

STATES OF JERSEY ORDER PAPER

Tuesday 30th March 2004

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Royal Court (Remuneration of Commissioners) (Jersey) Order 2004. R&O 21/2004.
Finance and Economics Committee.

Court of Appeal (Remuneration of Ordinary Judges) (Jersey) Order 2004. R&O 22/2004.
Finance and Economics Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

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

Public Records (Jersey) Law 2002: report on the application of the Law during 2003. R.C.13/2004.
Education, Sport and Culture Committee.

General Reserve: grant of additional funds to 31st December 2003. R.C.14/2004.
Finance and Economics Committee.

Machinery of Government: votes of no confidence in individual ministers (P.6/2004) – comments. P.6/2004.
Privileges and Procedures Committee. Com.

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

23rd March 2004

Youth Custody for persons aged 12 and over (P.2/2004): comments. P.2/2004.
Finance and Economics Committee. Com.(2)

(b) Notification of Standing Order decisions

15th March 2004

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)

Residential and business parking scheme, Stopford Road area, St. Helier: fees. P.47/2004.
Deputy G.P. Southern of St. Helier.

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

23rd March 2004

Draft Competition (Jersey) Law 200- (P.37/2004): amendment. P.37/2004.
Deputy J.L. Dorey of St. Helier. Amd.

Draft Prison (Amendment No. 5) (Jersey) Law 200-. P.45/2004.
Home Affairs Committee.

Draft Shipping (Registration) (Jersey) Regulations 200-. P.46/2004.
Harbours and Airport 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

In accordance with Standing Order 22(3), Deputy P.N. Troy of St. Brelade has instructed the Greffier of the States to withdraw the proposition regarding a Code of Practice on Public Access to Official Information: Register of Reports, (P.196/2003 lodged “au Greffe” on 23rd December 2003).

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at their next meeting on 20th April 2004 -

Public right of access to information, financial and other records of P.34/2003.
the States of Jersey.
Lodged: 1st April 2003.
Deputy A. Breckon of St. Saviour.

Public right of access to information, financial and other records of P.34/2003.
the States of Jersey (P.34/2003): comments. Com.
Presented: 3rd June 2003.
Employment and Social Security Committee.

Public right of access to information, financial and other records of P.34/2003.
the States of Jersey (P.34/2003): comments. Com.(2)
Presented: 19th August 2003.
Privileges and Procedures Committee.

Public right of access to information, financial and other records of P.34/2003.
the States of Jersey (P.34/2003): comments. Com.(3)
Presented: 14th October 2003.
Policy and Resources Committee.

Public right of access to information, financial and other records of P.34/2003.
the States of Jersey (P.34/2003): comments. Com.(4)
Presented: 10th February 2004.
Finance and Economics Committee.

Youth Custody for persons aged 12 and over. P.2/2004.
Lodged: 20th January 2004.
Deputy of St. Martin.

Youth Custody for persons aged 12 and over (P.2/2004): comments. P.2/2004. Com.
Presented: 2nd March 2004.
Home Affairs Committee.

Youth Custody for persons aged 12 and over (P.2/2004): comments. P.2/2004.
Presented: 23rd March 2004. Com.(2)
Finance and Economics Committee.

States Members' Remuneration: increases for 2004 – rescindment. P.11/2004.
Lodged: 27th January 2004.
Deputy T.J. Le Main of St. Helier.

States Members' Remuneration: increases for 2004 – rescindment P.11/2004.
(P.11/2004) – amendment. Amd.
Lodged: 24th February 2004.
Senator J.A. Le Maistre.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

Deputy J.L. Dorey of St. Helier will ask a question of the President of the Health and Social Services Committee regarding spending on the methadone programme.

The Deputy of St. John will ask a question of the President of the Economic Development Committee regarding the disposal of agricultural polythene.

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Environment and Public Services Committee regarding the Transport Fund.

Deputy G.P. Southern of St. Helier will ask questions of the President of the Environment and Public Services Committee regarding a 'hoppa' bus service and residents' parking scheme.

The Deputy of St. John will ask a question of the President of the Harbours and Airport Committee regarding the proposed construction of a warehouse at the Harbour.

Deputy G.P. Southern of St. Helier will ask questions of the President of the Finance and Economics Committee regarding that Committee's proposed new tax reforms.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

The President of the Privileges and Procedures Committee will make a statement regarding the draft Code of Conduct for elected members of the States.

The President of the Privileges and Procedures Committee will make a statement regarding the Working Party on the Arrangement of Public Business.

