

# STATES OF JERSEY ORDER PAPER

Tuesday 29th April 2003

## A. COMMUNICATIONS BY THE BAILIFF

## B. TABLING OF SUBORDINATE LEGISLATION

*(Explanatory note attached)*

Maintenance Orders (Facilities for Enforcement) Rules 2003. R&O 28/2003.  
*Superior Number of the Royal Court.*

Road Traffic (Public Parking Places) (Jersey) Order 2003. R&O 30/2003.  
*Environment and Public Services Committee.*

Road Traffic (Public Parking Places – Charges) (Jersey) Order 2003. R&O 31/2003.  
*Environment and Public Services Committee.*

Insurance Business (General Provisions) (Amendment No. 3) (Jersey) Order 2003. R&O 32/2003.  
*Finance and Economics Committee.*

Island Planning (Tree Preservation) (Saint Helier) (Jersey) Order 2003. R&O 33/2003.  
*Environment and Public Services Committee.*

Island Planning (Tree Preservation) (Saint Brelade) (Jersey) Order 2003. R&O 34/2003.  
*Environment and Public Services Committee.*

## C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

Resignation of Deputy J.B. Fox of St. Helier from the Environment and Public Services Committee.

## D. PRESENTATION OF PAPERS

### (a) Papers for information

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

Jersey Police Complaints Authority: report for 2002. R.C.20/2003.  
*Home Affairs Committee.*

Former Gorey Youth Centre, La Chèvre Rue, Grouville: proposed sale P.36/2003. Com.  
(P.36/2003) – comments.  
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#### Matters presented under Standing Order 6A(1)(b)

Presented on 15th April 2003

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*Policy and Resources Committee.*

States Members' remuneration: establishment of an independent P.26/2003. Com.

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Presented on 22nd April 2003

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Code of Conduct for elected Members of the States (P.32/2003):  
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*Policy and Resources Committee.*

P.32/2003. Com.

**(b) Notification of Standing Order decisions**

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*Finance and Economics Committee.*

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*Environment and Public Services Committee.*

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Draft Police Force (Amendment No. 9) (Jersey) Law 200-.  
*Home Affairs Committee.*

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Draft Motor Traffic (Third Party Insurance) (Amendment No. 11)  
(Jersey) Law 200-.  
*Home Affairs Committee.*

P.48/2003.

Draft Motor Vehicle Registration (Amendment No. 2) (Jersey) Law  
200-.  
*Home Affairs Committee.*

P.49/2003.

H.M. Prison, La Moye: reception and accommodation block –  
approval of drawings.  
*Home Affairs Committee.*

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No. 2 La Croix Crescent, La Rue à Don, Grouville: removal of  
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*Home Affairs Committee.*

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

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Rent Control Tribunal: appointment of members.

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Data Protection Tribunal: appointment of members. P.38/2003.  
*Policy and Resources Committee.*

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*Policy and Resources Committee.*

Lodged on 15th April 2003

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Draft Amendment (No. 24) of the Standing Orders of the States of P.41/2003.  
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Ferryspeed (C.I.) Limited, New North Quay, St. Helier: lease of P.42/2003.  
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Lodged on 22nd April 2003

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*Legislation Committee.*

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*Legislation Committee.*

Draft Employers' Liability (Compulsory Insurance) (Authorised P.46/2003.  
Insurer) (Jersey) Regulations 200-.  
*Employment and Social Security Committee.*

**(f) Papers for consideration by the States in Committee under Standing Order 38A**

**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 matters lodged "au Greffe" be considered at the present meeting -

Rent Control Tribunal: appointment of members. P.37/2003.  
Lodged: 8th April 2003.  
*Housing Committee.*

Data Protection Tribunal: appointment of members. P.38/2003.  
Lodged: 8th April 2003.  
*Policy and Resources Committee.*

