

**THE STATES assembled on Tuesday,
19th July 2005, at 9.30 a.m. under
the Presidency of Mr. Michael Nelson de la Haye,
Greffier of the States.**

All members were present with the exception of –

Senator Wendy Kinnard – ill
Senator Terence Augustine Le Sueur– out of the Island
Senator Edward Philip Vibert– ill
Senator Richard Joseph Shenton – ill
Celia Joyce Scott Warren, Deputy of St. Saviour- ill.

Prayers read by the Acting Dean of Jersey.

Deputy Alan Breckon – welcome back after illness

The President, on behalf of all members, welcomed Deputy Alan Breckon of St. Saviour back to the Assembly following a period of illness.

Matters presented

The following matters were presented to the States –

Parish Rates: the States' liability. <i>Presented by the Finance and Economics Committee.</i>	R.C.56/2005.
General Reserve: grant of additional funds to 30th June 2005. <i>Presented by the Finance and Economics Committee.</i>	R.C.57/2005.
Units 1 and 2, L' Avenue Le Bas, La Rue des Pres Trading Estate: reassignment of leases (P.104/2005) – comments. <i>Presented by the Economic Development Committee.</i>	P.104/2005. Com.
Units 1 and 2, L' Avenue Le Bas, La Rue des Pres Trading Estate: reassignment of leases (P.104/2005) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.104/2005. Com.(2)
Draft Shops (Sunday Trading) (Trial Arrangements) (Jersey) Regulations 200- (P.108/2005): comments. <i>Presented by the Finance and Economics Committee.</i>	P.108/2005. Com.
Rural Economy Strategy (P.112/2005): comments. <i>Presented by the Finance and Economics Committee.</i>	P.112/2005. Com.(2)
Rural Economy Strategy (P.112/2005): amendment (P.112/2005 Amd.)– comments. <i>Presented by the Economic Development Committee.</i>	P.112/2005. Amd.Com.
Rural Economy Strategy (P.112/2005): amendment (P.112/2005 Amd.)–	P.112/2005.

comments. <i>Presented by the Environment and Public Services Committee.</i>	Amd.Com.(2)
Waterfront Enterprise Board: renewal of ten-year working limit (P.114/2005) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.114/2005. Com.
Waterfront Enterprise Board: renewal of ten-year working limit (P.114/2005) – amendment (P.114/2005 Amd.)– comments. <i>Presented by the Finance and Economics Committee.</i>	P.114/2005. Amd.Com.
Draft Animal Welfare (Amendment) (Jersey) Law 200- (P.121/2005): comments. <i>Presented by the Finance and Economics Committee.</i>	P.121/2005. Com.
Restriction on smoking in enclosed workplaces (P.126/2005): comments. <i>Presented by the Finance and Economics Committee.</i>	P.126/2005. Com.
Provision of Extra Funding for Native Welfare (P.138/2005): comments. <i>Presented by the Finance and Economics Committee.</i>	P.138/2005. Com.
16 Clairvale Road, St. Helier: Adult Mental Health Rehabilitation Unit– proposed purchase (P.144/2005) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.144/2005. Com.
Field 571, La Rue du Puits Mahaut, Grouville: petition (P.147/2005)– comments. <i>Presented by the Environment and Public Services Committee.</i>	P.147/2005. Com.

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

Matters lodged

The following matters were lodged “au Greffe” –

States Business Plan 2006-2010. <i>Presented by the Policy and Resources Committee.</i>	P.151/2005.
Draft Amendment (No. 29) of the Standing Orders of the States of Jersey. <i>Presented by Deputy G.P. Southern of St. Helier, and referred to the Privileges and Procedures Committee.</i>	P.152/2005.
Draft Harbour Charges (Jersey) Law 200-. <i>Presented by the Harbours and Airport Committee.</i>	P.153/2005.
Development of a Cultural Strategy for the Island. <i>Presented by the Education, Sport and Culture Committee, and referred to the Finance and Economics, the Environment and Public Services, and the Economic Development Committees.</i>	P.154/2005.

Development of a Cultural Strategy for the Island – P.172/2004 – withdrawn

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Education, Sport and Culture Committee had instructed the Greffier of the States to withdraw the following matter, having lodged a revised proposition at the present meeting –

Development of a Cultural Strategy for the Island. P.172/2004.
Lodged: 12th October 2004.
Education, Sport and Culture Committee.

Arrangement of public business for the next meeting on 13th September 2005

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 13th September 2005 –

Draft States of Jersey (Amendment No. 2) Law 200. P.98/2005.
Lodged: 24th May 2005.
Privileges and Procedures Committee.

Waterfront Enterprise Board: renewal of ten-year working limit. P.114/2005.
Lodged: 21st June 2005.
Policy and Resources Committee.

Waterfront Enterprise Board: renewal of ten-year working limit (P.114/2005) – P.114/2005.
comments. Com.
Presented: 19th July 2005.
Finance and Economics Committee.

Waterfront Enterprise Board: renewal of ten-year working limit (P.114-2005) – P.114/2005.
amendment. Amd.
Lodged: 5th July 2005. (re-issue)
Senator P.V.F. Le Claire.

Waterfront Enterprise Board: renewal of ten-year working limit (P.114/2005) – P.114/2005.
amendment (P.114/2005 Amd.)– comments. Amd.Com.
Presented: 19th July 2005.
Finance and Economics Committee.

Warren Farm, Noirmont, St. Brelade. P.125/2005.
Lodged: 22nd June 2005.
Deputy S.C. Ferguson of St. Brelade.

Draft Public Finances (Amendment) (Jersey) Law 200-. P.133/2005.
Lodged: 28th June 2005.
Finance and Economics Committee.

Draft States of Jersey (Amendment No. 3) (Jersey) Law 200. P.143/2005.
Lodged: 5th July 2005.
Senator S. Syvret.

Draft Public Finances (Jersey) Law 2005 (Appointed Day No. 1) Act 200. P.148/2005
Lodged: 12th July 2005.
Finance and Economics Committee.

Draft Public Finances (Comptroller and Auditor General) (Jersey) Regulations P.149/2005
200-.
Lodged: 12th July 2005.
Finance and Economics Committee.

Comptroller and Auditor General: appointment. P.150/2005

Lodged: 12th July 2005.
Deputy S.C. Ferguson of St. Brelade.

States Business Plan 2006-2010. P.151/2005.
Lodged: 19th July 2005.
Policy and Resources Committee.

Draft Amendment (No. 29) of the Standing Orders of the States of Jersey. P.152/2005.
Lodged: 19th July 2005.
Deputy G.P. Southern of St. Helier.

Development of a Cultural Strategy for the Island. P.154/2005.
Lodged: 19th July 2005.
Education, Sport and Culture Committee.

Island Plan 2002: amendment to policy H8 (Housing Development within the P.90/2005.
Built-up Area).
Lodged: 3rd May 2005.
Deputy G.C.L. Baudains of St. Clement.

Island Plan 2002: amendment to policy H8 (Housing Development within the P.90/2005. Com.
Built-up Area) (P.90/2005) – comments.
Presented: 10th May 2005.
Environment and Public Services Committee.

Long term Incapacity Allowance (LTIA) – question and answer

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Paul Francis Routier, President of the Employment and Social Security Committee –

- “(a) Will the President inform members of the numbers of Long Term Incapacity Allowance (LTIA) applicants there were for the 2nd quarter of 2005 together with the numbers assessed and at what percentages of incapacity?
- (b) In his response to my question of 19th April 2005, the President stated that information should be available by the end of June 2005 on the number of LTIA claimants in the 1st quarter 2005 who were actually in work. Will the President provide these figures for members along with the equivalent figures for the last quarter of 2004, and, if unable to do so, explain the reasons why?
- (c) Also in his response to my question of 19th April 2005, the President gave comparative 2003/2004 figures for claims for the last quarter of each year for Disablement, Invalidity and LTIA benefits. These show new or re-opened claims for Invalidity at 134 compared with LTIA at 137 for the final quarter 2004. Would the President explain to members why there should be so many such claims for Invalidity in this period when this benefit had been replaced by LTIA and would he confirm whether all new claimants for long-term benefits currently being processed are now on LTIA?”

The President of the Employment and Social Security Committee tabled the following written answer –

- “(a) In replying to the Deputy’s questions I must stress that all figures given in my answers represent a snapshot in time.

In the 2nd quarter of 2005, 109 LTIA applicants have been assessed by a medical board with the following results –

Assessment	5%	10 /	20 /	30 /	40 /	50 /	60 /	70 /	80 /	90 /	100%
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		15%	25%	35%	45%	55%	65%	75%	85%	95%	
Number	5	10	11	14	8	24	10	5	7	4	11

- (b) Allowing for late claims and assessments there were 155 valid claims for LTIA made in the last quarter of 2004. Of this cohort of people 35 per cent worked and paid contributions in the last quarter of 2004 and for this particular cohort the figure increased to 42 per cent in the first quarter of 2005. Under the old Invalidation Benefit system claimants could not work and receive benefit. More detailed analysis of this encouraging trend will take place as further data is collated over a reasonable period of time. There were a total of 136 claims for LTIA in the first quarter 2005 of which 26 per cent of claimants worked and paid contributions.
- (c) Under the terms of the transition from the old to new Incapacity Benefits approved by the States, individuals with existing Invalidation Benefit claims on 1st October 2004, retained rights acquired under the old legislation. This meant that normal medical certification procedures continued to cater for late claims, backdating and medical boarding reports in Jersey and from abroad after the change in legislation. Invalidation claimants are still subject to review by medical boards and these reviews were included in the total given in my answer. I can confirm that new claims processed now would receive LTIA but there is still the possibility of ‘retained rights’ cases, albeit very rarely, appearing in the future.”

