

STATES OF JERSEY ORDER PAPER

Tuesday 5th April 2005

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Shipping (Survey and Certification) (Jersey) Order 2005.
Harbours and Airport Committee.

R&O 18/2005.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

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

Administrative Decisions (Review) (Jersey) Law 1982, as amended:
report of the Administrative Appeals Panel for 2003 – 2004.
Privileges and Procedures Committee.

R.C.19/2005.

Migration: monitoring and regulation (P.25/2005) – comments.
Finance and Economics Committee.

P.25/2005. Com.

Draft Competition (Jersey) Law 2005 (Appointed Day) Act 200-
(P.37/2005): comments.
Finance and Economics Committee.

P.37/2005. Com.

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

(b) Notification of Standing Order decisions

10th March 2005

Decisions under delegated functions.
Finance and Economics Committee.

(c) Notification of acceptance of tenders

24th March 2005

Hautlieu School Phase 2: new sports facility.
Education, Sport and Culture Committee

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

Island Plan 2002: amendment to policy H8 (Housing Development
within the Built-up Area).
Deputy G.C.L. Baudains of St. Clement.

P.69/2005.

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

(f) Papers for consideration by the States in Committee under Standing Order

E. STATEMENTS AND PROPOSITIONS RELATING TO THE ARRANGEMENT OF PUBLIC BUSINESS AT THIS OR ANY SUBSEQUENT MEETING

THE STATES are asked to agree that the following matter lodged “au Greffe” be considered at the present meeting –

Draft Data Protection (Amendment) (Jersey) Law 200-. P.50/2005.
Lodged: 15th March 2005.
Finance and Economics Committee.

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at their next meeting on 19th April 2005 –

Equalisation of Welfare. P.57/2004.
Lodged: 20th April 2004.
Deputy G.C.L. Baudains of St. Clement.

Equalisation of Welfare (P.57/2004): comments. P.57/2004.
Presented: 25th May 2004. Com.
Policy and Resources Committee.

Equalisation of Welfare (P.57/2004): comments. P.57/2004.
Presented: 25th May 2004. Com.(2)
Employment and Social Security Committee.

Land in St. Lawrence near Tesson Mill and Field 621, St. Brelade: P.33/2005.
rezoning. (re-issue)
Lodged: 22nd February 2005.
Deputy J.A. Hilton of St. Helier.

Draft Education (Provided Schools) (Jersey) Regulations 200-. P.34/2005.
Lodged: 1st March 2005.
Education, Sport and Culture Committee.

Economic Growth Plan. P.38/2005.
Lodged: 1st March 2005.
Economic Development Committee.

Land in St. Clement: rezoning. P.40/2005.
Lodged: 1st March 2005.
Deputy G.C.L. Baudains of St. Clement.

Draft Policing of Parks (Jersey) Regulations 200-. P.43/2005.
Lodged: 8th March 2005.
Environment and Public Services Committee.

Draft Health Care (Registration) (Amendment) (Jersey) Law 2002 P.45/2005.
(Appointed Day) Act 200-.
Lodged: 15th March 2005.
Health and Social Services Committee.

Draft Health Care (Registration) (No. 2) (Jersey) Regulations 200-. P.46/2005.
Lodged: 15th March 2005.
Health and Social Services Committee.

Draft Planning and Building (Amendment No. 2) (Jersey) Law 200.
Lodged: 15th March 2005.
Environment and Public Services Committee.

P.47/2005.

Rent Control Tribunal: appointment of members. P.52/2005.
Lodged: 22nd March 2005.
Housing Committee.

Draft Extradition (Designated Territories) (Jersey) Regulations 200-. P.53/2005.
Lodged: 22nd March 2005.
Policy and Resources Committee.

Machinery of Government: relationship between the Parishes and the P.66/2005.
Executive.
Lodged: 22nd March 2005.
Policy and Resources Committee.

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

Former School, Clearview Street, St. Helier: proposed sale. P.49/2004.
Lodged: 30th March 2004. (re-issue)
Environment and Public Services Committee.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

(a) Written Questions

The President of the Policy and Resources Committee will table an answer to a question asked by the Deputy of St. Martin regarding an inquiry into the extent of human rights compliance.