Draft Amendment (No. 24) of the Standing Orders of the States of Jersey. Lodged: 15th April 2003. <i>Telecommunications Board.</i>	P.41/2003.
Ferryspeed (C.I.) Limited, New North Quay, St. Helier: lease of warehouse. Lodged: 15th April 2003. <i>Harbours and Airport Committee.</i>	P.42/2003. <i>(re-issue)</i>
THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at their next meeting on 13th May 2003 -	
States Members’ remuneration: establishment of an independent review body. Lodged : 18th March 2003. <i>Senator E.P. Vibert.</i>	P.26/2003.
States Members’ remuneration: establishment of an independent review body (P.26/2003) – comments. Presented: 15th April 2003. <i>Privileges and Procedures Committee.</i>	P.26/2003. Com.
Former Gorey Youth Centre, La Chèvre Rue, Grouville: proposed sale. Lodged: 1st April 2003. <i>Environment and Public Services Committee.</i>	P.36/2003. <i>(re-issue)</i>
Former Gorey Youth Centre, La Chèvre Rue, Grouville: proposed sale (P.36/2003) – comments. Presented: 29th April 2003. <i>Finance and Economics Committee.</i>	P.36/2003. Com.
European Convention for the Protection of Human Rights and Fundamental Freedoms: extension of Protocol 13. Lodged: 8th April 2003. <i>Policy and Resources Committee.</i>	P.39/2003.
Draft Maintenance Orders (Facilities for Enforcement) (Jersey) Law 2000 (Appointed Day) Act 200-. Lodged: 22nd April 2003. <i>Legislation Committee.</i>	P.43/2003.
Draft Maintenance Orders (Facilities for Enforcement – Convention Countries) (Jersey) Act 200-. Lodged: 22nd April 2003. <i>Legislation Committee.</i>	P.44/2003.
Draft Maintenance Orders (Facilities for Enforcement – Hague Convention Countries) (Jersey) Act 200-. Lodged: 22nd April 2003. <i>Legislation Committee.</i>	P.45/2003.
Draft Employers’ Liability (Compulsory Insurance) (Authorised Insurer) (Jersey) Regulations 200-. Lodged: 22nd April 2003. <i>Employment and Social Security Committee.</i>	P.46/2003.

	Draft Police Force (Amendment No. 9) (Jersey) Law 200. Lodged: 29th April 2003. <i>Home Affairs Committee.</i>	P.47/2003.
No. 11)	Draft Motor Traffic (Third Party Insurance) (Amendment (Jersey) Law 200-. Lodged: 29th April 2003. <i>Home Affairs Committee.</i>	P.48/2003.
Law	Draft Motor Vehicle Registration (Amendment No. 2) (Jersey) 200-. Lodged: 29th April 2003. <i>Home Affairs Committee.</i>	P.49/2003.
	H.M. Prison, La Moye: reception and accommodation block – approval of drawings. Lodged: 29th April 2003. <i>Home Affairs Committee.</i>	P.50/2003.
	No. 2 La Croix Crescent, La Rue à Don, Grouville: removal of restrictive covenant. Lodged: 29th April 2003. <i>Home Affairs Committee.</i>	P.51/2003.
	No. 1 Oxford Road, St. Helier: proposed sale. Lodged: 29th April 2003. <i>Health and Social Services Committee.</i>	P.52/2003.

## **F. PRESENTATION OF PETITIONS**

## **G. QUESTIONS**

Senator E.P. Vibert will ask a question of the President of the Policy and Resources Committee regarding trust accounts.

Deputy R.G. Le Hérisier of St. Saviour will ask a question of the President of the Policy and Resources Committee regarding the formulation of international affairs policy.

Deputy C.J. Scott Warren of St. Saviour will ask a question of the President of the Finance and Economics Committee regarding the estimates of States income for 2004, 2005 and 2006.

Senator E.P. Vibert will ask a question of the President of the Finance and Economics Committee regarding inflation.

Senator P.V.F. Le Claire will ask a question of the President of the Harbours and Airport Committee regarding ferry operators on the Jersey-St.Malo route.

The Deputy of St. John will ask a question of the President of the Housing Committee regarding a Standing Order Land Transaction at the Waterfront Housing Development.

Deputy R.G. Le Hérisier of St. Saviour will ask a question of the President of the Health and Social Services Committee regarding a Health and Social Services Audit Committee report.

Senator P.V.F. Le Claire will ask a question of the President of the Housing Committee

regarding residential housing qualifications.

Senator E.P. Vibert will ask a question of the President of the Education, Sport and Culture Committee regarding the future of Fort Regent.

Senator P.V.F. Le Claire will ask a question of the President of the Policy and Resources Committee regarding the terms of the Island's commitment to the EU tax package.

The Deputy of St. John will ask a question of the President of the Policy and Resources Committee regarding the Public Employees' Contributory Retirement Scheme.

Senator E.P. Vibert will ask a question of the President of the Policy and Resources Committee regarding the Waterfront Enterprise Board Limited.

Senator E.P. Vibert will ask a question of the President of the Housing Committee regarding toxic ash on the Waterfront site and the sale of homes.

Senator P.V.F. Le Claire will ask a question of the President of the Policy and Resources Committee regarding the number of persons in Jersey on work permits.

The Deputy of St. John will ask a question of the President of the Environment and Public Services Committee regarding the refurbishment of Royal Court House/States Building.

The Deputy of St. John will ask a question of the President of the Economic Development Committee regarding woodchip/mulch.