Proposed tax reforms – question and answer

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Philip Francis Cyri Ozouf, Vice-President of the Finance and Economics Committee –

“The statement made to Parliament by Dawn Primarolo, Paymaster General of the U.K. government as detailed in a local media release by the Finance and Economics Committee dated 6th July 2005, includes the words –

‘The proposed introduction of a zero-ten rate in Jersey is a result of a program of modernisation of the Jersey tax system designed to be in compliance with international standards, including those set up by the OECD and by the E.U. Code of Conduct for business taxation.’

- (a) Is the Committee satisfied that the words ‘*designed to be in compliance*’ are no different from the President’s media statement on the matter dated 6th July 2005, that ‘*my Committee has ensured that its proposals comply*’?
- (b) The Paymaster General goes on to say ‘*The States of Jersey have kept H.M. Government informed of developments in relation to the reform of its tax system*’. Will the President inform members of the dates on which the States have so communicated with H.M. Government on this issue, and release to members the content of these communications, and if not, the reasons why?
- (c) Will the President inform members whether the Committee has sought formal acceptance from the U.K. and E.U. that its detailed proposals for tax reform including ‘look through’ provisions for company shareholders are compliant with articles B1, B2, B3, and B5 of the E.U. Code of Conduct on Business Taxation, and if not, the reasons why? and,
- (d) Would the President inform members when the Committee intends that the mechanisms for the zero-ten proposals will be fully detailed and available not only to this Assembly, but to assessment by H.M. Government and other member states in the E.U.? If it is not intended to do this, would the President explain why?”

The Vice-President of the Finance and Economics Committee tabled the following written answer –

“(a) Yes the Committee is of the view that these two descriptions mean the same thing.

- (b) The dates on which the States of Jersey have communicated with the U.K. Government on this issue are as follows –

10th May 2002
14th June 2002
9th July 2002
24th September 2002
15th October 2002
4th December 2002
17th June 2003
8th March 2004
15th April 2004
23rd June 2004
8th March 2005.

These communications with the U.K. Government either consisted of meetings between Jersey and U.K. officials; meetings between Jersey political representatives accompanied by their officials and their equivalents in the U.K. or, in the case of 15th October 2002 communication, in the form of a letter from the then Senator Pierre Horsfall to Dawn Primarolo, U.K. Paymaster General. There has also been a written exchange of correspondence between the Government of the States of Guernsey and the U.K. Government in April 2004, where Jersey Government representatives were joined in both the drafting of the letter and in the representations made on a particular technical issue on the proposals to comply with the E.U. Code of Conduct on Business Taxation.

The meeting on 14th June 2002, was between Senator Horsfall, accompanied by the then Chief Executive of Policy and Resources, and the U.K. Prime Minister, the Right Honourable Tony Blair.

Apart from the aforementioned letter of 15th October 2002, which has already been released to the States Shadow Scrutiny Panel on GST, there will be no release of the content of any of these communications for the reasons already explained at item 6 of the letter dated 13th June 2005, from Senator Frank Walker President of the Policy and Resources Committee to the President of the Shadow Scrutiny Panel. This summarises the reasons why such communications are not for release and these reasons are further strengthened by additional discussions with the U.K. Government on the issue which has established that, from their view point, all of this material relates to communications between Governments in matters of national interest. As such, from a U.K. perspective it is exempt from disclosure under the U.K. Freedom of Information Act. U.K. Government Representatives have indicated that they would expect an equivalent standard and equivalent treatment in Jersey to apply.

- (c) The Committee will not seek formal acceptance from the U.K. and the E.U. that its detailed proposals for tax reform are compliant with the quoted articles of the E.U. Code of Conduct on business taxation for several reasons. Chief amongst these are the following –

Jersey is a tax autonomous jurisdiction and for the purposes of tax is akin to a nation state. The Island, therefore, sees no purpose or reason to seek the approval of either the E.U. or the U.K. in respect of any aspect of its system of taxation, other than voluntarily. In consequence, it also sees no reason why Jersey should be expected to seek line by line sign off, noting in addition that even E.U. member states themselves are not required to seek such sign off within the Code of Conduct process on a formal legal basis. If we were to take such a course ourselves we would be diminishing our domestic autonomy at a time when we are seeking to increase our International personality.

The Code of Conduct on business taxation is a political process to which Jersey has joined itself voluntarily. It does not work on the principle of certification or a statement of legal compliance either amongst the member states themselves or in its outreach application to third parties. As with much of the E.U. process, conclusions reached are matters of political judgement. The Island

takes the same approach in this respect. It should be stressed again that the Island's interface with the Code process is a voluntary matter without legal compulsion as Jersey is not a European Union Member State nor bound by E.U. processes whether legal or informal.

Notwithstanding that Jersey's participation in this exercise is voluntary, the Committee is of the view that the endorsement obtained from the E.U. and U.K. signals a firm acceptance from those bodies in respect of the Island's proposed tax changes and their effect relative to the Code criteria. The 'look through' provisions pertain to personal tax measures and are intended primarily to ensure that various tax avoidance possibilities which might in their absence otherwise be available to Jersey resident shareholders of Jersey companies can be minimised. As these proposals relate to personal tax measures they are the sole province of 'the nation state' and are therefore within Jersey's domestic competence, an approach which is universally adopted throughout the E.U. itself. For reference, this principle is enshrined in a document entitled 'A Communication from the Commission to the Council of the European Parliament and the Economic and Social Committee' dated 23rd May 2001 – with a separate sub-title of "Tax Policy in the European Union Priorities for the years ahead". In this document the following policy statement appears at Article 3.2.3–

'as pointed out in section 2.3, personal income taxes fall in their entirety under the sole responsibility of member states'.

It follows that if the E.U. member states amongst themselves do not have the right to intervene in, nor mandate the intervention of the European Commission in, each others' personal taxation measures then this inhibition, also extends to third parties outside the E.U. such as Jersey or fellow Crown Dependencies which have voluntarily joined themselves to the E.U. Code of Conduct process. On this basis the Committee takes the view that the 'look through' provisions element of our fiscal re-structuring proposals is not a matter which falls within those voluntary arrangements.

What may also be of interest is a recent European Court of Justice (ECJ) position. Europe's highest Court has recently ruled in favour of the Dutch Government in a landmark case concerning the free movement of capital. The ECJ said that the way the Dutch Government discriminated between residents and non-residents in its levying of a wealth tax did not breach European law. The decision, say tax experts, could mark another significant milestone in the approach taken by the ECJ towards national tax rules.

The Committee sees no need for further formal contact with the E.U. on this issue beyond the contents of the ECOFIN endorsement documented on 3rd June 2003, and in terms of its ongoing discussions with the U.K. Government. It should be noted that the latter also holds the chair of the E.U. Code of Conduct on Business Taxation Group.

- (d) Some detail regarding the proposed mechanisms for the implementation of the Zero / Ten proposals agreed by the States already exists, either in the form of various Propositions put to the Assembly, notably P.106/2004 and P.44/2005, and various other documents in the public domain. The concrete legislative proposals will be brought to the States in 2007. The response in respect of any intention for there to be further assessment by the U.K. Government and its fellow member States in the E.U. in this respect is documented in c) above)."

Policing of persons entering the Island – question and answer

Deputy Jacqueline Ann Hilton of St. Helier tabled the following written question of Senator Wendy Kinnard President of the Home Affairs Committee –

“Would the President inform members –

- (a) whether the States of Jersey Police have the legal authority to stop, apprehend, refuse entry and deport if necessary, offenders arriving in the Island who have criminal records from other jurisdictions in serious crimes including drug related crime, violence against women and children and other violence in general, and, if so, to what extent?
- (b) whether the States of Jersey Police have the legal authority to escort persons off the Island who are apprehended and who have outstanding warrants issued by U.K., E.U. or Irish jurisdictions who are otherwise not collected by officials from those jurisdictions following notification?
- (c) whether the Committee will review, in liaison with other States Committees as appropriate, legal provisions to control who may, and who may not, enter the Island legally and seek residence and employment? and,
- (d) whether the Committee will enter into discussions with the appropriate authorities on our sister Channel Island, Guernsey, in relation to the implementation of law in connection with (c) above in order to explore how both Islands might work together?"

The President of the Home Affairs Committee tabled the following written answer –

- “(a) The States of Jersey Police have no powers to restrict entry to the Island to persons who are arriving from within the Common Travel Area on the grounds that they have a criminal record, or to refuse entry, or to arrest, detain, or impede the movement of any person on the grounds that they appear to be wanted for an offence in another jurisdiction, or are subject to any warrant or other court order requesting their arrest.

Immigration officers may refuse leave to enter to immigration offenders who arrive from abroad, (not the Common Travel Area), and return them abroad. The Lieutenant Governor may order the deportation of a person, who is not a British National, on the recommendation of the Court, and having taken into account all relevant factors, including any previous criminal record.

- (b) The States of Jersey Police do not have the legal authority to escort persons off the Island who are apprehended and who have outstanding warrants issued by U.K., E.U. or Irish jurisdictions who are otherwise not collected by officials from those jurisdictions, as they have no power to arrest persons wanted for offences in other jurisdictions. In the case of persons wanted on warrant in other jurisdictions there is still no power of arrest until that warrant is ‘backed’ in Jersey.