The President of the Policy and Resources Committee will table an answer to a question asked by the Deputy of St. John regarding ongoing costs associated with the steam clock.

The President of the Environment and Public Services Committee will table an answer to a question asked by the Deputy of St. John regarding an agreement between the former Planning and Environment Committee and Falles Hire Cars Limited.

The President of the Environment and Public Services Committee will table an answer to a question asked by the Deputy of St. John regarding the transfer of certain responsibilities in relation to historic buildings from the Committee to the Jersey Heritage Trust.

The President of the Policy and Resources Committee will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the Public Sector Re-organisation: Five Year Vision for the Public Sector.

(b) Oral Questions

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

Removal of material from website: Senator E.P. Vibert.
Lodged: 22nd March 2005.
Economic Development Committee.

P.68/2005.

Draft Bankruptcy (Netting, Contractual Subordination and Non-Petition Provisions) (Jersey) Law 200-. Lodged: 8th February 2005. <i>Economic Development Committee.</i>	P.30/2005.
Draft Employment Tribunal (Jersey) Regulations 200-. Lodged: 1st March 2005. <i>Employment and Social Security Committee.</i>	P.36/2005.
Draft Employment Tribunal (Jersey) Regulations 200- (P.36/2005): comments. Presented: 15th March 2005. <i>Finance and Economics Committee.</i>	P.36/2005. Com.
Maufant Village, St. Martin: transfer of estate roads and footpaths– rescindment. Lodged: 15th March 2005. <i>Housing Committee.</i>	P.51/2005.
Field 690A, Maufant, St. Martin: sale of rights. Lodged: 1st February 2005. <i>Housing Committee.</i>	P.20/2005.
Field 690A, Maufant, St. Martin: sale of rights (P.20/2005)– comments. Presented: 1st February 2005. <i>Environment and Public Services Committee.</i>	P.20/2005. Com.
Field 690A, Maufant, St. Martin: sale of rights (P.20/2005)– amendment. Lodged: 1st March 2005. <i>Deputy of St. Martin.</i>	P.20/2005. Amd.
Field 690A, Maufant, St. Martin: sale of rights (P.20/2005)– amendment (P.20/2005 Amd.)– comments. Presented: 15th March 2005. <i>Finance and Economics Committee.</i>	P.20/2005. Amd.Com.
Draft Community Provisions (Animal Feeding) (Jersey) Regulations 200-. Lodged: 8th February 2005. <i>Environment and Public Services Committee.</i>	P.27/2005.
Draft Fertilisers and Feeding Stuffs (Amendment) (Jersey) Law 200-. Lodged: 8th February 2005. <i>Environment and Public Services Committee.</i>	P.28/2005.
Draft Diseases of Animals (Amendment No. 6) (Jersey) Law 200. Lodged: 8th February 2005. <i>Environment and Public Services Committee.</i>	P.29/2005.
Draft Competition (Jersey) Law 2005 (Appointed Day) Act 200-. Lodged: 1st March 2005. <i>Economic Development Committee.</i>	P.37/2005.
Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 2)	P.41/2005.

(Jersey) Regulations 200-
Lodged: 8th March 2005.
Environment and Public Services Committee.

Projet de Loi (Amendement No. 5) sur la Propriété Foncière.
Lodged : 8th March 2005.
Comité de Législation.

P.42/2005.
(re-issue)

Health and Safety Appeal Tribunal: appointment of Members.
Lodged: 15th March 2005.
Employment and Social Security Committee.

P.48/2005.

Subject to E –

Draft Data Protection (Amendment) (Jersey) Law 200-.
Lodged: 15th March 2005.
Finance and Economics Committee.

P.50/2005.

M.N. DE LA HAYE
Greffier of the States

31st March 2005.

Note –

In accordance with a decision of the States on 16th November 2004, this meeting will continue, if necessary, on Wednesday 6th April and Tuesday 12th April 2005.