K. PUBLIC BUSINESS

Draft Public Elections (Jersey) Law 2002 (Appointed Day) (No. 2) Act 200-. Lodged: 16th March 2004. <i>Legislation Committee.</i>	P.43/2004.
Draft Public Elections (Amendment) (Jersey) Regulations 200-. Lodged: 16th March 2004. <i>Legislation Committee.</i>	P.44/2004.
Draft Postal Services (Jersey) Law 200-. Lodged: 10th February 2004. <i>Economic Development Committee.</i>	P.24/2004.
Draft Postal Services (Jersey) Law 200- (P.24/2004): amendments. Lodged: 16th March 2004. <i>Economic Development Committee.</i>	P.24/2004. Amd.
Projet de Loi (200-) (Amendement No. 10) réglant la procédure criminelle. Lodged : 3rd February 2004. <i>Comité de Législation.</i>	P.13/2004.
Draft Housing (Amendment No. 11) (Jersey) Law 200-. Lodged: 24th February 2004. <i>Housing Committee.</i>	P.34/2004.
Draft Animal Welfare (Jersey) Law 200-. Lodged: 19th August 2003. <i>Economic Development Committee.</i>	P.126/2003.
Draft Animal Welfare (Jersey) Law 200- (P.126/2003): comments. Presented: 10th February 2004. <i>Finance and Economics Committee.</i>	P.126/2003. Com.
Draft Animal Welfare (Jersey) Law 200- (P.126/2003): amendments. Lodged: 3rd February 2004. <i>Deputy of St. Martin.</i>	P.126/2003. Amd.
Draft Animal Welfare (Jersey) Law 200- (P.126/2003): amendments (P.126/2003 Amd.)– comments. Presented: 2nd March 2004. <i>Finance and Economics Committee.</i>	P.126/2003. Amd.Com.
Draft Animal Welfare (Jersey) Law 200- (P.126/2003): amendments (P.126/2003 Amd.)– comments. Presented: 9th March 2004. <i>Economic Development Committee.</i>	P.126/2003. Amd.Com.(2)
Draft Shipping (Tonnage) (Jersey) Regulations 200-. Lodged: 17th February 2004. <i>Harbours and Airport Committee.</i>	P.25/2004.

Jersey Financial Services Commission: appointment of Commissioners.
Lodged: 9th March 2004.
Economic Development Committee.
(consideration in camera)

P.38/2004.

M.N. DE LA HAYE
Greffier of the States

25th March 2004

Note: Members are kindly reminded to bring with them their copy of R.C.12/2004, presented by the Policy and Resources Committee on 16th March, and which relates to P.24/2004, (Draft Postal Services (Jersey) Law 200-), set down for consideration under public business at the present meeting.

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 21/2004

This Order increases the remuneration of the Commissioners of the Royal Court, in respect of actual sittings of the Court, from £651 per day to £686 per day. This represents an increase of 5.4%. The amount was last increased on 1st April 2003. The increase shall come into effect on 1st April 2004.

This Order was made by the Finance and Economics Committee on 22nd March 2004.

R&O 22/2004

This Order increases the remuneration of Ordinary Judges of the Court of Appeal, in respect of actual sittings of the Court, from £651 per day to £686 per day. This represents an increase of 5.4%. The amount was last increased on 1st April 2003. The increase shall come into effect on 1st April 2004.

This Order was made by the Finance and Economics Committee on 22nd March 2004.