As stated in the previous written answer to the Deputy’s question on 21st June 2005, legislation on the ‘backing’ of English warrants in Jersey is specific in respect of those warrants that can be backed. (Indictable Offences Act 1848, s 13, as amended by the Courts Act 1971, Schedule 8).

Warrants can normally be backed in Jersey in the following cases –

Warrant of arrest of the accused on failure to appear before a Magistrate’s Court.

Warrant of commitment in default of payment of a sum adjudged to be paid by a conviction or order of a Magistrate’s Court.

Warrant of commitment in default of payment of a sum payable in forfeiture of recognizance.

Warrant of arrest of a witness on failure to appear before a Magistrate’s Court.

Warrant of arrest issued by a court having jurisdiction in bankruptcy.

Warrants cannot be backed in the under mentioned cases –

Warrants of arrest of the accused on failure to surrender to bail before a Magistrate’s Court (with the

exception that one can normally be backed if the offence is indictable).

Warrants of arrest for breach of a probation or community service order.

Warrant of arrest on the commission of a further offence by a person in whose case a probation order or order of conditional discharge has been made.

Legislation in respect of the backing of warrants (Republic of Ireland and Jersey) Order 1965 is again specific –

Where a warrant for the arrest of a person accused or convicted of –

an indictable offence;

an offence punishable on summary conviction within six months of imprisonment, and

an application for endorsement of the warrant is made to the Bailiff by a police officer who produces a warrant and swears on oath that he has reason to believe the person named or described therein to be within the Bailiwick.

However, where a person is accused of an offence, not being an indictable offence but an offence which on summary conviction is punishable by six months' imprisonment, a warrant shall not be endorsed unless the person has previously failed to answer to a summons, or has failed to appear in answer to bail.

(c) The Migration policy, which was adopted by the States in June 2005, states at section 3(c) –

'Ensuring the rights of free movement of people

All British citizens and certain Commonwealth citizens have the right of abode in Jersey and are free to live in and come and go into and from Jersey without let or hindrance, except as may be required under the Immigration Act or as otherwise may be lawfully imposed on any person.

Also, all nationals of other E.E.A. Member States (E.U. member States plus Iceland, Norway and Liechtenstein), do not need leave to enter or remain in Jersey – if they do so in circumstances in which they would be entitled to enter or remain in the U.K.

If a new migration policy and regulation systems were to amount to control over these rights, it would be inconsistent with the law, as presently in force. Control of immigration at the point of entry could not be introduced for British, certain Commonwealth and E.E.A. nationals without change to existing international law, which would be extremely difficult and would require the agreement of all affected parties.

In short, the international legal position in which Jersey exists prohibits –

the introduction of immigration or border controls in relation to U.K., EEA and certain Commonwealth citizens;

taking measures which would amount to control over the rights of such citizens to come and live in the Island;

the Island from treating U.K. citizens differently from citizens of other E.U. states and EEA citizens – in relation to their rights to establish themselves in the Island, and;

taking actions which might not be consistent with the U.K. Immigration Act as extended to Jersey, Article 4 of Protocol 3 and European Court judgements relating thereto.

Another aim of the proposals is to uphold these existing international commitments regarding the

rights of free movement of people.'

During the debate on the Migration Policy, adopted by the States in June 2005, the President of the Policy and Resources Committee undertook to review the international legal position with regard to people's right to freedom of entry and whether the States could tighten border controls. The President of the Policy and Resources Committee further undertook to investigate the position in Guernsey with particular reference to whether it would be possible and effective to require individuals seeking entry to state any criminal convictions on application, while maintaining the Island's international commitments. The Home Affairs Committee would welcome the opportunity to contribute to any such policy review and has stated in the Committee's draft Criminal Justice Policy, 'Developing Jersey's Criminal Justice Policy', June 2005, that the Committee will have regard to the outcome of the review undertaken by the Policy and Resources Committee prior to the lodging of the Policy for debate.

- (d) Again, during the debate on Migration Policy, the President of Policy and Resources Committee indicated that he would be willing to raise the issue of border controls with the other British Islands. This issue will be raised at the forthcoming inter-Island conference to be held in the Isle of Man on 26th July 2005. Both the Presidents of the Policy and Resources and the Home Affairs Committees will be attendees at the conference."

Oral questions

1. Deputy J.A. Hilton of St. Helier of the President of the Housing Committee:

"Would the President inform members whether the Committee has received any complaints from distressed residents of Jane Sandeman Court in connection with vandalism, particularly regarding cars parked in the basement garage and youths gathering in the stairwell/fire exit areas of the building at night and, if so, what action is the Committee taking?"

Deputy T.J. Le Main of St. Helier (President of the Housing Committee):

"The Committee has received several complaints from residents of Jane Sandeman Court, as it has done from residents of Jardin du Soleil, Convent Court, Ann Court, Keith Baal Gardens, Liberation Court, Hue Court and other estates in connection with vandalism to cars and with young people accessing the properties. Certainly, as far as I am aware, none of these complainants were distressed. The Deputy asks what action the Committee is taking. Well, the Committee works very closely with the police to mitigate the opportunities for young people to access housing property and, when funds allow us, we do place CCTV cameras and other security measures to mitigate the problem. As I say, Sir, Jane Sandeman Court has similar problems to many other estates and there is no reason given our limited funding to make a special case for Jane Sandeman Court when there are other estates suffering the same problems. My officers continue to try to work with the residents of all estates to effect solutions to problems."

1(a) Deputy J.A. Hilton:

"Will the President confirm that I have been pursuing this matter on behalf of the residents of Jane Sandeman Court since last year, and can he give the residents of Jane Sandeman Court and other developments, particularly in St. Helier, who are suffering these problems a cast iron assurance that this matter will be addressed by his Committee as soon as possible, including coming back to the States requesting additional funding to address these very urgent problems? I understand that the Housing Department gave up a sum of money in the region of £625,000 as a result of the Fundamental Spending Review (FSR) in 2002 for 2003. So will the President comment on how much this has impacted on the ability of the Department to carry out their duty to those tenants who are paying rents as far as maintenance of the properties go and the policing of these properties?"

Deputy T.J. Le Main:

"Can I just say, Sir, that the Deputy is overplaying the seriousness of the situation? Yes, there are some difficulties, but, as I explained and my officers explained at the last Social Strategy meeting with various Presidents, things are improving in many of the estates and the issues regarding some of these problems are constantly being addressed. We believe, Sir, that with the goodwill of residents and residents'

associations, many of our problems will diminish. Now, as far as the funding is concerned, it is all very well to say that the Housing Committee have given up some of their funds. The Housing Committee, as part of the overall team in the States of Jersey, and as all the Committees, has had to play its part in reducing the amount of funding that was available to Committees. The Committee has played a part not only in that, but also in the reduction by 10 per cent of our staff and staff wage bill. The issue is quite clear. At the moment, led by Deputy Dorey and Deputy Reed, the Housing Committee will be coming forward with a mechanism which ought to in the future have adequate funding for much of what is required in the future.”

1(b) Deputy J.B. Fox of St. Helier:

“I wonder if the President would recognise that one of the problems in back streets and on some estates is the fact that there is a lack of amenity space for young people, especially green space? I would ask if he would take back to his Committee the suggestion that the little vacant plots of land, even if on a temporary basis, could be considered as little kick-around football areas for the kids, or as play areas, during the period that they are awaiting further development and encourage other property developers to do likewise? That might help the situation.”

Deputy T.J. Le Main:

“Yes, Sir. It is certainly a high priority that play areas are provided everywhere now. In fact, we are working very closely with the Parish officials of St. Saviour and particularly Deputy Le Hérisier in the provision of further issues around places like Les Cinq Chenes and this does apply all round the Island and includes St. Helier. Unfortunately, places like Jane Sandeman Court were missed out in the previous life of Deputy Fox, who was the adviser for security measures. I just wonder if Deputy Fox missed this one a little bit on his rounds.”

1(c) Deputy G.P. Southern of St. Helier:

“Does the President not agree that problems with vandalism and such like, and bad behaviour, are made worse by the absence of proper maintenance over such things as broken windows and broken locks all around increasingly dilapidated housing stock?”

Deputy T.J. Le Main:

“No, I don’t agree, Sir. If that was the case, it would be the case. That is not the case with Housing property. There are no situations like that, apart from maybe an odd one. But generally the properties are well kept and maintained. The issue over many of these properties is they are being accessed by youngsters that have no right to be on the properties and do not live on the properties. We have a group of young people that tend to go round and congregate in certain areas, in certain places all round the Island. One minute they are in Gorey. They come from all parts of the Island. Another time, they are in parts of St. Helier. The great difficulty is the issue of people that don’t live on the estates. Certainly the Housing Committee does take strict action against parents of children or youngsters that are causing aggravation.”

1(d) Senator P.V.F. Le Claire:

“Does the President recognise that, in raising these questions and in raising these supplementary questions, politicians are not merely out to castigate the Housing Committee? In fact, what they are trying to do is work in harmony with them to address these issues, which the Housing Committee knows only too well. Would he answer that question, confirming that he recognises that other politicians putting forward these questions are actually trying to work with the Housing Committee. Would he also – as he has agreed to come to look at the estate – be aware of the fact that, having visited it recently, I was given a copy of a letter in which the residents expressed their concerns in the following areas in relation to Jane Sandeman Court: ‘Fences are broken and in need of repair; handrails are missing; gardens are beginning to deteriorate where ivy is advancing outside of the possible maintenance of the residents; smoking is occurring in a fire exit; children are using the open space as a thoroughfare; and elderly residents are being confronted by children who are swearing at them, making indeed the elderly residents of this estate quite upset.’ Would the President undertake to recognise that, in questioning him this morning, we are not trying to confront him but merely solve the problems that face many of the residents of St. Helier?”