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 18/2005

This Order applies the Merchant Shipping (Survey and Certification) Regulations 1996 of the United Kingdom to Jersey to give effect to the requirements as to surveys and the issue of certificates contained in the Safety of Life at Sea Convention 1974, as amended. The Order also contains similar requirements for ships not subject to the Convention.

This Order also applies the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 of the United Kingdom to Jersey. These Regulations implement Council Directive 98/18/EC on Safety Rules and Standards for Passenger Ships (OJ L144, 15.5.1998, p. 1) (“the Directive”), which applies to the European Economic Area (EEA) by virtue of Joint Committee Decision 119/98 on environmental standards, maritime safety, maritime transport and safety.

The Order was made on 23rd March 2005, and came into force 7 days after it was made.

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

10th March 2005

- (a) as recommended by the Education, Sport and Culture Committee, the entering into of a Deed of Arrangement with Mr. Gregory Revell Smith and Mrs. Angela Jane Smith, née Mucklow, owners of Les Huriaux Cottage, La Moye, St. Brelade, in order (as detailed in a report dated 11th October 2004 of the Director of Property Services) to ratify and confirm clauses created in the contract of purchase by Mr. and Mrs. Smith of Les Huriaux Cottage from Mr. Nicholas Albert Le Gallais, dated 23rd May 2003, in relation to right of way and passage over the roadway or avenue belonging to Mr. Le Gallais in that area in order to come and go from Les Huriaux Cottage to La Rue de la Moie - Mr. and Mrs. Smith being charged to pay their fair proportion of the maintenance and up-keep of the said road or avenue which they would use. It was recognised that, by contract dated 5th February 1993, Mr. Le Gallais had leased to the public (amongst other property) the land and part of the roads or avenues and strips of land described in the aforementioned report - which formed part of Les Creux Country Park. In addition, Mr. and Mrs. Smith would have the right to place, keep, maintain, up-keep, repair, replace and renew in the roadway or avenue (including the strips of land retained by Mr. Le Gallais and through which they had a right of way for all pipes, cables and conduits necessary to supply main services to Les Huriaux Cottage) with rights of access onto the roadway or avenue with or without workmen, tools and material in order to undertake such works - Mr. and Mrs. Smith being charged to undertake the works as quickly as possible to cause the least inconvenience possible to Mr. Le Gallais and to put the affected areas in a good state after completing the works, with the right to Mr. Le Gallais to join to such services which would be established by Mr. and Mrs. Smith and contributing his fair proportion of the maintenance and upkeep thereof where they would be used in common. The whole in perpetuity. Mr. and Mrs. Smith were to be responsible for the public's reasonable legal fees in connection with verifying and passing this transaction;
- (b) as recommended by the Housing Committee, the lease to Les Amis Incorporated of the property known as Westley Lodge, St. Saviour for a period of 3 years from 1st September 2004, terminable by either party serving 6 months notice in writing, at an annual rent of £6,152.64 payable monthly in advance subject to annual review in line with the percentage increase in the Jersey Retail Price Index. The occupiers of the premises were to be residentially qualified under Regulation 1(1)(a)-(h) of the Housing (Jersey) Law 1949, as amended, and the lessees would be responsible for contents insurance and would be expected to effect and maintain Public Liability Insurance cover for a sum of not less than £2 million. Each party was to be responsible for its own legal and professional fees arising from this transaction;
- (c) as recommended by the Harbours and Airport Committee, of the lease to OMG Limited of accommodation at the Cargo Centre, Jersey Airport (Lettings Nos. B123, B124, B125, B126 and B127) for a period of one year from 1st January 2005 at an annual rent of £23,940;
- (d) as recommended by the Housing Committee –
- (i) the entering into of a Deed of Arrangement with Mr. Simon Hector and Mrs. Carol Ann Hector, née Griffin, in order to grant drainage rights to Mr. and Mrs. Hector as owners of the property known as ‘Doordie’, Trinity Hill, St. Helier, for a consideration of £4,500 and the payment of all professional and legal fees incurred by the public - estimated to be in the region of £250 and £350 respectively; and
- (ii) the entering into of a Deed of Arrangement with PAR Developments Limited, in order to grant drainage rights over public land at the property known as ‘Doordie’, Trinity Hill, St. Helier, for a consideration of £4,500 and the payment of all professional and legal fees incurred by the public - estimated to be in the region of £350 and £250 respectively.