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

15th March 2004

- (a) as recommended by the Environment and Public Services Committee, the sale to Mr. James William Wesley Harrison of an area of land (measuring 105 square metres) to the west of No. 9 Vue des Mielles, La Rout des Quennevais, St. Brelade, for a consideration of £2,735, and subject to a number of restrictive covenants, on the basis that the purchaser would be responsible for both parties' reasonable legal costs arising from the transaction;
- (b) as recommended by the Policy and Resources Committee, the lease to the Jersey Electricity Company Limited of an area of land (measuring 160 square metres- required for an electricity sub-station) on the St. Helier Waterfront (within the West of Albert car park - as designated on Drawing No. 53547) for a period of 99 years at an annual rent of £1 payable in one lump sum upon the passing of the contract, on the usual terms and conditions, with the Jersey Electricity Company Limited to be responsible for both parties' reasonable legal fees arising from the transaction;
- (c) as recommended by the Housing Committee, the lease to the Jersey Electricity Company Limited of an area of land (required for the provision of an electricity Section Pillar) at Princess Place, Grève d'Azette, St. Clement, for a period of 99 years for a one-off payment of £20, on the basis that each party would be responsible for its own legal costs arising from the transaction, and with the Jersey Electricity Company Limited to meet the cost of the works associated with the provision of the Section Pillar;
- (d) as recommended by the Housing Committee, the lease to the Jersey New Waterworks Company Limited of areas of land (being the sites of an Air Vessel Chamber and a Booster Station - shown on Drawing No. 3798/169A and 751 respectively) at Oak Tree Gardens, St. Helier, for a period of 99 years for a consideration of £99 payable at the commencement of the lease, on the basis that the Housing Committee would require access rights for maintenance of the retaining wall surrounding the Air Vessel Chamber, and with each party to be responsible for its own legal costs arising from the transaction;
- (e) as recommended by the Health and Social Services Committee, the renewal of the lease to Mr. Anthony William Paine and Mrs. Vida Anne Paine, née Combes, of No. 3 The Denes, St. Clement (a three-bedroom property) for a period of three years from 1st December 2002, at an initial annual rent of £8,500, subject to annual rent reviews in line with the Jersey Retail Price Index, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (f) as recommended by the Health and Social Services Committee, the renewal of the lease from Arradon Holdings Limited of the property No. 14 Byron Road, St. Helier (measuring 1,337 square feet plus 14 car parking spaces - required for use by the Department of Clinical Psychology), for a period of three years from 1st March 2003, at an initial annual rent of £34,625, subject to annual rent reviews in line with the Jersey Retail Price Index, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (g) as recommended by the Health and Social Services Committee, the lease to Mrs. Christina McLallen Gillen, née McAllister, of the property known as 52 Don Street, St. Helier, for a period of three years from 1st January 2003, at a commencing annual rent of £8,500 subject to annual review in line with the Jersey Retail Price Index, on the basis that the rent reflected an option to remove part of the rear storeroom and toilet at the property some time in the future in order to make way for the redevelopment of No. 12 Burrard Street, St. Helier, and with each party to be responsible for its own legal costs arising from the transaction;
- (h) as recommended by the Environment and Public Services Committee, the renewal of the lease to Mr. Peter Gibbons and Mrs. Ann Huelin, née Gibbons, of the property known as Le Braye Café, Le Braye Slip, St. Brelade, for a period of six years from 25th December 2003, at a commencing annual rent of £18,000 subject

to review on the third anniversary of the lease in line with the Jersey Retail Price Index, on the basis that all other terms and conditions would remain the same as the existing agreement, and with each party to be responsible for its own legal costs arising from the transaction;

- (i) as recommended by the Environment and Public Services Committee –
 - (i) the entering into of a Deed of Arrangement with Mrs. Carol Anne Walker, née Horne, of Rosedale Farm, Le Mont Cochon, St. Helier, in respect of the incorporation of a strip of land (measuring 571 square feet - shown on Drawing No. 15/731/1-01) required for the establishment in perpetuity of a road stabilisation structure and a new hoggin public footpath to improve pedestrian safety along the eastern side of Le Chemins des Moulins (Waterworks Valley), St. Helier (as shown on Drawing No. 982-005), for a consideration of £600, on the basis of terms set out in a report dated 26th February 2004, of the Director of Property Services, and with the Committee being responsible for both parties' legal costs arising from the transaction; and
 - (ii) the entering into of a Deed of Arrangement with Mrs. Drusilla Mary Burdon, née Herbert, of White Lodge, Le Chemin des Moulins, St. Helier, in respect of the purchase of a strip of land (measuring 5,167 square feet – shown on Drawing No. 15/731/1-01) required for the establishment in perpetuity of a road stabilisation structure and a new hoggin public footpath to improve pedestrian safety along the eastern side of Le Chemins des Moulins (Waterworks Valley), St. Helier (as shown on Drawing No. 982-003), for a sum of £5,200, on the basis of terms set out in a report dated 26th February 2004, of the Director of Property Services, and with the Committee being responsible for both parties' legal costs arising from the transaction;
- (j) as recommended by the Health and Social Services Committee, the lease from Mrs. Thelma May Durbano, née Guillou, of the property known as Admar, No. 12 Maudelaine Estate, La Route Orange, St. Brelade (required for the establishment of a group home) for a period of eight years from 1st October 2003, at an annual rent of £29,900 subject to rent reviews on the third and sixth anniversaries of the lease in line with the Jersey Retail Price Index, and on the basis that each party would be responsible for its own legal costs arising from the transaction.