Deputy T.J. Le Main:

“No, Sir, I certainly don’t believe that at all. In fact, this Housing President is a President that will work with all States members. I believe that every States member in this Assembly is a very strong ally of the Housing Committee and, whenever we do any work or any consultation or anything, I am the first one to contact the representatives of the districts and to keep them informed of what is going on. But many of the issues, as read out by Senator Le Claire there, are police issues and there are issues of bad behaviour occurring on estates which the Housing Committee, whatever it is going to do, is not going to be able to alleviate the problems because these youngsters are coming in from outside estates. Whether you put the tightest security, there always seems to be ways and means that they are being accessed.”

1(e) Deputy G.P. Southern:

“Notwithstanding the President’s beliefs and his previous answer, does he not accept that it is becoming increasingly difficult for his tenants to access routine maintenance and even in some cases emergency maintenance nowadays?”

Deputy T.J. Le Main:

“No, Sir. I think that the issue is that we have had – the States as a whole have had – a difficult time in having the proper funding for any of the Committees. Several of the Committees, not only the Housing Committee, have certain difficulties in providing the services they did in the past. As I have explained, we have had a rôle to play by co-operating and working with all other Committees. We have had to take a drop in our funding, but the issue is that I have promised you – hopefully by the end of this year – that we, the Housing Committee, will be back with a Report and Proposition which should address future funding. I would rather hope that all members will give their whole-hearted support to the Housing Committee.”

1(f) Deputy J.A. Hilton:

“I am comforted by the President just saying that he will come back to the House by the end of the year with plans on how he is going to confront this problem so that the people of Jane Sandeman Court who I have been in contact with on almost a monthly basis since last year about the vandalism and the behaviour of youths drinking and doing all sorts of things down in the basement garage is addressed. So I thank him for his response in that matter and I hope the residents of Jane Sandeman Court can bear with us still for hopefully not more another 6 months before this problem is addressed.”

Deputy T.J. Le Main:

“My only comment is to say that I have also met residents on the estate with officers and we are still today looking at ways and means of trying to achieve this with a limited funding. We will do all we can for the residents of Jane Sandeman Court, as we will do all the other estates.”

The Deputy of St. John:

Sir, can I ask that Standing Order 14B be lifted, given that we have some 8 questions and 12 minutes was spent on the first question?”

The Greffier:

Deputy Le Hérissier gave notice of that proposition, but decided not to propose it, Deputy, so I do not think it is appropriate, but I am sure we will get through.”

2. The Deputy of St. John to the President of Policy and Resources Committee:

“Has the Committee already spent any funds previously allocated to the 2006 Census and, if so, why was this not reported to the States; and will the Committee agree to an audit of its spending in order to ensure that it all relates to the intended specific purpose?”

Senator F.H. Walker (President of the Policy and Resources Committee):

“Sir, no. The Committee has not spent any of the funds previously allocated for the 2006 Census. The much needed work on developing social and economic statistics has been undertaken thus far using existing Statistics Unit resources. The Deputy will be aware that all States Departments are subject to both internal and external audit, and my Committee would be happy to agree to an audit of its spending at any time.”

2(a) The Deputy of St. John:

“Can the President explain then how come at the previous meeting he mentioned that the Statistics Unit in fact was being funded through the Census, or did I understand him incorrectly, which is quite possible, because sometimes he does talk very low?”

Senator F.H. Walker:

“He did understand me incorrectly, but it has nothing to do with the way I speak and more to do with his level of comprehension. What I said in the debate was that if we were going to go on to develop much more meaningful statistical information on topics such as determinance of health, factors influencing travel, disability, public services, trade and investment, additional funding is needed. Had the States accepted the position following the statement I made on our proposal to move the next Census to 2011, then money allocated to the 2006 Census would have been spent on those very important pieces of information. As it now stands, we will not be able to provide those pieces of information and we will continue, sadly in many cases, to take decisions in the dark.”

The Deputy of St. John:

“I thank the President for his reply.”

3. Deputy J.A. Hilton of St. Helier to the VicePresident of the Home Affairs Committee:

“What action, if any, has been taken by the Committee to address the concerns of some residents of the Midvale Road and Rouge Bouillon junction arising from certain motorists making illegal right-hand turns, and whether the reduction in the number of community police officers in general has been in any way responsible for this or has caused any delay in addressing the matter?”

Connétable K.P. Vibert of St. Ouen (VicePresident of the Home Affairs Committee – rapporteur):

“Neither the Committee nor the Force recalls being consulted regarding the introduction of controls at this junction or being asked to assess the enforcement implications prior to a decision being taken. Since the introduction of the no right turn in May, a total of 12 motorists have been reported by the States of Jersey Police. Policing activity in the Island is driven by the annual Policing Plan, which is agreed by the Force and the Committee. The Plan focuses on crime reduction and the need to address those issues which feature as matters of concern in public surveys. The Committee will shortly be releasing the Police Half Year Performance Report, which will show significant achievements across all key areas. Operational officers will continue to give attention to the junction provided this does not detract from more pressing priorities. The Force is also able to give advice on how safety at the junction can be improved by means other than police enforcement. This could include a reconsideration of whether the present turning restriction is the right solution to safety issues at this junction. The question of enforcement also raises wider issues regarding the extent to which the Island should follow other jurisdictions in the use of fixed penalty notices and the enforcement of minor traffic offences by persons other than police officers. It is recognised, however, that some of these issues require more lengthy consideration. In the meantime, the matter will receive such attention as is possible within the existing framework of priorities and resources. So far as community policing is concerned, there have been no changes which have had a significant impact on this issue, which is largely one of the Force having to prioritise within limited resources and focusing on the core business of reducing crime and disorder.”

3(a) Deputy J.A. Hilton:

“I thank the Vice-President for his very long answer. My understanding is that the police were actually involved in the change in this junction, and I think probably the President of the Environment and Public Services could confirm that. There has been a significant reduction in the number of the community police officers in St. Helier. I understand that there are only 3 community police officers. I want to understand what criteria the Committee are giving to the Department with regard to priority over police work. Obviously the residents of Midvale Road are very, very concerned about the number of motorists who are taking these illegal right turns. I have actually stood on the junction myself and there were 3 or 4 an hour. I want to know what priority the Committee are going to direct to the Department with regard to this junction, which I believe is currently the most dangerous junction in St. Helier as far as safety for pedestrians go.”

Connétable K.P. Vibert of St. Ouen:

“It is my understanding that, since this no right turn has been installed, there have been no accidents on this junction. Certainly the police will put as much manpower into the policing of that junction as is possible. But, in the light of other crime and other more important areas of policing, that has to be the direction which the Committee and the Police Force put their resources.”

3(b) Deputy G.C.L. Baudains of St. Clement:

“Would the Vice-President agree that the main problem at this junction is possibly an inappropriate location of pedestrian crossings and traffic lights which have caused confusion? Would he agree to ask the relevant authorities to look into this matter before somebody gets run over there?”

The Greffier:

“I am not sure this is strictly a matter for the Vice-President, but he may wish to comment on that.”

Connétable K.P. Vibert of St. Ouen:

“I don’t believe that it is a Home Affairs Committee issue, Sir. I think that the change in vehicle movements on that junction followed consultation between the Parish of St. Helier and Public Services and at no time was the Home Affairs Committee involved or even asked the question.”

3(c) Senator P.F.C. Ozouf:

“Sir, a 4-part supplementary. First of all, would the Vice-President confirm if he is absolutely certain that there was not any consultation over the matter, particularly with the Road Safety Officer? I don’t have papers to suggest that they were, but I would be surprised if they weren’t. Could he confirm absolutely, for the avoidance of doubt, as far as he is aware? Would he, secondly, understand the frustration that Environment and Public Services has when simply the Vice-President or President stands in this Assembly and speaks of constrained resources? Can he reconcile the fact that there are police officers on corners around the ring road at various different times of the rush hour and yet they can’t appear to put any people on this particular, most important junction? Can he not understand the frustration that Environment and Public Services has? Finally, Sir, is he aware, as I am, that in fact the matter has been brought to the attention of the President of Home Affairs and nothing seems to have been done?”

Connétable K.P. Vibert of St. Ouen:

“Yes, I can assure the President of Environment and Public Services that the information which I have received – and I have asked the question a number of times – is that, prior to that junction being changed, the States’ police force were not consulted. As far as having police officers or any other officers on this junction more than any other because it is a dangerous junction, I believe that it is up to the Chief Officer to direct his officers where he most likely feels that they are needed. There are a number of other junctions in and around St. Helier which will need equal policing. Yes, I am aware that the President was made aware of the situation, but she has maintained that the Committee, or the Force through the Committee, should have been consulted prior to this being put in place.”