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

24th March 2005

The Education, Sport and Culture Committee, by Act dated 23rd February 2005, had accepted a fixed-price tender from Charles Le Quesne (1956) Limited for the construction of a new Sports Facility on the former Hautlieu School site, St. Saviour at a cost of £3,185,000, in a contract period of 64 weeks.

The other tenders received were as follows -

Contractor	Amount for Main Works	Period
Camerons Limited	£3,176,987.00	64 weeks
Hacquoil and Cook Limited	£3,459,017.75	64 weeks
A.C. Mauger (Sunwin) Limited	£3,657,025.00	64 weeks
Trant	£4,076,260.00	64 weeks

WRITTEN QUESTION PAPER

(See Item G)

The President of the Policy and Resources Committee will table an answer to the following question asked by the Deputy of St. Martin -

“Following the tabling by Austin Mitchell M.P. of an Early Day Motion calling for an inquiry to determine the extent to which the Channel Islands are compliant with human rights obligations, would the President advise whether the Island authorities acknowledged the M.P.’s interest, whether the Committee supports this call and, if not, whether the Committee considers that an inquiry of this type for Jersey should be undertaken by the States?”

The President of the Policy and Resources Committee will table an answer to the following question asked by the Deputy of St. John –

“Would the President advise members of the amount spent by the Waterfront Enterprise Board Ltd. on maintenance of the steam clock since it was commissioned, giving a breakdown of the running cost year on year, together with details of the annual cost of maintaining the garden area near and around the steam clock?”

The President of the Environment and Public Services Committee will table an answer to the following question asked by the Deputy of St. John –

“Would the President inform members whether any agreement exists between the former Planning and Environment Committee and Falles Hire Cars Limited such that a site in the Phase II La Collette reclamation would be provided for a garage/workshop in exchange for an agreement that the company would not build at Rue des Prés under the bad neighbour policy, and, if so, would he inform members –

- (a) whether this agreement still exists and whether it is transferable?
- (b) what size and value the site at La Collette II has?
- (c) whether the Committee is reviewing this agreement? and,
- (d) whether the site at La Collette II, which has been designated for use for garages/workshops, would be suitable for use as a coach depot?”

The President of the Environment and Public Services Committee will table an answer to the following question asked by the Deputy of St. John –

“Following the recent announcement of the transfer of certain responsibilities in relation to historic buildings from the Committee to the Jersey Heritage Trust, would the President give members precise details of the transfer and explain why the States were not asked to approve the transfer?”

The President of the Policy and Resources Committee will table an answer to the following question asked by Deputy G.C.L. Baudains of St. Clement –

“The Committee’s proposition on ‘Public Sector Re-organisation: Five Year Vision for the Public Sector’ (P.58/2004) was adopted by the States on 26th May 2004.

- (a) Paragraph (a) of the proposition stated that the purpose of the re-organisation was to seek savings of £20m.

and 'value improvements' of £9m. per annum. Will the President advise whether the offer of final salary pensions and index linking of them to new employees will be reviewed as part of those savings and, if not, why not?

- (b) Paragraph (d) enabled a reduction of up to 300 posts to be achieved by various means and the accompanying report stated, at paragraph 4, that *'it is expected that the public sector will reduce by approximately 300 posts over a 5 year period'*.

In answers to oral questions on 1st March 2005, the President intimated that there might be no post reductions. Would the President therefore advise –

- (i) whether the Committee has abandoned this goal?
- (ii) how the Committee justifies an expanding public sector headcount at a time of reducing private sector workforce and possible population reduction also?
- (c) Under the 'Red tape reform' initiative, Committees have recently been seeking examples from interested parties of areas where bureaucracy might be reduced.

Does the Committee accept that asking people to, effectively, examine their own efficiency is unlikely to achieve any real benefit towards achieving either the savings or value improvement goals in the visioning proposals and will the Committee therefore consider using part of the £9.4m. set aside for achieving the proposals to employ external persons to undertake efficiency/streamlining auditing?"