

**THE STATES assembled on Tuesday,
22nd June 1999 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

All members were present with the exception of-

Senator John Stephen Rothwell - out of the Island
Senator Jeremy Laurence Dorey - ill
Shirley Margaret Baudains, Deputy of St. Helier - out of the Island
Margaret Anne Le Geyt, Deputy of St. Saviour - ill
David Leon Crespel, Deputy of Trinity - out of the Island

Prayers

Jersey Kosovo Appeal

The Bailiff informed the Assembly that he had received the following letter from Mr. Jamie McCaul, Executive Secretary of the Disasters Emergency Committee -

“Dear Sir Philip,

The Chairman, Sir Paul Fox, and the Committee have asked me to express their deep appreciation of your contribution of £170,000 to the Kosovo Crisis Appeal from your own appeal in Jersey, which has obviously been very successful.

The total contribution from Jersey, when the donations from the Overseas Aid Committee are taken into account, is extraordinary and reflects well not only on those who contributed but on all who have organised and facilitated the giving process.

The DEC member charities are currently preparing their action plans for dealing with the return of refugees into Kosovo. Remaining funds in the DEC pool fund, including your contribution, will be allocated to this work. Expenditure will be independently evaluated in the usual way, and a copy of the evaluation report will be forwarded to you early next year.

Again please accept our sincere thanks, which we would ask you to pass on to all those who contributed so generously”.

Subordinate legislation tabled

The following enactments were laid before the States, namely-

Royal Court (Amendment No. 14) Rules 1999. R & O 9398.

Money Laundering (Jersey) Order 1999. R & O 9399.

Investment Business (Appointed Day) (Jersey) Order 1999. R & O 9401.

Investment Business (Amendment) (Jersey) Order 1999. R & O 9402.

Investment Business (Exemption) (Jersey) Order 1999. R & O 9403.

Investment Business (Exemption No. 2) (Jersey) Order 1999. R & O 9404.

Investment Business (Exemption No. 3) (Jersey) Order 1999. R & O 9405.

Investment Business (Exemption No. 4) (Jersey) Order 1999. R & O 9406.

Fire Service (General Provisions) (Amendment No. 18) (Jersey) Order 1999. R & O 9407.

St. Clement Fête (Jersey) Order 1999. R & O 9408.

Committee for Postal Administration - resignation of member

THE STATES noted the resignation of the Connétable of St. John from the Committee for Postal Administration.

Health and Social Services Committee - resignation of member

THE STATES noted the resignation of Deputy Shirley Margaret Baudains of St. Helier from the Health and Social Services Committee.

Health and Social Services Committee - appointment of member

THE STATES appointed Deputy Paul Vincent Francis Le Claire of St. Helier as a member of the Health and Social Services Committee.

Matters presented

The following matters were presented to the States-

Regulation of Undertakings and Development: quarterly manpower report as at 31st March 1999 - R.C.24/99.

Presented by the Finance and Economics Committee.

Year 2000 date change: position report - R.C.25/99.

Presented by the Establishment Committee.

Social rented and first-time buyer housing: proposals for future funding (P.74/99): comments - P.74/99 Com. (2).

Presented by the Finance and Economics Committee.

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

Jersey Financial Services Commission: annual report for 1998.

Presented by the Finance and Economics Committee.

Employment and Social Security Committee: annual report and accounts for 1998.

Presented by the Employment and Social Security Committee.

Matters noted- land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 14th June 1999 recording the following decisions of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land -

- (a) as recommended by the Planning and Environment Committee, the renewal of the lease to Mr. Vernon Stuart Pallot of Field No. 724, Le Pré de la Reine, Grouville, for a period of three years

from 25th December 1998, at an annual rent of £150, but otherwise on the same terms as the existing lease, with each party to be responsible for its own legal costs arising from the transaction;

- (b) as recommended by the Health and Social Services Committee, the renewal of the lease to Mr. Francis Raymond Marquer of the property known as No. 2 The Denes, Princess Place, Grève d'Azette, St. Clement, for a period of three years from 25th March 1999, at an annual rent of £7,540, with rent reviews to be held annually in line with the Jersey Retail Prices Index, with each party to be responsible for its own legal costs arising from the transaction;
- (c) as recommended by the Health and Social Services Committee, the renewal of the lease to Miss Lois Hesford of the upper flat and garage at La Pouclée Lodge, La Pouquelaye, St. Helier, for a period of three years from 26th March 1998 at an annual rent of £7,091, with the rent to be reviewed every 12 months in line with the Jersey Retail Prices Index, on the basis that each party would be responsible for the payment of its own legal costs arising from the transaction. (The Committee had rescinded sub-paragraph (c) of its Act No. 1 of 22nd May 1998 accordingly);
- (d) as recommended by the Public Services Committee, the acquisition from Monterey Hotel Limited of an area of land (measuring 79 feet) at the junction of St. Saviour's Road and Stopford Road, St Helier, required for road widening purposes, for the sum of £79, with the public to be responsible for both parties' legal costs arising from the transaction;
- (e) as recommended by the Public Services Committee, the acquisition from Maison Belleville Limited of an area of land (measuring 264 square feet) at the junction of St. Saviour's Road and Wellington Road, St. Helier, required for road widening purposes, for the sum of £264, with the public to be responsible for both parties' legal costs arising from the transaction.