3(d) Deputy J.B. Fox of St. Helier:

“It was brought up that there are only 3 community police officers, but would the President or Vice-President agree that all police officers, whether they are States or Honorary Police, are community police officers? Would the Vice-President also agree that any new junction needs increased policing when it is initially set up because people are creatures of habit and will go with what they normally do and, in this case, it is a particularly dangerous junction? Would he agree that, because of the danger of this particular junction being on a very busy ring road, it might be beneficial for the Police Road Safety Officer to have consultations to ensure that everything has been done that can be done and, if not, to make appropriate improvements?”

Connétable K.P. Vibert of St. Ouen:

“Yes, Sir, I will agree with all those points and further add that I have been in contact with the St. Helier Honorary Police this morning and that they have pointed out to their officers that this is a priority for them to look at when they are on duty.”

3(e) Deputy J.A. Hilton:

“Between 25th May and 8th July, when this matter was reported to the police on numerous occasions by residents and myself, no motorists were reported. Does the Vice-President not agree that if police officers are going to stop motorists, they should actually be warned to appear for Parish Hall Inquiry rather than just be given words of advice?”

Connétable K.P. Vibert of St. Ouen:

“No, Sir.”

3(f) Constable D.J. Murphy of Grouville:

“If I may just say that this junction has featured in our household quite recently, in that my wife very nearly got knocked down by an illegal turner there? She later did meet the Constable of St. Helier and he was most forcibly told of the danger of that junction, and I think it has been taken on board by the Parish.”

3(g) Senator P.F.C. Ozouf:

“For the avoidance of doubt, Deputy Hilton asked whether or not the Vice-President was aware that contact had been made to the President about this issue. Is he saying that the President is simply not in a position to instruct the police to pay particular attention to this junction, which is clearly of a major concern and a danger hazard? Is he simply saying that the President just doesn’t do what she is asked?”

Connétable K.P. Vibert of St. Ouen:

“No, Sir. I am saying that the President was made aware of it and discussed the matter with the Police Chief, but ultimately it is the Police Chief who is responsible for the organisation of his policing.”

3(h) Senator S. Syvret:

“Would the Vice-President agree with me that it is, frankly, not a desirable state of affairs if the President of the Home Affairs Committee (or in future the Minister for Home Affairs) is giving day to day instruction on technical policing matters to the Chief Police Officer?”

Connétable K.P. Vibert of St. Ouen:

“Yes, Sir.”

4. Deputy G.C.L. Baudains of St. Clement of the VicePresident of the Home Affairs Committee:

“Would the Vice-President explain whether the Committee intends taking any steps to enhance public confidence in the States Police Force following the announcement that 11 officers have been suspended in the last 2 years and, if so, what will these involve and what amount of salary has been paid during the period to the suspended officers?”

Connétable K.P. Vibert of St. Ouen (VicePresident of the Home Affairs Committee – rapporteur):

“The Deputy has asked what steps the Committee is taking to restore public confidence in the States of Jersey Police. The Committee is not aware of any problem with public confidence in this respect. On the contrary, we will shortly be publishing survey findings which will show that public confidence has risen steadily over recent years. It is continuing to rise and now stands at a level which compares positively with any police force in the British Isles. It is not true to say that 11 police officers have been suspended over the past 2 years and any such statement would not be true. Records indicate that, over a 2 year period, there have been 6 police officers suspended. The law currently provides that suspended officers receive full pay. Sometimes suspensions continue whilst cases are considered by the Law Officers, when matters are before a court or many other reasons beyond the control of the Committee or the Force. The Committee wishes that the process was less lengthy, but recognises that accused officers have every right to have allegations against them tested in a proper manner and without due haste. Total salary costs in respect of all the officers for all of the suspension periods cannot be given precisely without a disproportionate amount of work, but in total are thought to be in the region of £237,000. The Committee fully supports the management of the Force in upholding and enforcing the highest standards of performance and conduct in the service and is fully behind the robust line taken when officers are found

to be responsible for serious misconduct. The Committee also recognises the dedication and hard work of the overwhelming majority of police staff and their achievements in delivering significant reductions in crime and other offences over recent years. It is expected that the Committee will invite Her Majesty's Inspector of Constabulary to inspect the Force in 2006."

4(a) Senator S. Syvret:

"Would the Vice-President agree with me that the public ought to in fact have confidence in the Police Force given that its internal disciplinary procedures appear to be working effectively and that wrongdoing or alleged wrongdoing by officers is in fact investigated fully and effectively?"

Connétable K.P. Vibert of St. Ouen:

"Yes, Sir, I think that the fact that certain officers have been found out is actually good for the respect of the Force by the public."

4(b) Deputy G.C.L. Baudains:

"Yes, I agree with the last comments that the Vice-President made and also in relation to an earlier answer it may be that other reasons such as resignations perhaps raised the level from 6 to 11 that was reported in the paper. Could the Vice-President assure us, Sir that the problems that do currently and apparently beset the Force are not the result of poor management or lack of focus by officers?"

Connétable K.P. Vibert of St. Ouen:

"Yes, Sir."

5. Deputy G.P. Southern of St. Helier of the VicePresident of the Finance and Economics Committee:

"Will the Vice-President provide further information to members on how the Committee's proposed 'look through' proposals will produce a mechanism which will satisfy the E.U. Code of Conduct on Business Taxation?"

Senator P.F.C. Ozouf (Vice-President of the Finance and Economics Committee – rapporteur):

"The 'look through' proposals are a personal tax measure. Like every other self-governing jurisdiction, Jersey has a considerable degree of latitude in setting its own taxation policies to meet its own particular requirements and for its own social and economic circumstances and in determining how to tax its own citizens. The stated policy of the European Union is that personal income tax falls in their entirety under the sole responsibility of the Member State. So, from that respect alone, there is no need for Jersey to satisfy the E.U. Code of Conduct on Business Taxation on this personal tax measure. Furthermore, Jersey's engagement with the Code is voluntary and thus it sets its own parameters as to what is and what is not covered by the Code's group jurisdiction. The Deputy should also refer to Part C of the written answer which has been tabled this morning."

5(a) Deputy G.P. Southern:

"Thank you, Sir. Does the Vice-President not accept that the charges for which liability arises within a company and which are based on corporate profits must relate to business taxation and the only way in which this tax might be considered a personal tax is by deeming it so? Is he further aware that the E.U. Code is not subject to such legal manipulation and that this deeming of this as personal tax is likely to actually breach the Convention?"

Senator P.F.C. Ozouf:

"That is absolute nonsense. No, the Committee does not accept that. Furthermore, I would refer the Deputy to the European Court case concerning wealth tax in The Netherlands, which clearly sets out the jurisdiction of personal or otherwise taxation."

5(b) Deputy G.P. Southern:

"Could the Vice-President give assurance to the House that the form of this 'look through' taxation will not take the form similar to that in the Isle of Man, where they call it a Profits Distribution Charge, because that is paid direct by the company to the government and need never be distributed to the shareholder and is clearly obviously a business tax?"

Senator P.F.C. Ozouf:

“The Committee does not agree, Sir, no.”

5(c) Deputy G.C.L. Baudains of St. Clement:

“I have doubts that the ‘look through’ proposals are actually workable. Could the Vice-President actually give us an assurance (a) that they are, and (b) approximately how many other countries use a similar process?”

Senator P.F.C. Ozouf:

“The Committee has total confidence in the Law Draftsmen, the Treasury and all its Committee’s advisers in relation to the ‘look through’ provisions, and I would need notice of the second question.”

5(d) Deputy G.P. Southern:

“Does the Vice-President accept that, in order to qualify as a personal tax, there must be no involvement as an agent or otherwise of any company in the process and this will prove for many companies with many shareholders a very time consuming process and an administratively costly process to administer such a ‘look through’ procedure if it is genuinely to qualify as personal tax?”

Senator P.F.C. Ozouf:

“The Committee robustly states, again, for the avoidance of doubt, that it is a personal tax and that is the end of the matter. It is not within the scope of business tax arrangements, it is a personal tax and that is a matter for this Assembly and this jurisdiction only.”

5(e) Deputy G.C.L. Baudains:

“The second part of my question, I am not sure if I heard the Vice-President correctly. If he doesn’t have the answer, could he let me have it at some later stage? I presume during the Committee’s deliberations they did actually look at other countries and see whether they were successful with making this ‘look through’ proposal work. Could he give me a rough approximation of how many countries use that process?”

Senator P.F.C. Ozouf:

“I would need notice of the exact number of jurisdictions that use the ‘look through’ provisions. It is a matter which has been debated by this Assembly and the detailed legislation will come back to this Assembly at a later date.”

5(f) Deputy G.P. Southern:

“Would the Vice-President accept that, despite his repeated assertion that this is a personal tax, ultimately that decision will be down to the Member States of the E.U., who have formulated their Code of Conduct?”

Senator P.F.C. Ozouf:

“I refer Deputy Southern again to the written answer in respect of the Dutch case on wealth tax. It is a matter for this jurisdiction, and personal tax is not a subject for E.U. matters, and that is where the matter ends, Sir.”

6. Deputy R.G. Le Hérisier of St. Saviour of the President of the Health and Social Service Committee:

“Why was a Report (the Mohan Report) issued, given it was based on data collected in 1992; what process of peer review has occurred with this report; and what, in summary, are the comments of the Committee’s professional officers on its validity, if any?”