## **H. MATTERS OF PRIVILEGE**

## **I. PERSONAL STATEMENTS**

## **J. COMMITTEE STATEMENTS**

## **K. PUBLIC BUSINESS**

Draft Water (Amendment No. 2) (Jersey) Law 200. P.24/2003.  
Lodged: 4th March 2003.  
*Environment and Public Services Committee.*

Code of Conduct for elected Members of the States. P.32/2003.  
Lodged: 25th March 2003.  
*Privileges and Procedures Committee.*

Code of Conduct for elected Members of the States (P.32/2003): P.32/2003.  
comments. Com.  
Presented: 22nd April 2003.  
*Policy and Resources Committee.*

Draft Motor Traffic (No. 10) (Jersey) Regulations 200. P.35/2003.  
Lodged: 1st April 2003.  
*Home Affairs Committee.*

### **Subject to E –**

Rent Control Tribunal: appointment of members. P.37/2003.  
Lodged: 8th April 2003.  
*Housing Committee.*

Data Protection Tribunal: appointment of members. P.38/2003.  
Lodged: 8th April 2003.  
*Policy and Resources Committee.*





Draft Amendment (No. 24) of the Standing Orders of the States of Jersey.  
Lodged: 15th April 2003.  
*Telecommunications Board.*

P.41/2003.

Ferryspeed (C.I.) Limited, New North Quay, St. Helier: lease of warehouse.  
Lodged: 15th April 2003.  
*Harbours and Airport Committee.*

P.42/2003.  
*(re-issue)*

**M.N. DE LA HAYE**  
**Greffier of the States**

24th April 2003

## **Explanatory Note regarding subordinate legislation tabled at this meeting.**

### **R&O 28/2003**

The Maintenance Orders (Facilities for Enforcement) (Jersey) Law 2000 replaced the Maintenance Orders (Facilities for Enforcement) (Jersey) Law 1953 with new provisions for obtaining and enforcing maintenance orders between Jersey and Commonwealth jurisdictions. In addition to its application within the Commonwealth, the new Law enables the extension to Jersey of –

- (i) the United Nations Convention on the Recovery Abroad of Maintenance 1956 (“the U.N. Convention”) which provides a mechanism for dealing with claims for maintenance against absent defendants; and
- (ii) the Hague Convention on the Enforcement of Decisions Relating to Maintenance Obligations 1973 (“the Hague Convention”) which deals with the enforcement of existing orders and empowers the States to extend the provisions applicable to a Commonwealth country to any other country.

The new Law covers four categories of countries –

- (a) Commonwealth member states and their dependencies, whether or not reciprocal powers are available;
- (b) Convention countries, *i.e.* countries party to the U.N. Convention and which are, therefore, reciprocating countries for the purpose of making claims for maintenance against absent defendants;
- (c) Hague Convention countries, *i.e.* countries party to the 1973 Hague Convention and which are, therefore, reciprocating countries for the purpose of enforcement of maintenance orders;
- (d) Non-Commonwealth countries not party to either Convention, to which the same provisions as those applying to Commonwealth countries can be applied by Act of the States.

The Superior Number of the Royal Court is empowered to make Rules of Court prescribing the practice and procedure under the Law. These draft Rules are intended to make the necessary provisions.

The draft Rules consist of six *Parts* and seven *Schedules*.

**Part 1** consists only of *Rule 1* making provision as to interpretation.

**Part 2** consists of *Rules 2 to 13* relating to procedures for the enforcement of maintenance orders made in the Island and in Commonwealth countries.

*Rule 2* provides for authentication of documents.

*Rule 3* provides for the manner of transmission of documents to Commonwealth countries.

*Rule 4* provides for the mode of transmission for registration in a Commonwealth country of a maintenance order made in the Island.

*Rule 5* and *Schedule 1* provide for the form of a request for such registration.

*Rule 6* and *Schedules 2* and *3* provide for the form of a request for confirmation in a Commonwealth country of a provisional order for maintenance.

*Rule 7* provides for the manner of giving notice of proceedings in respect of such an order.

*Rule 8* provides for the manner of taking evidence for the purposes of proceedings in a Commonwealth country.

*Rule 9* provides for the mode of sending to a court in a Commonwealth country a request for the taking or provision of evidence.

*Rule 10* provides for the mode of giving notice of variation, revocation, or confirmation by a court in Jersey of a maintenance order or the setting aside of registration thereof.

*Rule 11* provides for the Judicial Greffier to give notice to a payer of maintenance of registration in the Island of a maintenance order made in a Commonwealth country.

*Rule 12* requires the Judicial Greffier to proceed in his or her own name for the recovery of arrears of

maintenance under a registered maintenance order where the amount in arrears equals four times the sum payable weekly under the order (unless it appears to the Greffier that it is unreasonable in the circumstances to do so).

