

# STATES OF JERSEY ORDER PAPER

Tuesday 18th January 2005  
at 10.15 a.m.

## A. COMMUNICATIONS BY THE BAILIFF

## B. TABLING OF SUBORDINATE LEGISLATION

*(Explanatory note attached)*

Royal Court Rules 2004. R&O 161/2004.  
*Superior Number of the Royal Court.*

Amendment (No. 29) to the Tariff of Harbour and Light Dues. R&O 162/2004.  
*Harbours and Airport Committee.*

Motor Vehicle Registration (General Provisions) (Amendment No. 13) (Jersey) Order 2004. R&O 163/2004.  
*Home Affairs Committee.*

Road Racing (Karts) (No. 2) (Jersey) Order 2004. R&O 164/2004.  
*Home Affairs Committee.*

Social Security (Married Women) (Amendment No. 4) (Jersey) Order 2004. R&O 165/2004.  
*Employment and Social Security Committee.*

Road Traffic (Saint Clement) (Amendment No. 17) (Jersey) Order 2004. R&O 166/2004.  
*Environment and Public Services Committee.*

## C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

## D. PRESENTATION OF PAPERS

### (a) Papers for information

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

Jersey Council for Safety and Health at Work: report for the period 1st July 2003 to 30th June 2004. R.C.1/2005.  
*Employment and Social Security Committee.*

Planning applications: requirement to publicize (P.175/2004) – comments. P.175/2004.  
*Finance and Economics Committee.* Com.(2)

A People's Advocate (P.202/2004): comments. P.202/2004.  
*H.M. Attorney General.* Com.

Senators and Deputies: terms of office (P.227/2004) – comments. P.227/2004.  
*Finance and Economics Committee.* Com.

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

21st December 2004

International Conventions and Agreements: progress report for period 1st April 2002 to 30th September 2004. R.C.54/2004.  
*Policy and Resources Committee.*

Freedom of Information Law: position paper. R.C.55/2004.  
*Privileges and Procedures Committee.*

Draft Public Finances (Jersey) Law 200- (P.180/2004): comments. P.180/2004.  
*Policy and Resources Committee.* Com.

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

13th January 2005

Decisions under delegated functions.  
*Finance and Economics Committee.*

### **(c) Notification of acceptance of tenders**

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

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

21st December 2004

Jersey Police Complaints Authority: appointment of members. P.232/2004  
*Home Affairs Committee.*

4th January 2005

Draft Public Finances (Jersey) Law 200- (P.180/2004): second amendments. P.180/2004.  
*Deputy S.C. Ferguson of St. Brelade.* Amd.(2)

Referendum: Composition of the States Assembly. P.1/2005.  
*Senator L. Norman.*

H.M. Prison, La Moye: cell block, kitchen, electrical substation and fuel farm – approval of drawings. P.2/2005.  
*Home Affairs Committee.*

Connétables: voluntary re-election in 2005. P.3/2005.  
*Senator M.E. Vibert*

Shadow Scrutiny Panels and Shadow Public Accounts Committee: P.4/2005.  
appointment of Shadow Chairmen and membership.  
*Privileges and Procedures Committee.*

11th January 2005

Draft Amendment (No. 28) of the Standing Orders of the States of Jersey. P.5/2005.  
*Deputy G.P. Southern of St. Helier.*

Housing Rent Subsidy Scheme: disregard to long-term incapacity allowance. P.6/2005.  
*Deputy G.P. Southern of St. Helier.*

**(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**

In accordance with Standing Order 22(3), the Deputy of St. John has instructed the Greffier of the States to withdraw the proposition regarding Château La Chaire, Rozel, St. Martin: use of public funds, (P.22/2004 lodged "au Greffe" on 3rd February 2004).

In accordance with Standing Order 22(3), Deputy Geoffrey Peter Southern of St. Helier has instructed the Greffier of the States to withdraw the proposition regarding the Housing Rent Subsidy Scheme: disregard to long-term incapacity benefit, (P.207/2004 lodged "au Greffe" on 23rd November 2004), having lodged a revised report and proposition on 11th January 2005.