Senator S. Syvret (President of the Health and Social Services Committee):

“The Mohan Report has not been proactively published, precisely because it has not been subject to peer review. The report is an informal piece of work prepared by a doctoral student and is viewed simply as one piece of work that adds to the understanding of the pollution and consequent risks posed by the

Bellozanne incinerator. Rather than keep the report secret, it has been supplied to interested parties upon request. The Health and Social Services Committee has been interested for many years in the possible risk to health presented by the continuing use of the aging Bellozanne incinerator. Over the years we have developed a close working relationship with the Chemical Hazards and Poisons Unit at Guys Hospital, now part of the U.K. Health Protection Agency, and worked with them on this and other Island chemical pollution concerns. The work in question grew out of interest within the Health Protection Unit to see if data already available, for example the 1992 data, could be used in a new way to help us understand pollution around Bellozanne. The Chemical Hazards and Poisons Agency were also interested to use their developing pollution mapping expertise. The report was made available to those interested in the Bellozanne debate as it offers a new perspective upon the nature of the pollution from the incinerator and possible health risks. The Acting Medical Officer of Health prepared a brief commentary, pointing to some shortcomings of the paper and offering a view on its significance. This commentary has been distributed with the original report. The Acting Medical Officer of Health (MOH) concluded, and I quote: 'This report adds an interesting new dimension to our understanding of the health risks of Bellozanne. However, the apparent leap in that understanding made by attaching numbers to that risk should be regarded as spurious at least until we have been through the data in far greater detail.' In summary, this report is an informal piece of work which makes a modest addition to our understanding of the risks posed by Bellozanne and has been made available with a commentary by the Acting Medical Officer of Health (MOH) which details some concerns about its methodology and conclusions."

6(a) Deputy R.G. Le Hérissier:

"Would the President acknowledge that in fact it was he personally who released the report to the *Jersey Evening Post* (JEP) as identified in the *Jersey Evening Post* of 4th July 2005? Secondly, Sir, would he acknowledge, given his enthusiasm for peer review, that it was a highly dangerous move to release a report which was scientifically lacking in very serious ways?"

Senator S. Syvret:

"Yes, Sir, I gave it to the *Jersey Evening Post* along with the commentary by the Medical Officer of Health (MOH) and indeed another document prepared by the U.K. Health Protection Agency, as indeed I gave the report to B.B.C. Radio Jersey, who also requested a copy. I have given the information to all those who have requested copies of it. No, Sir, it is not dangerous that this type of work, by any spirit of freedom of information, should be made available to interested parties who request it. It is not correct to say, as the Deputy implied, that somehow it is massively flawed and incorrect. Some concerns have been expressed by the Medical Officer of Health (MOH) concerning its methodology and the conclusions it draws, but nevertheless it is a useful contribution to the understanding of the pollution risk posed by Bellozanne."

6(b) Deputy R.G. Le Hérissier:

"The President talks of the Medical Officer of Health's relative support, but in his introduction he says: 'There are too many areas of uncertainty in the current draft of this paper for it to be given great weight in decision-making.' Would the President not acknowledge that these kind of comments show very serious deficiencies and it would have been much more suitable on the part of the Committee had it said: 'We need a report and we need it to be rigorous and scientifically valid and that is the kind of report we are going to push for', not to put a report in the public domain which is filled with holes and is alarmist and quite inconclusive?"

Senator S. Syvret:

"I don't believe that the report is alarmist or inconclusive. It does show quite accurately some repeatable scientific data, for example the fall-out of 5 particular toxins coming out of the Bellozanne incinerator, their concentrations in terms of the concentration of fall-out in the vicinity of the plant and, indeed, the possible distribution of those pollutants within the region. So the report does contain valid and relevant scientific data. So it isn't correct to imply, as the Deputy does, that it somehow is massively flawed. It is an important contribution to the broader understanding of the nature of the risk posed by Bellozanne, and the Committee is in fact working towards a definitive report on the pollution by the Bellozanne incinerator. A number of pieces of work are commissioned or have been commissioned for a long time and the whole area will continue to be explored and new reports will continue to be devised in terms of

the available data and indeed within the resources of the Department.”

6(c) Senator P.F.C. Ozouf:

“Would the President not agree with me that anybody reading that report would be alarmed by its finding, and would he not agree in hindsight that great care needs to be taken in basically putting this stuff into the public domain in the manner in which he did? Would he, secondly, clarify what he meant by ‘further work’? Would he explain exactly what further work is being done concerning the health issues of Bellozanne and would he undertake that the Environment and Public Services is fully informed of this important work?”

Senator S. Syvret:

“To take the last part of that question first, for the President’s information, he obviously doesn’t know it, but his Department is in fact kept fully informed of all the work being undertaken by the Health Protection Department and, indeed, his Department in fact works in co-operation with the Health Protection Department in this area. The current work is the Health Protection Department who are retaining the Chemical Hazards and Poisons Unit, who are undertaking a study of the existing plant and that will continue to be worked up into a definitive report as the work can be completed. To go to the first part of the question, no, I utterly reject the implications of the Senator that somehow this kind of information should be kept secret and not released into the public domain. I credit the public with a higher degree of intelligence and they are capable of coming to their own conclusions on these kind of reports. As I have already pointed out, when I released this report to the media, I also released to the media with it the commentary by the Acting Medical Officer of Health. So both volumes were placed in the public domain, so that, on the one hand, there was the Mohan Report and, on the other hand, the commentary by the Acting Medical Officer of Health expressing some doubts about it. I believe that that kind of information should be in the public domain, and I think the community are sensible enough to draw their own conclusions.”

6(d) Deputy R.G. Le Hérisier:

“Would the President not acknowledge, while is he hiding behind the Freedom of Information Act, to release a report which is seriously flawed, according to his officers, for example, ‘Critically there is no relationship between numbers of cancers in the population; are these extra cancers per individual, per Jersey population or what?’ to release a report which is seriously flawed which is intended to contribute to public debate when there is no other yardstick by which the public can judge what a good report should look like is truly dangerous and it was the responsibility of his Committee to ensure that a serious, well formulated, methodologically sound report was available for the public?”

Senator S. Syvret:

“Categorically not, Sir, and I am astonished at the President of the Privileges and Procedures Committee’s complete unfamiliarity with the draft – not the draft, sorry, the actual – Code of Practice on public access to official information, because, within that Code, I would actually not be permitted to deny access to those reports should journalists or, for that matter, anybody else request them. As I have pointed out, the commentary by the Acting Medical Officer of Health (MOH), which expressed doubts about the report, was given to the media alongside the main report. Had I not released that report to the media, I would have been in breach of the Code of Practice on public access to official information and the Deputy and others would be on their feet in this Assembly attacking me for being in breach of the Freedom of Information Code. It is absolute nonsense.”

7. The Deputy of St. John of the President of the Housing Committee:

“Recently the Housing Department has been clearing rubbish from La Falaise, St. Martin. Would the President advise members how many skips/lorry loads of waste have been removed from this property, the source of the funding for the removal and dumping and whether the volume of rubbish is unusually high for a Housing unit of this type?”

Deputy T.J. Le Main of St. Helier (President of the Housing Committee):

“Yes, Sir, 22 skips of rubbish have been taken off site so far and are analysed as follows: 2 skips containing rubble, glass, mirrors, broken glass from existing windows, greenhouse window glass, plus

half a Triumph Herald; 5 skips containing metal, steel girders, reinforced steel, old garden rollers, old gardening equipment, vehicle engines, various vehicle parts, various vehicle wheels; 15 skips containing general refuse, timber, bathroom suites, old kitchen units, televisions, old fencing and a large amount of PVCU fittings. At the present time, funding for this work will have to come from the Department's maintenance budget, though in due course the matter will be taken up with the former tenants. The full cost of the clean up operation has not been fully quantified yet, though it is now in excess of £7,000 and, although the Department does from time to time have to remove large quantities of rubbish from void properties, this particular case is the worst the Department has ever had to deal with. In fact, it spilled over into land, into what was an absolute eyesore when I visited it, down the Cotes and everywhere, right down to the beach. It was like just an absolute dump."

7(a) The Deputy of St. John:

"I have a 3-part supplementary: (a) would the President confirm that it is correct that the Parish authorities and members of the public have complained about this particular property over a period of time; (b) what action have the Housing Committee taken to investigate these complaints; and (c) can the President inform the Assembly why the Planning Department Enforcement Section did not take action to clean up this eyesore or dump as has been explained?"

Deputy T.J. Le Main:

"I know that the Connétable of St. Martin had had many complaints, particularly from residents around the area and from visitors, and my Department received many, many complaints. The Housing Committee had tried on several occasions to alleviate these problems, but with no success. It seems that, as the tenant was leaving and had given notice that they were leaving over a period of time, it probably got worse. The Planning Department, in my view, were very negligent in the enforcement area, when you consider that other people are being prosecuted for very minor infringements of placing materials on their property, particularly another landowner in St. Martin who was virtually prosecuted for having a few lumps of granite in the corner of a field. It seems that the Planning Department Enforcement actually knew well about this and in fact took no action whatsoever, which was rather a shame."

7(b) The Deputy of St. Martin :

"A couple of questions I actually want to ask, but if I ask the first one first. Will the President inform the House whether in fact the former tenant was ever asked to remove it and, if so, if he wasn't asked, why wasn't he asked?"

Deputy T.J. Le Main:

"I understand he was asked on several occasions."

7(c) The Deputy of St. Martin:

"I think the former tenant will dispute that, Sir. Could I also ask the President what are his Committee's intentions with the property? Will that property be re-let to another States' tenant or indeed, if not so, will it be returned to the Property Services' portfolio?"