*Rule 13* provides for the sending of written notice to the Lieutenant Governor when the registration of a maintenance order made in a Commonwealth country (including a provisional order) has been cancelled.

**Part 3** consists of *Rules 14 to 19* governing procedure for enforcement of claims for the recovery of maintenance under the U.N. Convention.

*Rule 14* provides for applications by persons in the Island to be made through the Judicial Greffier.

*Rule 15* provides for applications by persons in Convention countries for recovery of maintenance in the Island received by the Lieutenant Governor to be sent to the Judicial Greffier.

*Rule 16* provides for the giving of written notice to the Lieutenant Governor of a decision of the Royal Court to dismiss an application for maintenance (or variation of maintenance) and a statement of the Court's reasons.

*Rule 17* requires the Judicial Greffier to proceed in his or her own name for the recovery of sums due under a maintenance order covered by the United Nations Convention. As with *Rule 12* above, the arrears would have to be four times the sum payable weekly under the order and the Greffier would be able to desist from taking action if the Greffier thought it unreasonable in the circumstances to proceed.

*Rule 18* and *Schedule 4* provide for the form of notice of an application for variation or revocation of a maintenance order in the case of the defendant residing in a convention country.

*Rule 19* provides for the manner of taking evidence in the Island at the request of a court in Convention country.

**Part 4** consists of *Rules 20 to 28* relating to proceedings for enforcement of maintenance orders under the Hague Convention.

*Rule 20* and *Schedule 5* set out the form of a request for enforcement of a maintenance order pursuant to the Hague Convention.

*Rule 21* and *Schedule 6* set out the form of notice to be given of an application when an application is made to a court in the Island for the variation or revocation of a maintenance order. Notice of the date fixed for the hearing has to be given.

*Rule 22* and *Schedule 7* set out the form of notice to be given of any eventual order of the court varying or revoking the maintenance order.

*Rule 23* provides for giving notice to the Lieutenant Governor (and to the payer) of the registration in the Island of a maintenance order made in a Hague Convention country.

*Rule 24* requires the Greffier to give written notice to the Lieutenant Governor of any refusal to register such an order and of the grounds for not doing so.

*Rule 25* requires the Greffier to give written notice to the Lieutenant Governor of the setting aside of such an order or of an application to do so.

*Rule 26* requires for the Greffier to give written notice to the payer of any appeal against a refusal to register such an order.

*Rule 27* requires the Greffier to proceed for recovery of arrears of maintenance in the same way as under *Rules 12* and *17* above.

*Rule 28* provides for the manner of taking evidence in the Island for the purpose of proceedings in a Hague Convention country.

**Part 5** consists only of *Rule 29* which makes it clear that, in the enforcement in the Island of any maintenance order under the new Law, the Viscount is to take such steps as he is empowered to take for enforcing a maintenance order under the Maintenance Orders (Enforcement) (Jersey) Law 1999, *i.e.* by way of an *ordre provisoire* if need be.

**Part 6** consists only of *Rule 30* which is the usual citation and commencement provision.

The Legislation Committee is shortly to lodge an Appointed Day Act in relation to the Maintenance Orders (Facilities for Enforcement) (Jersey) Law 2000 and these Rules are expressed to come into force as the same day as *Article 44* of that Law, being the Article under which these *Rules* are made.

**R&O 30/2003**

This Order regulates parking in public parking places.

It varies from the Order it replaces in that –

- (a) a parking place at Bechet ès Cats on La Rue des Platons, Trinity has been prescribed as a parking place where parking cannot exceed 12 hours in any period of 24 hours;
- (b) the description of the parking places in Fort Regent has been amended;
- (c) the names of the Committees mentioned in the Order have been updated.

The Order was made on 14th April 2003, and comes into force on 28th April 2003.

**R&O 31/2003**

This Order specifies parking charges. It does not increase the existing charges but merely specifies more accurately where excess parking charges are to be paid.

The Order was made on 14th April 2003, and came into force on the seventh day after it is made.

**R&O 32/2003**

This Order requires an actuary appointed by a permit holder under the Insurance Business (Jersey) Law to prepare a yearly valuation of liabilities relating to the permit holder's long term business and endorse the valuation basis and calculation of the permit holder's solvency position. There are also changes in the conditions applicable to category B permits in that the appointment but not resignation of an auditor will need the approval of the Jersey Financial Services Commission, the financial statements to be furnished to the Commission must be prepared in accordance with certain accounting standards and the permit holder must provide the Commission with a 5-year rolling business plan including appropriate explanations of variances and amendments from year to year.