The States are asked to agree that the following matters lodged "au Greffe" be considered at the present meeting –

Draft Civil Evidence (Jersey) Law 2003 (Appointed Day) Act 200-. P.228/2004.  
Lodged: 14th December 2004.  
*Legislation Committee.*

Jersey Brewery site, Belmont Place, St. Helier: deletion of site P.231/2004.  
warehouse (only) from the list of sites protected for Category A housing under Policy H4 of the Island Plan 2002.  
Lodged: 15th December 2004.  
*Environment and Public Services Committee.*

Shadow Scrutiny Panels and Shadow Public Accounts Committee: P.4/2005.  
appointment of Shadow Chairmen and membership.  
Lodged: 4th January 2004.  
*Privileges and Procedures Committee.*

THE STATES are asked to agree that the following matters lodged "au Greffe" be considered at their next meeting on 1st February 2005 –

Draft Medicines (Amendment No. 2) (Jersey) Law 200. P.214/2004.  
Lodged: 7th December 2004.  
*Health and Social Services Committee.*

Senatorial Elections 2005. P.221/2005.  
Lodged: 7th December 2004.  
*Deputy P.N. Troy of St. Brelade.*

States Members' remuneration: register.  
Lodged: 14th December 2004.  
*Privileges and Procedures Committee.*

P.225/2004.

Draft Housing (General Provisions) (Amendment No. 21) (Jersey) Regulations 200-. Lodged: 14th December 2004. <i>Housing Committee.</i>	P.226/2004.
Senators and Deputies: terms of office. Lodged: 14th December 2004. <i>Deputy A. Breckon of St. Saviour.</i>	P.227/2004.
Jersey Police Complaints Authority: appointment of members. Lodged: 21st December 2004. <i>Home Affairs Committee.</i>	P.232/2004.
Referendum: Composition of the States Assembly. Lodged: 4th January 2005. <i>Senator L. Norman.</i>	P.1/2005.
H.M. Prison, La Moye: cell block, kitchen, electrical substation and fuel farm – approval of drawings. Lodged: 4th January 2005. <i>Home Affairs Committee.</i>	P.2/2005.
Connétables: voluntary re-election in 2005. Lodged: 4th January 2005. <i>Senator M.E. Vibert</i>	P.3/2005.

## **F. PRESENTATION OF PETITIONS**

## **G. QUESTIONS**

### **(a) Written Questions**

The President of the Environment and Public Services Committee will table an answer to a question asked by the Deputy of St. John regarding mains drains services.

The President of the Environment and Public Services Committee will table an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding progress on a legislation audit.

The President of the Policy and Resources Committee will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding matters relating to human rights and equal opportunities.

The President of the Employment and Social Security Committee will table an answer to a question asked by Deputy G.P. Southern of St. Helier regarding certain benefits and the availability of the results of research studies.

The President of the Finance and Economics Committee will table answers to questions asked by Deputy G.P. Southern of St. Helier regarding proposed new tax measures.

### **(b) Oral Questions**

## **H. MATTERS OF PRIVILEGE**

## **I. PERSONAL STATEMENTS**

**J. COMMITTEE STATEMENTS**

**K. PUBLIC BUSINESS**

Shadow Scrutiny Panels: appointment of member.  
*Privileges and Procedures Committee.*  
(attached)

Sites of Special Interest and Buildings of Local Interest: financial implications. P.166/2004  
Lodged: 28th September 2004.  
*Deputy of St. John.*

Sites of Special Interest and Buildings of Local Interest: financial implications (P.166/2004) – comments. P.166/2004.  
Presented: 23rd November 2004. Com.  
*Environment and Public Services Committee.*

Sites of Special Interest and Buildings of Local Interest: financial implications (P.166/2004) – comments. P.166/2004.  
Presented: 14th December 2004. Com.(2)  
*Finance and Economics Committee.*

Planning applications: requirement to publicize. P.175/2004.  
Lodged: 12th October 2004.  
*Senator P.V.F. Le Claire.*

Planning applications: requirement to publicize (P.175/2004) – comments. P.175/2004.  
Presented: 23rd November 2004. Com.  
*Environment and Public Services Committee.*

Jersey Airport: Fireground Remediation – Deed of Settlement. P.176/2004.  
Lodged: 19th October 2004.  
*Harbours and Airport Committee.*  
(Note: the President of the Harbours and Airport Committee will, in accordance with Standing Order 46, request that this matter be debated in camera)

Jersey Airport: Fireground Remediation – Deed of Settlement (P.176/2004) – comments. P.176/2004.  
Presented: 23rd November 2004. Com.  
*Environment and Public Services Committee.*

Jersey Airport: Fireground Remediation – Deed of Settlement (P.176/2004) – comments. P.176/2004.  
Presented: 30th November 2004. Com.(2)  
*Finance and Economics Committee.*