Deputy T.J. Le Main:

"The Committee have met and have decided that they wish to invite ... it is now empty. It has got a value as is around half a million plus. Because of the situation, the Committee have decided that it is totally unsuitable for social housing. The Committee will come back with a Report and Proposition very soon and with also an invitation for all States members to view the property with a view to selling it and using the funding, the money from its sale, to purchase alternative accommodation more suitable to social housing. This Assembly will decide."

7(d) Deputy J.J. Huet of St. Helier:

"Will the previous tenant be billed for these expenses?"

Deputy T.J. Le Main:

"Yes, Sir, the Committee are determined that the previous tenant, who has now built a luxury house up in the countryside, will be billed for the full amount and it will be pursued vigorously through the courts, if

necessary.”

7(e) The Deputy of St. Martin:

“It has been rumoured that the President has in fact been involved in dialogue with a prospective buyer. Will he perhaps give his assurance that this is not the case and that in fact the property will not be disposed of until it comes to the States? In fact, the better would be that it be returned to the Property Services’ portfolio. The house does not belong to Housing, it is the States’ house.”

Deputy T.J. Le Main:

“The Committee has had approaches from an interested resident, which was forwarded to the Committee by the Connétable of St. Martin who had been approached and discussions had taken place as a courtesy because he sought a meeting with myself and one of the officers and we have given a categoric assurance that when the property comes forward it will come forward to this Assembly to decide. Therefore, once the Assembly have decided, it will go out for tender. The intention of the Committee is not to return the property back to Property Services. The intention of the Committee is that we do need, as Deputy Hilton very well knows, one or 2 unidentified properties, family homes, and this money could provide at least 2 family homes for difficult families somewhere within the Island, and the money could be used for social housing and not returned to Property Services. This Assembly are the masters. This Assembly will decide.”

7(f) The Deputy of St. John:

“Can the President give us an indication of the annual rental received on La Falaise compared to the cost of the clean up for the last 12 months?”

Deputy T.J. Le Main:

“I would have thought the fair rent for that 2 bed cottage would have been around £180 per week. That is unabated.”

7(g) Deputy S.C. Ferguson of St. Brelade:

“Can the Housing President tell us how the house originally came into the portfolio of the Housing Department?”

Deputy T.J. Le Main:

“Yes, Sir, the property was amongst numerous properties called from the St. Catheriné’s Estate that were originally passed over by the British Government to the Harbours and Airport Committee many years ago. When the Harbours and Airport Committee had no use for them, they were passed over to the Housing Department.”

8. Deputy G.P. Southern of St. Helier of the President of the Employment and Social Security Committee:

“Will the Committee take any further action in order to resolve the current situation regarding the delivery of the subsidised milk scheme whereby some recipients of the benefit are getting free doorstep delivery, some have to pay a charge and some cannot get a delivery at all and, if so, within what timescale so that any anxiety suffered, in particular by the Island’s elderly population, is addressed over the summer recess?”

Senator P.F. Routier (President of the Employment and Social Security Committee):

“There is little, if any, action the Employment and Social Security Committee can take to resolve what are essentially business decisions taken by Jersey Dairy. As members are aware from the information given by the Vice-President on 28th June, the delivery of milk or any other foodstuff has never been a matter for the Committee. But we are protecting the financial benefits which would have been lost due to the commercial decision of Jersey Dairy to cease doorstep deliveries. People previously receiving a milk subsidy will be sent a cheque shortly for the remainder of the year and the Committee’s concern about the most vulnerable was accepted by the Dairy, who have arranged twice weekly deliveries to the housebound. Apart from the fact that the whole of the current milk budget will be redistributed to the claimants, it would be impossible to identify and target additional help to many claimants, depending on

the many different arrangements businesses are currently making as business decisions and also on the individual's ability to buy milk when doing other shopping or their ability to pay a delivery charge. I do understand the Deputy's concerns. It takes time for people to adapt to a change like this and a change is probably upsetting for some. Free milk delivery has been around for a long time. However, I can assure members that we will continue to monitor the situation with Jersey Dairy and try to ensure help is targeted to those most in need."

8(a) Deputy G.P. Southern:

"To be specific then, will the President, as he suggested to me when I asked him last and not in public, organise a meeting with the Dairy, with some of the deliverers concerned and with representatives of senior citizens' organisations in the very near future, and is he aware that in fact representatives of the Senior Citizens' Association will be back on the Island next week?"

Senator P.F. Routier:

"We are obviously prepared to meet with whoever wants to meet with us to discuss this matter. I obviously wasn't aware that the leader of the Senior Citizens was out of the Island, but certainly I am obviously quite happy to meet with people. But I have to re-emphasise the point that our benefit is being continued to be paid. The people who are recipients of the milk subsidy are going to continue to receive that. The issue with regard to the business' delivery systems is not an issue for my Committee."

The Bailiff:

"That concludes Question Time and we come now to public business."

Change in presidency

The Bailiff assumed the presidency during oral questions, and the meeting continued under his presidency.

Le Squez Estate, St. Clement, Phase 1B: redevelopment- approval of drawings

THE STATES, adopting a proposition of the Housing Committee –

- (a) approved drawings Nos. 204 to 206, 208, 1201, 1220 to 1227, 1230 to 1234, 1240, 1241, 1242A, 1243, 1244, 3201, 3202, 3220 to 3222, 3230 to 3237, 3240 to 3242, 4210, 4220, 4221, 4225, 6297-03B, 6297-04A, 6297-05B, 6297-006B and 6297/007A showing the demolition of a number of existing buildings and the construction of 15 one-bedroom flats, 3 two-bedroom flats, 5 two-bedroom houses, 16 three-bedroom houses, 3 four-bedroom houses and a Social and Life Skills Centre together with the refurbishment of 20 three-bedroom houses, 2 four-bedroom houses and one five-bedroom house and associated external works and onsite parking; and,
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Members present voted as follows –

POUR: 28

CONTRE: 0

ABSTAIN: 0

Senator F.H. Walker
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Clement

Connétable of St. Helier
Connétable of Grouville
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy R.G. Le Hérisssier (S)
Deputy J.A. Martin (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy M.A. Taylor (C)
Deputy J.A. Hilton (H)

Provision of Extra Funding for Native Welfare – P.138/2005

Comments

THE STATES commenced consideration of a proposition of the Connétable of St. Helier concerning the provision of extra funding for native welfare, seeking them to agree that the cost of native welfare for the Parishes' 2005 to 2006 financial year, in excess of that actually spent by Parishes in their 2003 to 2004 financial year, should be met by the States, and to request that the Finance and Economics Committee take the necessary steps to remit the appropriate sums to the Parishes during that financial year, which would end on 30th April 2006.

THE STATES, following consideration, granted leave to the Connétable of St. Helier to withdraw the proposition

Members present voted as follows –

POUR: 23

Senator J.A. Le Maistre
Senator F.H. Walker
Senator P.F. Routier
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Helier
Connétable of Trinity
Connétable of St. John
Deputy of Trinity
Deputy J.J. Huet (H)
Deputy M.F. Dubras (L)
Deputy F.G. Voisin (L)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)

CONTRE: 15

Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Lawrence
Connétable of Grouville
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy of St. John
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy J.A. Martin (H)
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

ABSTAIN: 1

Connétable of St. Clement

Deputy of St. Mary
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville

Draft Island Planning (Amendment No. 9) (Jersey) Law 200 P.127/2005

Comments

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Island Planning (Amendment No. 9) (Jersey) Law 200.

Draft Planning and Building (Amendment No. 3) (Jersey) Law 200 P.128/2005

Comments

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Planning and Building (Amendment No. 3) (Jersey) Law 200.

Draft Day Care of Children (Jersey) Law 2002 (Appointed Day) Act 200- P.113/2005

THE STATES, in pursuance of Article 14 of the Day Care of Children (Jersey) Law 2002, made an Act entitled the Day Care of Children (Jersey) Law 2002 (Appointed Day) Act 2005.

Draft Education (Amendment) (Jersey) Law 200- P.117/2005

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Education (Amendment) (Jersey) Law 200-.

Greenfields Centre, St. Saviour: approval of drawings– P.118/2005

THE STATES, adopting a proposition of the Education, Sport and Culture Committee –

- (a) approved drawings Nos. 24383/3.002 (Rev. 4), 3.044 (Rev. 1), 3.045 (Rev. 1), 3.020 (Rev. 3), 3.023, 3.055, 3.060 (Rev. A1), 3.061 (Rev. A1), 3.062 (Rev. A1), 3.063 (Rev. A1), 3.053 (Rev. 3.054), 3.070 (Rev. A1), 3.072, 4.017, 4.010 (Rev. 2), 2004/38/30 and Specification showing the proposed construction of a new Greenfields Centre, St. Saviour; and,
- (b) authorised the Greffier of the States to sign the said Drawings on behalf of the States.

Draft Matrimonial (Causes) (Amendment No. 11) (Jersey) Law 2003 (Appointed Day) Act 200 P.129/2005

THE STATES, in pursuance of Article 11 of the Matrimonial Causes (Amendment No. 11) (Jersey) Law 2003 made an Act entitled the Matrimonial (Causes) (Amendment No. 11) (Jersey) Law 2003 (Appointed Day) Act 2005.

Draft Criminal Justice (Evidence of Children) (Jersey) Law 2002 (Appointed Day) Act 200- P.130/2005

THE STATES, in pursuance of Article 12 of the Criminal Justice (Evidence of Children) (Jersey) Law 2002 made an Act entitled the Criminal Justice (Evidence of Children) (Jersey) Law 2002 (Appointed Day) Act 2005.