Matters lodged

The following matters were lodged "au Greffe" -

Draft Arbitration (Amendment) (Jersey) Law 199 - P.78/99.

Presented by the Finance and Economics Committee.

Draft Ansbacher (Jersey) Limited (Jersey) Law 1999 (Appointed Day) Act 199 - P.79/99.

Presented by the Finance and Economics Committee.

Le Geyt Flats, Le Geyt Road, St. Saviour: Phase IV refurbishment - approval of drawings - P.80/99.

Presented by the Housing Committee.

Draft Boats and Surf-Riding (Control) (Amendment No. 18) (Jersey) Regulations 199 - P.81/99.

Presented by the Harbours and Airport Committee.

Draft Licensing (No.13) (Jersey) Regulations 199 - P.82/99.

Presented by the Tourism Committee.

Operation of jet aircraft: authorisation - P.83/99.

Presented by the Harbours and Airport Committee.

Establishment of Housing Development Fund - P.84/99.

Presented by the Finance and Economics Committee.

Jersey Society for the Prevention of Cruelty to Animals: grant and loan - P.85/99.

Presented by the Finance and Economics Committee.

Cycle Registration Scheme - P.86/99.

Presented by Deputy T.J. Le Main of St. Helier.

The following matter was deemed to be lodged "au Greffe" on 15th June 1999 -

States Resource Plan 1999 - P.77/99.

Presented by the Policy and Resources Committee.

Arrangement of public business for the next meeting on 6th and 7th July 1999 -

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 6th and 7th July 1999 -

States Resource Plan 1999 - P.77/99.
Lodged: 15th June 1999.
Policy and Resources Committee.

Social rented and first-time buyer housing: proposals for future funding - P.74/99.
Lodged: 25th May 1999.
Housing Committee.

Social rented and first-time buyer housing: proposals for future funding (P.74/99): comments - P.74/99 Com.
Presented: 25th May 1999.
Establishment Committee.

Social rented and first-time buyer housing: proposals for future funding (P.74/99): comments - P.74/99 Com.(2).
Presented: 22nd June 1999.
Finance and Economics Committee.

Establishment of Housing Development Fund - P.84/99.
Lodged: 22nd June 1999.
Finance and Economics Committee.

Draft Arbitration (Amendment) (Jersey) Law 199 - P.78/99.
Lodged: 22nd June 1999.
Finance and Economics Committee.

Draft Ansbacher (Jersey) Limited (Jersey) Law 1999 (Appointed Day) Act 199 - P.79/99.
Lodged: 22nd June 1999.
Finance and Economics Committee.

Le Geyt Flats, Le Geyt Road, St. Saviour: Phase IV refurbishment - approval of drawings - P.80/99.
Lodged: 22nd June 1999.
Housing Committee.

Draft Boats and Surf-Riding (Control) (Amendment No. 18) (Jersey) Regulations 199 - P.81/99.
Lodged: 22nd June 1999.
Harbours and Airport Committee.

Draft Licensing (No. 13) (Jersey) Regulations 199 - P.82/99.
Lodged: 22nd June 1999.
Tourism Committee.

Operation of jet aircraft: authorisation - P.83/99.
Lodged: 22nd June 1999.
Harbours and Airport Committee.

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Policy and Resources Committee had instructed the Greffier of the States to withdraw the proposition on the capital programme 2000 - 2002 (P.254/98 lodged "au Greffe" on 24th November 1998).

Dumping of potatoes - question and answer (Tape No. 515)

The Deputy of St. John asked Deputy Harry Hallewell Baudains of St. Clement, President of the Agriculture and

Fisheries Committee, the following question -

“Would the President advise members -

- (a) how many tonnes of potatoes have been dumped at Crabbé -
 - (i) to date this year;
 - (ii) for the same period during 1998;
 - (iii) for the whole of 1998?
- (b) how many tonnes of compost have been produced at Crabbé since the Committee took over the management of the site from the Public Services Committee, and what quantity has been sold?”

The President of the Agriculture and Fisheries Committee replied as follows -

- “(a) (i) Up to midday on 18th June 1999 6,882 tonnes of potatoes had been delivered to Crabbé since 1st January 1999;
- (ii) 3,864 tonnes for the same period during 1998;
- (iii) 7,176 tonnes for the whole of 1998.
- (b) When the Agriculture and Fisheries Committee took over sole responsibility for the site there was a considerable quantity of anaerobic waste which was made safe and then used for banking in the immediate area. Since that time the following tonnage and values have been, and are being, produced -
 - (1) 4,573 tonnes sold for £33,508;
 - (2) 3,356 tonnes used by other States Departments with a value of £21,814 but not charged out;
 - (3) 210 tonnes allocated to organic dairy farmers as part of the conversion process with a value of £1,365 but not charged out;
 - (4) 1,100 tonnes utilised in demonstrating the value of the product, etc.;
 - (5) The material on site will turn into 11,000 tonnes that it is anticipated will be sold for £25,000 plus some that will not be charged out but used by organic dairy farmers or other States Departments.