Draft Public Finances (Jersey) Law 200-. Lodged: 26th October 2004. <i>Finance and Economics Committee.</i>	P.180/2004.
Draft Public Finances (Jersey) Law 200- (P.180/2004): comments. Presented: 21st December 2004. <i>Policy and Resources Committee.</i>	P.180/2004. Com.
Draft Public Finances (Jersey) Law 200- (P.180/2004): amendments. Lodged: 14th December 2004. <i>Privileges and Procedures Committee.</i>	P.180/2004. Amd.
Draft Public Finances (Jersey) Law 200- (P.180/2004): second amendments. Lodged: 4th January 2005. <i>Deputy S.C. Ferguson of St. Brelade.</i>	P.180/2004. Amd.(2)
Draft Honorary Police (Jersey) Regulations 200-. Lodged: 9th November 2004. <i>Legislation Committee.</i>	P.193/2004
Compensation of victims of untraced drivers of motor vehicles: Agreement between the Home Affairs Committee and the Motor Insurers' Bureau. Lodged: 9th November 2004. <i>Home Affairs Committee.</i>	P.194/2004
Maritime House, La Route du Port Elizabeth, St. Helier: transfer of administration. Lodged: 16th November 2004. <i>Policy and Resources Committee.</i>	P.201/2004.
Maison St. Louis Observatory, Highlands Lane, St. Saviour and La Moye Weather Radar Station, La Fosse Voerin, St. Brelade: transfer of administration. Lodged: 23rd November 2004. <i>Harbours and Airport Committee.</i>	P.204/2004.
Share transfer property: stamp duty. Lodged: 23rd November 2004. <i>Deputy of St. Martin.</i>	P.211/2004.
Share transfer property: stamp duty (P.211/2004) – comments. Presented: 14th December 2004. <i>Finance and Economics Committee.</i>	P.211/2004. Com.
Manual Workers' Joint Council: membership. Lodged: December 2004. <i>Policy and Resources Committee.</i>	P.219/2004.
Draft Finance (Jersey) Law 200-, ( <i>third reading</i> ). Lodged in second reading: 14th December 2004. <i>Finance and Economics Committee.</i>	P.229/2004.
Draft Income Tax (Amendment No. 24) (Jersey) Law 200, ( <i>third reading</i> ).	P.230/2004.

Lodged in second reading: 14th December 2004.  
*Finance and Economics Committee.*

**Subject to E –**

Draft Civil Evidence (Jersey) Law 2003 (Appointed Day) Act 200-. P.228/2004.  
Lodged: 14th December 2004.  
*Legislation Committee.*

Jersey Brewery site, Belmont Place, St. Helier: deletion of site P.231/2004.  
warehouse (only) from the list of sites protected for Category A  
housing under Policy H4 of the Island Plan 2002.  
Lodged: 15th December 2004.  
*Environment and Public Services Committee.*

Shadow Scrutiny Panels and Shadow Public Accounts Committee: P.4/2005.  
appointment of Shadow Chairmen and membership.  
Lodged: 4th January 2004.  
*Privileges and Procedures Committee.*

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

13th January 2005.

**Notes –**

**Members are reminded that the Service of Dedication in the Parish Church of St. Helier will take place at 9.30 a.m. prior to the States' meeting.**

**In accordance with a decision of the States on 16th November 2004, this meeting will continue, if necessary, on Wednesday 19th January and Tuesday 25th January 2005.**

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

### **R&O 161/2004**

These Rules consolidate the Royal Court Rules 1992 which have been amended on 20 different occasions in the last 12 years. They also make provision regarding the admissibility of hearsay evidence so enabling the Civil Evidence (Jersey) Law 2003 to be brought into force.

In the process of this consolidation, certain reforms of procedure have been made.

The Rules, that were made by the Superior Number of the Royal Court on 16th December 2004, consist of 21 *Parts* and 8 *Schedules* and come into force on 1st February 2005.

### **R&O 162/2004**

The effect of this Amendment to the Tariff of Harbour and Light Dues is to revise dues in the following way –

- (a) Harbour dues for arriving and departing passengers, and vehicles carried on “drive on/drive off” ferries are increased by 4.3 per cent.
- (b) Dues payable in respect of marina and other mooring spaces (other than those to which paragraph (c) refers) are increased by 5.3 per cent.
- (c) Dues payable for boats moored on a daily or weekly basis at La Collette Yacht Basin Marina, Saint Helier Marina, Elizabeth Marina or the holding pontoons are increased by £1 except during July and August. In those 2 months, they are increased by £3.