The Order was made on 23rd April 2003, and comes into force on 1st June 2003.

**R&O 33/2003**

This Order prevents the cutting down or destruction of certain trees at the former Jersey College for Girls, Rouge Bouillon, St. Helier, Gloster Terrace, Rouge Bouillon, St. Helier, the Ambulance Station, Rouge Bouillon St. Helier and at Sacré Coeur, Rouge Bouillon, St. Helier.

The Order was made on 23rd April 2003, and came into force on the day it was made.

**R&O 34/2003**

This Order prevents the cutting down or destruction of four trees at Le Mont de la Rocque, St. Aubin.

The Order was made on 23rd April 2003, and came into force on the day it was made.

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

9th April 2003

- (a) as recommended by the Environment and Public Services Committee, the lease to CTS Computing Limited of ground floor office accommodation (measuring 1,660 square feet) at Broadcasting House Rouge Bouillon, St. Helier together with six associated car parking spaces, for a period of four years from 25th March 2003 on full repairing and insuring terms at an initial annual rent of £30,320, subject to a rent review after two years to the higher of Jersey Retail Price Index or Open Market Rental value, to be guaranteed by Messrs. Geoffrey Michael Vibert, Ian Edmundson and David Patrick Creavy, who were to be jointly and severally liable, on the basis that each party would be responsible for its own respective legal costs arising from this transaction;
- (b) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with Dandara Jersey Limited in relation to the rear boundary wall at Lord Coutanche Court, Seaton Place, St. Helier, whereby Menos Limited, on behalf of Dandara, would pay to the public £10,000 in exchange for an agreement allowing the area shown on Drawing No. 11/991/1 JN 125 prepared by the Department of Property Services to be hoarded and the wall removed, with the town brook then to be moved by engineers of the Public Services Department and the wall replaced by Dandara in accordance with the agreement, not more than six months from the signing of the agreement, on the basis that Menos Limited would be responsible for both parties' legal costs arising from this transaction;
- (c) as recommended by the Environment and Public Services Committee, the renewal of the lease from Dr. John Thomas Renouf, junior, of the 4/5 bedroom '(j)' category property known as Maison Petit Port, La Route du Petit Port, St. Brelade, required in order to accommodate a Senior Planner of the Planning and Building Services Department, for a period of two years from 1st April 2002, at a commencing annual rent of £19,999.96, to be revised on 1st April 2003, in line with Open Market Value, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (d) as recommended by the Economic Development Committee, the entering into of a Deed of Arrangement with Mr. Michael John Engleman and Mrs. Eileen Alice Engleman, née Sherwood, in respect of the construction of a granite wall along the access drive of the property known as Le Rondin Farm, La Route de la Trinité, Trinity, so as to protect the public's interest as the proposed wall would be constructed on public land administered by the Department of Agriculture and Fisheries, on the basis that Mr. and Mrs. Engleman would be responsible for the payment of all reasonable legal fees incurred by the public arising from this transaction;
- (e) as recommended by the Environment and Public Services Committee, the purchase from Mr. Paul Hugo Fisher of the property Llandaff, La Vallée de St. Pierre, St. Lawrence, of an area of land (measuring 420 square feet), required for road widening purposes, for a consideration of £420 (representing a rate of £1 a square foot) and with a payment of a further £11,744.57 by the public for the construction of the boundary wall and related remedial work (a total payment of £12,164.57), on the basis that each party would be responsible for its own legal costs arising from this transaction;
- (f) as recommended by the Harbours and Airport Committee, in respect of offices (N18A - measuring 490 square feet), New North Quay, St. Helier Harbour-
  - (i) the annulment of the existing lease to Jersey Cruising School (JCS Yachting (1992) Limited); and
  - (ii) the lease to Freeport Marine Limited, for a period of nine years from 1st April 2003, at an annual rent of £9,459.28 (representing a rate of £19.30 a square foot), subject to annual review in line with the Jersey Retail Price Index;

