, with members only being allowed to serve on one such Committee.’
- (5) for sub-paragraph (iv) there should be substituted the following sub-paragraph -  

‘(iv) the States will elect a Public Accounts Committee Chairman and two other Scrutiny Committee Chairmen, who are not involved in any other Departmental Committees, who together will form a Public Accounts and Procedure Committee, to be responsible to the States for all aspects of Assembly procedure including, in particular, scrutiny arrangements and an appropriate code of conduct for all members of the States; and to be charged with the scrutiny of public expenditure and supported by an Auditor General accountable directly to the States Assembly;’
- (6) in sub-paragraph (v) before the word ‘Procedure’ there should be inserted the words ‘Public Accounts and,’ and for the words ‘not involved in the Executive’ there should be substituted the words ‘who are neither Ministers or Assistant Ministers and who have no direct Committee interest in the area to be scrutinised.’
- (7) sub-paragraphs (vi) and (vii) should be deleted and subsequent sub-paragraphs be renumbered accordingly.

After discussion the States agreed to adjourn and to resume consideration of the amendments of Deputy Michael Edward Vibert of St. Brelade at 9.30 a.m. on Wednesday 26th September 2001.

### **Change in Presidency**

THE STATES re-assembled after the lunch adjournment under the Presidency of Mr. Michael Cameron St. Joh Birt, Deputy Bailiff, during consideration of the amendments of Deputy Michael Edward Vibert of St. Brelade to the proposition of the Policy and Resources Committee regarding the Machinery of Government: proposed reforms.

### **Welcome - Deputy Laurie Morgan, President of the Advisory and Finance Committee, States of Guernsey**

The Deputy Bailiff, on behalf of all members, welcomed to the States Deputy Laurence Charles Morgan of St. Peter Port, President of the Advisory and Finance Committee of the States of Guernsey.

THE STATES rose at 5.30 p.m.

**C.M. NEWCOMBE**

*Greffier of the States.*