However, paragraph (c) does not apply to boats of at least 20 metres overall length, for which dues are increased by 5.3 per cent.

The new charges came into force on 1st January 2005.

The Amendment was approved by the States on 10th December 2004, and made by the Committee on 17th December 2004.

### **R&O 163/2004**

This Order redefines “hire vehicle” in the Motor Vehicle Registration (General Provisions) (Jersey) Order 1993 so that it only covers smaller vehicles that are hired from businesses principally concerned with hiring out vehicles and without the business providing a driver.

The Order was made on 17th December 2004, and came into force on 1st January 2005.

### **R&O 164/2004**

The purpose of this Order is to allow the Jersey Kart and Motor Club to close the Ronez road loop in St. John between 9.30 a.m. and 2.30 p.m. on each of the Sundays specified in the Schedule to the Order, for the purpose of holding motor races (and practices for them) with karts.

This Order was made on 17th December 2004.

### **R&O 165/2004**

Article 45 of the Social Security (Jersey) Law 1974 (which was repealed by Article 15 of the Social Security (Amendment No. 14) (Jersey) Law 2000, except to the extent described below) provided for the Employment and Social Security Committee, by Order, to exempt a married woman from liability to pay contributions as an insured person.

The Committee could do so –

- (a) if she elected to be exempted; or
- (b) if she did not elect otherwise,

as the Order might provide.

By Article 2 of the Social Security (Married Women) (Jersey) Order 1974, the Committee accordingly gave married women a right to elect to opt out. It also allowed a married woman to cancel her election, and gave her the further right to opt in and out as often as she saw fit.

By virtue of Article 18(2) of the amending Law of 2000, Article 45 of the principal Law continues to apply to women who were married before 1st April 2001. This amending Order revokes the right of such a woman to cancel her election to opt out of liability to pay contributions. It also revokes her right to make repeated elections. However, if a woman is for the time being not liable to pay contributions when the amending Order comes into force, she will still have the opportunity to make one election to opt in.

The Order was made by the Employment and Social Security Committee on 21st December 2004, and came into force on the day after it was made.

#### **R&O 166/2004**

This Order extends the prohibition on waiting in La Rue du Hocq, St Clement from its junction with La Rue de la Houquette northwards as far as the Broadlands estate.

The Order was made on 16th December 2004, and came into force on 11th January 2005.

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

13th January 2005

- (a) as recommended by the Harbours and Airport Committee, the lease to VLM Limited of office accommodation in Alares House, Jersey Airport, St. Peter (known as Airport Letting B004H) for a period of three years, two months from 28th October 2004, at an initial annual rent of £2,640, to be reviewed on 31st December 2005, and 2006 in line with the Jersey Retail Price Index; and,
- (b) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with Le Clos Fauvic Limited for the exchange and counter-exchange of three areas of land in order to redefine the north-eastern boundary of the property formerly known as Fauvic Garage and to facilitate the widening of the adjacent public footpath. The existing north-eastern boundary was currently defined by a granite wall of three feet in height: this was to be demolished and rebuilt in accordance with Public Services Department drawing No. 002, dated 2nd August 2004, by Le Clos Fauvic Limited which company would also undertake the preparation of the footpath to include the supply and fitting of all necessary curbing stones. The Committee was to resurface the pavement to include the supply, laying and rolling of macadam fillet at a total cost of £3,266.52. Accordingly, the public would acquire from the company (for a consideration of £1) an area of land totalling 7.57 square metres; Le Clos Fauvic Limited would acquire from the public (for a consideration of £1) two areas of land totalling 2.65 square metres- as shown on the aforementioned drawing.

## WRITTEN QUESTION PAPER

(See Item G)

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

“As the President has stated, during the 2004 Budget debate, that once the existing funding for mains drains is exhausted no additional mains drains extension can be put in place, would he inform members what action, if any, the Committee intends to take to obtain additional funds for this area of work, and what areas of the Island are still not served by mains drains?”

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

“As a result of the adoption of P.134/2004, (‘Regulatory Reform’) of the Policy and Resources Committee by the States on 15th September 2004, all Committees are required to carry out audits of legislation which fall under their own administration. Would the President advise what progress the Committee has achieved to date in this regard, when he expects the work to be finalised and whether the Committee is working to a prioritised list? Should such a programme exist, would the President make it available to members?”