Draft States of Jersey (Period for Ordinary Election) (Jersey) Regulations 200- P.131/2005

THE STATES commenced consideration of the Draft States of Jersey (Period for Ordinary Election) (Jersey) Regulations 200-, and adopted the Preamble.

Members present voted as follows –

POUR: 40

CONTRE: 3

ABSTAIN: 0

Senator J.A. Le Maistre
Senator L. Norman
Senator F.H. Walker
Senator P.V.F. Le Claire
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (L)
Deputy F.G. Voisin (L)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

Deputy of St. John
Deputy L.J. Farnham (S)
Deputy of Grouville

Regulations 1 and 2 were adopted.

THE STATES, in pursuance of Article 6(3) of the States of Jersey Law 2005 made Regulations entitled the States of Jersey (Period for Ordinary Election) (Jersey) Regulations 2005.

Draft States of Jersey Law 2005 (Appointed Day) (No. 1) Act 200 P.132/2005

THE STATES, in pursuance of Article 53(3) of the States of Jersey Law 2005, made an Act entitled the States of Jersey Law 2005 (Appointed Day) (No. 1) Act 2005.

Rural Economy Strategy – P.112/2005 Comments and Amendments

THE STATES, prior to the commencement of the consideration of a proposition of the Economic Development Committee concerning a rural economy strategy, rejected a proposition of the Deputy of St. Ouen that Standing Order 44, relating to the declaration of financial interest, be suspended for the duration of the debate on the proposition of the Economic Development Committee in order to allow members with a direct pecuniary interest to participate.

Members present voted as follows –

POUR: 9

Connétable of St. Brelade
Connétable of St. Clement
Deputy of Trinity
Deputy T.J. Le Main (H)
Deputy G.C.L. Baudains (C)
Deputy L.J. Farnham (S)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy of Grouville

CONTRE: 29

Senator J.A. Le Maistre
Senator F.H. Walker
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy of St. John
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy F.G. Voisin (L)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy J.A. Bernstein (B)
Deputy of St. Mary
Deputy M.A. Taylor (C)
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

ABSTAIN: 0

The following members declared an interest and withdrew from the Chamber prior to the consideration of the proposition of the Economic Development Committee concerning a rural economy strategy –

Senator Philip Francis Cyril Ozouf
Connétable of St. Saviour
Connétable of Trinity

Deputy of St. John
Deputy Jennifer-Anne Bridge of St. Helier
Deputy of St. Ouen.

THE STATES commenced consideration of the proposition of the Economic Development Committee concerning a rural economy strategy and granted leave to the Connétable of St. Helier to withdraw his amendment that at the end of paragraph (v), after the words “*achievement of these standards*”, there be inserted the words “*which will include the provision of increased public access to the countryside*”.

THE STATES, following further consideration, granted leave to the President of the Economic Development Committee to withdraw paragraph (iv)(C) of the proposition that the States agree that, in order to support the transition of the High Value Glass and the Dairy sectors into more efficient operations that are less dependent on Government intervention, the Environment and Public Services Committee, together with the Economic Development Committee, should work with the dairy industry to identify a mechanism that can operate within the context of a closed herd and still allow very strictly controlled exceptions to the general ban on the importation of cattle semen so as to allow the importation, under licence, of highly selected genetic material of Jersey lineage to increase the efficiency of the Island’s milking herd.

THE STATES, adopting a proposition of the Economic Development Committee, referred to their Act dated 7th July 2004, in which they approved the Fiscal Strategy and agreed that a target for economic growth of 2% per annum should be set for the period 2005 to 2009, and requested the Economic Development Committee, in conjunction with other Committees as necessary, to bring forward, for approval by the States, a strategy for the delivery of this growth by February 2005; and referred to the States Strategic Plan Objective 1.2.3 *To develop a strategy which will explore and promote new opportunities for the rural economy*, Objective 4.1.3 *To protect and promote Jersey’s environment as one of its most important assets*, and Objective 1.3.1 *To reduce unnecessary regulation and bureaucracy in the Island*, and –

received the Rural Economy Strategy entitled “Growing the Rural Economy”, as set out in the report of the Economic Development Committee dated 2nd June 2005, and in order to give effect to the recommendations made in the strategy –

- (i) agreed that, in order to stimulate the rural economy and to encourage innovation and entrepreneurship –
 - (A) the Economic Development Committee should take the necessary steps to establish a Rural Initiative Scheme that was consistent with the approach of the Economic Growth Plan to encouraging enterprise;
 - (B) the Environment and Public Services Committee and the Economic Development Committee should take steps to encourage small-scale entry into the agricultural industry by recognising a new category of agricultural land occupancy, the Smallholder, who would be eligible for area support payments.
- (ii) agreed that the Environment and Public Services Committee should review current planning policies, with the aim of facilitating ‘enabling or linked’ development in the countryside, in order to ensure planning gains, environmental improvements and reinvestment in the rural economy, and bring forward for debate appropriate recommended changes to the countryside policies in the Island Plan.
- (iii) agreed that, in order to reduce bureaucracy, simplify administration and lead to more effective government intervention –
 - (A) the Economic Development Committee should consolidate the present range of agricultural crop subsidies into a Single Area Payment;
 - (B) the Economic Development Committee and the Environment and Public Services Committee should work together to establish a ‘one-stop shop’ approach to rural policy and delivery.

- (iv) agreed that, in order to support the transition of the High Value Glass and the Dairy sectors into more efficient operations that were less dependent on Government intervention –
- (A) the Economic Development Committee, supported by the Finance and Economics Committee, should roll forward the planned subsidy payments for the High Value glass sector for the period 2006 to 2008 in to a single payment made in 2006 with the level of support thereafter should be reduced to the basic Single Area payment;
- (B) the Economic Development Committee should, in addition to the Single Area Payment make available additional, but transitional, support funding, to be known as the Quality Milk Payment;
- (v) agreed that, in order to protect and promote the environment, the Economic Development Committee, working with the Environment and Public Services Committee, should establish a system of standards for basic environmental performance of the agricultural industry and that the payment of agricultural subsidies should be made conditional upon the achievement of these standards.

Members present voted as follows –

POUR: 33

Senator J.A. Le Maistre
 Senator S. Syvret
 Senator L. Norman
 Senator F.H. Walker
 Senator P.V.F. Le Claire
 Senator P.F. Routier
 Senator M.E. Vibert
 Connétable of St. Mary
 Connétable of St. Peter
 Connétable of St. Clement
 Connétable of St. Helier
 Connétable of St. Lawrence
 Connétable of Grouville
 Connétable of St. John
 Deputy of Trinity
 Deputy R.C. Duhamel (S)
 Deputy A. Breckon (S)
 Deputy of St. Martin
 Deputy T.J. Le Main (H)
 Deputy M.F. Dubras (L)
 Deputy J.L. Dorey (H)
 Deputy F.G. Voisin (L)
 Deputy L.J. Farnham (S)
 Deputy R.G. Le Hérisssier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Bernstein (B)
 Deputy S.C. Ferguson (B)
 Deputy of St. Mary
 Deputy P.J.D. Ryan (H)
 Deputy M.A. Taylor (C)
 Deputy of St. Peter
 Deputy J.A. Hilton (H)
 Deputy G.W.J. de Faye (H)

CONTRE: 8

Connétable of St. Martin
 Connétable of St. Ouen
 Connétable of St. Brelade
 Deputy G.C.L. Baudains (C)
 Deputy P.N. Troy (B)
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of Grouville

ABSTAIN: 0

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Children and Day Care (Amendment) (Jersey) Law 200-.

Draft Plant Health (Jersey) Law 2003 (Appointed Day) Act 200- P.134/2005

THE STATES, in pursuance of Article 17(2) of the Plant Health (Jersey) Law 2003, made an Act entitled th Plant Health (Jersey) Law 2003 (Appointed Day) Act 2005.

Draft Social Security (Amendment No. 18) (Jersey) Law 200 P.135/2005

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Social Security (Amendment No. 18) (Jersey) Law 200.

**16 Clairvale Road, St. Helier: Adult Mental Health Rehabilitation Unit– proposed purchase – P.144/2005
Comments**

THE STATES, adopting a proposition of the Health and Social Services Committee, referred to their Act dated 9th October 2002, in which they approved *inter alia* an agreement with Retail Ventures Limited to develop and lease an Adult Mental Health Rehabilitation Unit at 16 Clairvale Road, St. Helier, and their Act dated 14th December 2004, in which they approved *inter alia* the allocation of £1.4 million in the Capital Programme of the 2005 Budget to purchase the said property, and –

- (a) authorised the purchase from Retail Ventures Limited of the said property as shown on drawing No.1854 D1 for a sum of £1,288,000, with each party being responsible for their own legal costs in connection with passing the contract before the Royal Court;
- (b) authorised the Attorney General and the Greffier of the States to pass on behalf of the public any contracts which might be found necessary to pass in connection with the purchase of the said property and any interest therein; and,
- (c) authorised the Treasurer of the States to pay all monies due to Retail Ventures Limited in connection with the purchase of the said property from the 2005 Capital Programme.

Adjournment

THE STATES then adjourned, having agreed to reconvene on Wednesday 20th July 2005, in order to continue consideration of the outstanding matters of public business.

THE STATES rose at 5.40 p.m.

A.H. HARRIS

Deputy Greffier of the States.