- (g) as recommended by the Harbours and Airport Committee, the lease to Jersey Hatchery and Fisheries Limited, or to his company, the Bunker (V32B - measuring 410 square feet), Victoria Pier, St. Helier Harbour, for the purpose of establishing a lobster and/or scallop/ormer nursery, for a period of three years from 1st April 2003, at an annual rent of £1,705.60 (representing a rate of £4.16 a square foot), subject to annual review on 1st August each year;
- (h) as recommended by the Harbours and Airport Committee, the lease to Aqua-Mar Fisheries Limited, first floor warehouse premises (V125 - measuring 2,888 square feet), Victoria Pier, St. Helier Harbour, for the period 1st April 2003, to 30th June 2004, at an annual rent of £12,014.08 (representing a rate of £4.16 a square foot), subject to review on 1st January 2004;
- (i) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with Mr. Cyril Snowdon Amy and Mrs. Margaret Marie, née Thérin, in respect of the large granite party-owned wall which separated the former "Sunshine Hotel" site, Marett Road, St. Helier on its southern side from Mr. and Mrs. Amy's property known as "3 The Pebbles", on the basis that the public would be responsible for the payment of both parties' reasonable legal fees arising from this transaction;
- (j) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with the Belgravia Apartments Association, owner of the property known as Nos. 1 and 2 Belgravia, in respect of the rectification of a number of insignificant encroachments affecting The Avenue, off La Grande Route de la Côte, St. Clement, on the basis of the payment by the Association of £2,000 and the public's legal fees arising from this transaction;
- (k) as recommended by the Harbours and Airport Committee, the lease to GP Express Limited of warehouse accommodation known as Airport Lettings Nos. B120 and B121, Freight Terminal Building, Jersey Airport for a period of three years from 1st January 2003, at an initial annual rent of £13,655 (representing a rate of £4.72 a square foot) subject to review on 1st January 2004, and 1st January 2005 in line with the Jersey Retail Price Index; and,
- (l) as recommended by (i) the Housing Committee and (ii) the former Public Services Committee, the lease to the Shelter Trust of (i) Nos. 35 Kensington Place, 25 and 27 St. James' Street, 63 New Street, St. Helier and (ii) 29 St. James' Street, St. Helier, for a period of nine years from 1st January 2003, at a nominal rent of £10 per property payable as a lump sum upon completion of the lease documentation, on the basis that each party would be responsible for its own legal costs arising from this transaction.

23rd April 2003

- (a) as recommended by the Environment and Public Services Committee, in respect of the Café Casino, Grève de Lecq, St. Ouen, -
  - (i) the renewal of the ground lease of the property to Mrs. Sheila Fagan, née Needham, for a period of nine years from 25th December 2003, at an annual rent of £7,250 subject to increase on the third and sixth anniversaries of the commencement of the agreement in line with the Jersey Retail Price Index, with all other terms and conditions remaining the same as per the agreement dated 9th August 1999; and
  - (ii) the assignment, in accordance with Clause 7.30, of the said lease to Mr. Eugene Peter Adolph Lohmaier and Mrs. Jean Angela Lohmaier, née Watt, on a date to be agreed between the parties;

on the basis that each party was to be responsible for its own legal costs arising from this transaction;
- (b) as recommended by the Education, Sport and Culture Committee, the sub-lease from First Island Properties Limited of the ground floor offices (measuring 1,004 square feet) at premises known as Woodford House, Peter Street, St. Helier, for use by the Jersey Business School as seminar rooms, an office, reception and toilet facilities to provide an educational training facility in the centre of St. Helier,



for a period of three years from 28th April 2003, on an internal repairing basis, at an annual rent of £20,000, with First Island Properties Limited to undertake the fitting-out of the accommodation to an agreed specification at nil cost to the public, and with each party to be responsible for its own legal costs arising from this transaction; and,

- (c) as recommended by the Environment and Public Services Committee, the renewal of the lease from Mr. John Henry Curwood of the property comprising a certain stable building and yard at No. 46 Rouge Bouillon, St. Helier for a period of nine years from 9th July 2002, at an annual rent of £5,000 subject to increase in line with the Jersey Retail Price Index on the third and sixth anniversaries of the commencement of the agreement, with all other terms and conditions to remain the same as per the existing agreement dated 28th April 1996, and with each party to be responsible for its own legal costs arising from this transaction.

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

23rd April 2003

The Environment and Public Services Committee has accepted the sole tender submitted by Jakob Stiefel GmbH for the conversion of the incinerator plant fly ash separation streams numbers one and two from pneumatic to conventional conveyor belt system in the sum of £217,320.

There was no other tender invited for the contract due to its specialised nature.

## QUESTION PAPER

(See Item G)

Senator E.P. Vibert will ask the following question of the President of the Policy and Resources Committee -

- “(a) Is the President aware that the Irish Taxation authorities (Irish Revenue) through their Revenue Offshore Assets Group is investigating more than 400 people for tax evasion through trust accounts set up in Jersey by The Bank of Ireland Trust Company (Jersey) Limited, and, if so, what assistance is being offered to the Irish Revenue by Jersey’s financial authorities?
- (b) Would the President advise the Assembly how it was possible for these trust accounts set up in Jersey, bearing in mind the strict controls in place administered by the Jersey Financial Commission, and whether it is still possible for such accounts to be set up in the Island?
- (c) Would the President inform members whether or not this activity places the Bank of Ireland Trust Company (Jersey) Limited’s banking licence at risk, bearing in mind that tax evasion is a criminal offence, and would he agree that international exposure of this type of activity could be extremely damaging to the Island’s quest to be regarded as a "squeaky clean" international finance centre?”

Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the President of the Policy and Resources Committee -

“Would the President clarify the actual means by which members will, in future, be involved in the formulation of international affairs policy?”

Deputy C.J. Scott Warren of St. Saviour will ask the following question of the President of the Finance and Economics Committee -

“Would the President inform members of the criteria used in order to provide the estimates of States Income for 2004, 2005 and 2006?”

Senator E.P. Vibert will ask the following question of the President of the Finance and Economics Committee -

- “(a) Would the President confirm that the rate of inflation for the March quarter of 4.9% would only have been 4.3% had it not been for the last budget which raised many prices for Islanders?
- (b) In view of the fact that the previous President of the Finance and Economics Committee had stated that despite the increases, his Budget would not be inflationary, could the President inform the Assembly if he is being advised on inflation by the same advisers who advised the previous President?
- (c) Would the President also advise members if he intends to present a policy paper on tackling inflation for debate by the Assembly in the near future?”

Senator P.V.F. Le Claire will ask the following question of the President of the Harbours and Airport Committee -

“In response to a question by the Deputy of St. John on 1st April 2003, the President stated ‘However, it is also my understanding that Condor Ferries have supplied information on route viability, but Emeraude Lines have not. I cannot speculate on the reasons for this.’

- (a) Would the President confirm that Emeraude Lines offered the information that would be required to understand the viability of the route or otherwise and indeed extended invitations to the Committee and others to view it?
- (b) If the answer to (a) is in the affirmative, why was it not sought?"

The Deputy of St. John will ask the following question of the President of the Housing Committee -

“On 18th March 2003, the States were notified of a Standing Order decision under delegated functions to the Finance and Economics Committee, as follows -

‘as recommended by the Housing Committee, the sale of a strip of land running through the underground area immediately under the Jubilee Promenade (adjacent to the Albert Pier Housing car park, at the Waterfront, St. Helier), in order that it might be incorporated into the comprehensive sale of the Waterfront Housing Development, so as to enable the sale of the apartments to be completed whilst retaining the Jubilee Promenade in public ownership, for a nominal consideration of £10, on the basis that the Committee would be responsible for all reasonable legal costs arising from this transaction.’

Would the President explain where *the ... a strip of land running through the underground area immediately under the Jubilee Promenade (adjacent to the Albert Pier Housing car park, at the Waterfront, St. Helier)*, is, and give details of the purchaser?"

Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the President of the Health and Social Services Committee -

“Would the President identify if any action has been taken as a result of the Health and Social Services Audit Committee’s report entitled ‘Review of Health Services for Older People’ dated July 2002, and, if not, the reasons for this?"

Senator P.V.F. Le Claire will ask the following question of the President of the Housing Committee -

- “(a) Does the Committee intend to ask the States to reduce further the residential qualification period in Jersey and, if so, when does the Committee plan to bring the draft Regulations to the States and by how many years will it be recommending that the period is reduced?
- (b) Does the Committee possess analysis which accurately depicts how a reduction in a year by year basis on housing qualifications would impact the housing market in Jersey and, if so, would the President supply members with its up-to-date projections?"

Senator E.P. Vibert will ask the following question of the President of the Education, Sport and Culture Committee -

- “(a) In view of the fact that the States of Jersey, on 11th April 2000, adopted P.181/1999 – Fort Regent redevelopment, which supported the in principle redevelopment of Fort Regent into a modern community health and sports centre, would the President explain to the Assembly how the Committee considers that it is within its remit to carry out a new feasibility study at further public expense and which is contrary to P.181/1999, for the purpose of redeveloping Fort Regent by private enterprise and re-locating all sporting activity from Fort Regent to other places around the Island?
- (b) Would the President further inform members why the Committee has chosen to spend the majority of

the feasibility study budget on studying the opportunities for the redevelopment at Fort Regent in the first instance before researching whether or not the sporting activities currently being carried out there can be successfully catered for elsewhere?

- (c) Would the President agree that if these sporting activities cannot be relocated, and if the Environment and Public Services Committee does not approve the development of a new sports facility at the Le Rocquier site, a feasibility study into redeveloping Fort Regent through private enterprise will not be possible, and, if so, will the President assure members that before committing any more public funds to another feasibility study the Education, Sport and Culture Committee will bring a proposition to the Assembly to rescind the States' decision in support of P.181/1999?"