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

“In the context of Strategic Aim 3.8, ‘promotion of human rights and equal opportunities’, contained in the Strategic Plan 2005 to 2010, will the President -

- (a) inform members of the extent to which Jersey is currently compliant with existing international Human Rights obligations?
- (b) inform members whether the Committee has investigated how Jersey’s Human Rights standards compare with neighbouring territories?
- (c) inform members of what provisions, if any, the Committee has put in place to encourage the awareness, education and promotion of Human Rights, and whether these provisions are adequately co-ordinated and resourced?
- (d) outline what measures, if any, the Committee intends to take to improve the provisions referred to in (c) in relation to –
  - (i) the 60th Anniversary of the Liberation of Jersey in 2005; and,
  - (ii) in the 5-year period of the Strategic Plan?
- (e) state what action the Committee will take, if any, to encourage specific legislation to promote for the elimination of all forms of discrimination in 2005? and,
- (f) state what action the Committee will take, if any, to encourage the promotion of legislation for equal opportunities in employment matters?”

The President of the Employment and Social Security Committee will table an answer to the following question asked by Deputy G.P. Southern of St. Helier –

- “(a) Will the President produce for members the figures I requested in question 2(a) of my written question asked on 7th December 2004, or if not, inform members when he will be able to do so?
- (b) Will the President, with reference to the answer to question 2 (b) of my written question asked on 7th December 2004, indicate the Committee’s method of applying Article 16 (1) (c) of the relevant law in Long-term Incapacity Allowance in the case of a recovering drug addict?
- (c) In response to my supplementary oral question of 9th November 2004, the President stated that information from the Nottingham study referred to in R.C. 48/2004 would be available at the end of the year.
  - (i) Would the President now distribute this information to members, or if not, inform members when he will do so?
  - (ii) Further in his answer, the President referred to making available the ‘OXERA work done on a computer model’; would the President now also distribute this information to members, or if not, inform members when he will do so?”

The President of the Finance and Economics Committee will table answers to the following questions asked by Deputy G.P. Southern of St. Helier –

“1. Will the President –

- (a) confirm that the tax increases resulting from his ‘20% means 20%’ proposals will take place over the ranges indicated below for the examples given?
- (b) complete the table with the additional tax proposed for each salary point
  - (i) in absolute terms, and
  - (ii) as a percentage of current tax paid?

**SINGLE No children No mortgage  
Start £25,000 to max £42,500**

Salary £	Year	Additional maximum tax Absolute	Additional Tax %
42,500	2008		
	2007		
	2006		
37,500	2008		
	2007		
	2006		
30,000	2008		
	2007		
	2006		
100,000	2008		
	2007		
	2006		

***MARRIED No children No mortgage Wife earning***

**Start £48,000 to max £85,550**

Salary £	Year	Additional maximum tax Absolute	Additional Tax %
85,550	2008		
	2007		
	2006		

***SINGLE PARENT 1child £120,000 Mortgage***

**Start £38,800 to max £94,000**

Salary £	Year	Additional maximum tax Absolute	Additional Tax %
94,000	2008		
	2007		
	2006		
60,000	2007		
	2006		

***MARRIED 2 children £120,000 mortgage Wife earning***

**Start £59,500 to max £129,370**

Salary £	Year	Additional maximum tax Absolute	Additional Tax %
129,370	2008		
	2007		
	2006		
100,000	2007		
	2006		
80,000	2006		

***MARRIED 2 children £200,000 mortgage Wife earning***

**Start £64,000 to max £146,000**

Salary £	Year	Additional maximum tax Absolute	Additional Tax %
146,000	2008		
	2007		
	2006		
80,000	2006		

2. Will the President inform members whether any further progress has been made in the Committee's attempts to recover the tax lost from non-Jersey resident shareholders via a 'look-through' mechanism, and if not, will he -
- (a) explain what additional measures the Committee proposes to put in place to raise the additional £20 million required? and,
  - (b) assure members that the Committee will not propose that the level of a Goods and Services Tax be raised above the 5% currently indicated?"

## **PROPOSITION**

**THE STATES are asked to decide whether they are of opinion –**

to appoint the following as a member of the Shadow Scrutiny Panels:

Deputy Judith Ann Martin of St. Helier.

## **PRIVILEGES AND PROCEDURES COMMITTEE**

### **Report**

The Privileges and Procedures Committee recently wrote to all members to establish whether any member wished to become involved in the second phase of shadow scrutiny. Deputy J.A. Martin of St. Helier indicated that she would, and the Committee, therefore, recommends to the Assembly that she be duly appointed.

There are no financial or manpower implications for the States arising from this proposition.