QUESTION PAPER

(See Item G)

Deputy J.L. Dorey of St. Helier, will ask the following question of the President of the Health and Social Services Committee -

“Would the President inform the Assembly why it is intended to reduce spending on the methadone programme from £205,000 in 2005, to £153,390 in 2006, and to £115,000 in 2007?”

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

“Would the President inform members what action, if any, the Committee is taking to ensure the appropriate disposal of all discarded agricultural polythene in the Island?”

Deputy G.C.L. Baudains of St. Clement will ask the following question of the President of the Environment and Public Services Committee -

“Would the President inform members whether, in November 2002, the Committee requested the Finance and Economics Committee to sanction the transfer of £250,000 from the Car Park Trading Fund to the Transport Fund from which £50,000 was allocated to collecting baseline data, £50,000 for safe routes to schools and £50,000 for bus travellers information, and, if so, whether these funds have been spent, and, if so, how?”

Deputy G.P. Southern of St. Helier will ask the following questions of the President of the Environment and Public Services Committee -

1. Would the President inform members whether the Committee is committed to the provision of a town ‘hoppa’ bus service as part of a proposed ‘hop-on/hop-off’ tourist service, or as a separate service?
2. Would the President inform members of the Committee’s intentions regarding the imminent expiration of the residential parking scheme for those living in the Stopford Road area of St. Helier on 4th May 2004, and whether a reasonably priced replacement scheme will be introduced in early course to allow full consultation with residents of the area concerned?”

The Deputy of St. John will ask the following question of the President of the Harbours and Airport Committee -

“With regard to the recent notice seeking expressions of interest for the proposed third phase warehousing development at the Harbour, would the President inform members -

- (a) whether negotiations have taken place with the agricultural industry?
- (b) whether discussions with the Parish of St. Helier have taken place regarding possible traffic implications? and,
- (c) whether this project will be supported by States funding, and, if so, whether the Committee will bring the matter to the States for debate given the apparent number of empty agricultural sheds and buildings already on the Island?”

Deputy G.P. Southern of St. Helier will ask the following questions of the President of the Finance and Economics Committee –

- “1. In answer to my question of 16th March 2004, regarding the proposed new tax reforms, the President gave a maximum figure for additional tax payable under his proposed reductions in allowances of £5,720 for a couple with 2 children earning £150,000 and having a mortgage of £300,000. Will the President inform members by how much this figure will be raised if –
 - (a) the children were in higher education?
 - (b) the wife/spouse was working? and,
 - (c) either partner was paying additional voluntary contributions (AVCs) to top up a States pension, or was paying contributions into a private pension fund of, say, £10,000 per annum?
2. Would the President inform members whether the Committee intends to introduce any tax avoidance measure such as or similar to that introduced in the United Kingdom, whereby all those offering tax-planning schemes involving payments to employees or financial products are required to seek the approval of the Inland Revenue by registration of any scheme prior to offering it to the public as failure to do so would render the selling of any such scheme illegal?
3. With regard to answers given by the President in reply to questions asked by Senator P.V.F. Le Claire on 16th March 2004, regarding a new fiscal policy, would the President inform members –
 - (a) why provision is made for exempt companies to pay 20% tax on income arising in Jersey when the information available suggests that their tax contribution is no more than the exempt company charge of £600;
 - (b) how many International Business Companies (IBCs) pay tax at rates of 2% and under, and how much income this has generated in 2003? and,
 - (c) how many IBCs paid tax in 2003 at the rates between 2% and 30% on income or profits other than those arising from international activities, and how much revenue this produced?
4. Would the President provide details to members of what proportion of the possible £100 million of lost revenue produced by the Committee’s zero/ten proposals will come from each of the following sectors?

International business companies

Exempt companies

Financial administration companies associated with the above

Non-finance businesses – locally owned

Non-finance businesses – not locally owned.

5. With regard to the Committee's plan to raise revenue by £100 million, which includes an increase in the Island's economic output of 2% resulting in raising £20 million in extra tax, would the President inform members –
- (a) whether this would mean an actual increase of 6% in economic growth if the current rate of inflation remains the same as this year.?
 - (b) whether an increase in economic growth of this magnitude can only be achieved by creating more jobs and thus putting more money into circulation? and,
 - (c) whether the addition of a sales tax on top of proposed economic growth of this magnitude could cause double digit inflation?"