Senator P.V.F. Le Claire will ask the following question of the President of the Policy and Resources Committee -

"It has been announced publicly that Guernsey has decided to opt for a withholding tax instead of exchange of information in connection with the European tax package. Would the President inform members -

- (a) what consultation process with representatives of the finance industry has occurred in order to arrive at the current understanding of an industry preference for exchange of information over a withholding tax and is the Committee satisfied that this option has the support of the vast majority of the industry?
- (b) what difficulties will arise for companies operating in both Guernsey and Jersey, if the two Islands adopt different approaches to this issue?
- (c) whether it is possible for Jersey to adopt an 'either/or' approach to this issue thereby allowing some companies to exchange information and some to opt for a withholding tax, thus retaining as much business as possible and, if not, would he explain the reasons for the Island being unable to do so?
- (d) whether the Committee intends to present a proposition to the Assembly so that the final options and their implementation relating to this matter may be debated and agreed by all States members?"

The Deputy of St. John will ask the following question of the President of the Policy and Resources Committee -

"Will the President give details of the sum of the current deficit in the Public Employees' Contributory Retirement Fund (PECRS) for -

- (a) the Telecommunications Board employees?
- (b) the employees of the Committee for Postal Administration?
- (c) for all States employees across all States' departments and where possible, broken down by Committee?"

Senator E.P. Vibert will ask the following question of the President of the Policy and Resources Committee -

- (a) Would the President inform members what action the Committee has taken to discover the source of alleged leaked information from the Waterfront Enterprise Board, (WEB), to Dandara Jersey Limited regarding the tendering process for the proposed Island site, as alleged by WEB's lawyers in correspondence with Dandara's lawyers dated 28th February 2003, and which was circulated to States members last month, and, if applicable, the outcome of these enquiries, or if not yet pursued, the reasons for the delay?

- (b) Would the President agree that the alleged leak of information is a very serious matter and undermines public confidence in the tendering process itself given that any such process, by its nature, is confidential?"

Senator E.P. Vibert will ask the following question of the President of the Housing Committee -

"In view of the recent publicity regarding contamination on the Waterfront site from toxic ash dumped there during the reclamation process and the possible adverse reaction by lending institutions in this regard, will the Committee be prepared to insert a clause into the contract of sale of the flats which guarantees to purchasers that in the event of the value of their property falling in the future as a direct result of problems with the toxic ash issue, the States will re-purchase the properties from them at the current market value?"

Senator P.V.F Le Claire will ask the following question of the President of the Policy and Resources Committee -

In the Assembly on 1st April 2003, in response to a supplementary question on the number of persons in Jersey on work permits who would be able to enjoy full rights should the Island employ a residence scheme for immigration and population control, the President stated -

*"..... that figure clearly does not include those that have left in the same period - there is no suggestion that we have an additional 2,846 people in the Island than we did 24 months ago and that, if I may say so, is a grossly misleading suggestion, to put out into the public arena. It is simply not the case"*

Is the President able to justify and substantiate the statement he made?

The Deputy of St. John will ask the following question of the President of the Environment and Public Services Committee -

- "(a) In P.119/2000 entitled 'Royal Court House/States Building: approval of drawings,' the three new lifts are stated as being accessible by wheelchairs. Therefore, would the President inform members why the lift located near the Old Library/Royal Court has a step between its access and that of the Court, and what, if anything, the Committee intends to do to rectify this?
- (b) Would the President inform members why there are no tactile warning strips fitted to the top of each flight of steps of the new exterior entrance podium?
- (c) Would the President inform members whether the disabled groups, which were consulted prior to the proposals contained in P.199/2000, have since been invited to test the new facilities, and, if so, what, if any, comments have been made?
- (d) As the States Building is a Site of Special Interest, (S.S.I.), would the President confirm whether any of the windows replaced or refurbished during the project have been altered in any way, and, if so, their location, the nature of the alterations carried out and why such alterations were necessary, and, if this is the case, whether the Committee will be taking steps to rectify the windows to their original design and specification?"

The Deputy of St. John will ask the following question of the President of the Economic Development Committee -

"Would the President –

- (a) explain what is to happen to the contaminated woodchip/mulch from the composting site at Crabbé,

St. Mary, and give details of how the contaminated woodchip/mulch is to be disposed of, given that large quantities of woodchip/mulch have been delivered to Woodside Farm, Haute Croix in the last few months?

- (b) confirm that this mulch is not part of the contaminated batch that had been produced in 2002? and,
- (c) confirm that any contaminated woodchip/mulch which has been deposited at Woodside Farm and land to the east of Handois Reservoir, St. Lawrence, has been done so with the use of a membrane and catchment tank to prevent any leachate from entering into the Island's water courses, and if this is not the case, what action will be taken to prevent any possible pollution of the water courses?"