The Committee is looking into the feasibility of bagging and selling the product and has one major customer anxious to investigate this outlet.

The Committee is very aware that the quantity of potatoes unsuitable for export has increased in 1999. This is due to a number of reasons some of which are totally outside the control of growers and the Island marketing groups. However, the area of crops grown is very much under growers’ control and the three marketing groups are already considering systems that will reduce this area.

Members should, however, note that the area of potatoes grown in 1999 was very similar to that of 1998. When the crop will be ready for harvesting, and ensuring a market place exists, are far from being exact sciences. The northerly winds of the last 10 days have, of course, not been helpful.”

Development of a new leisure complex on the Waterfront- question and answer (Tape No. 515)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Frank Harrison Walker, President of the Finance and Economics Committee the following question -

“Would the President advise members of the current projected States monetary commitment to the Waterfront leisure complex to be built on reclaimed land west of the Albert Pier?”

The President of the Finance and Economics Committee replied as follows -

“The States, until they consider and approve the terms of the lease with the developers, have no absolute monetary commitment to the Waterfront leisure complex at this time. However, the Assembly has previously indicated its support for the project and noted that the Tourism Investment Fund has earmarked £8.4 million for this purpose. This figure has been used as the basis for negotiation with the developers by the Waterfront Enterprise Board Limited. The Tourism Investment Fund has subsequently provisionally agreed a further £2.5 million, to incorporate a competition pool at the complex and avoid the necessity of redeveloping the Fort Regent pool, at a cost estimated to be in excess of £4 million.

The total cost of the leisure complex project will be in excess of £20 million, of which the developers will be investing over £10 million. All the funding proposals and the terms of the lease are to be considered by the Finance and Economics Committee at its next meeting and, subject to its approval, will be lodged with the States for debate at the earliest opportunity thereafter.”

Development of an hotel on the Waterfront - question and answer (Tape No. 515)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following question -

“In relation to the proposed hotel west of the Albert Pier, would the President advise the Assembly -

- (a) whether or not investigations have been carried out to determine what effect the hotel may have on the surrounding area in relation to wind funnelling and light reflection from the glazed exterior and, if the answer is in the affirmative, what is the result of those investigations?
- (b) if he considers a 90 spaces car park adequate for a 274 bed hotel;
- (c) whether or not the planning permit will restrict the height to seven storeys and what safeguards may be used to prevent conversion to luxury apartments should the enterprise prove unprofitable in future years?”

The President of the Planning and Environment Committee replied as follows -

“Before answering the questions, I should state that the Planning and Environment Committee has before it an application for planning permission, which has yet to be considered by the Committee. The application was registered on 21st May 1999 and we still await replies to some of the consultations undertaken.

In these circumstances it would not be appropriate for myself, or any member of the Committee, to comment on specific matters relating to the application which could prejudice its later decision. However, I am prepared to comment on the generality of the points raised by the Deputy’s questions -

- (a) the effect of high buildings on wind speed and direction and the possibility for glare and reflection from the glazed part of the proposed building elevations would ordinarily be carried out at the detailed design stage once the principle has been established and, if the Committee considers it appropriate, will be dealt with by a condition on any permit issued at that stage;
- (b) I am not prepared to comment in specific terms on the issue of car parking, save to say that it is not

what I think that is important, rather what view the Committee collectively takes when it decides the application;

- (c) if permission is granted, it will be for the proposal as submitted, which is eight storeys above ground level and two basement levels. Should, when the Committee considers the proposal, a seven storey building be considered more appropriate, it will request and re-advertise revised proposals.

As far as the future conversion of this or any other building is concerned, it would be necessary for a separate application to be made which would be considered on its own merits.”

Recommendations in the States Audit Commission report for the audit year 1998/99 - question and answer
(Tape No. 515)

Senator Stuart Syvret asked Senator Frank Harrison Walker, President of the Finance and Economics Committee, the following questions -

“1.(a) Would the President advise members whether the Committee shares the concern of the States Audit Commission, as expressed in paragraph 9 of its report for the audit year 1998/99, that the Commission’s recommendations have either been ignored or have taken an unacceptable time to implement?

(b) what action does the Committee propose to take in response to these concerns?

2. The Audit Commission’s report states in paragraph 28 that the States Auditor, PriceWaterhouse Coopers, has undertaken a review which highlighted a number of improvements which could be made, including -

an income and expenditure account which included all States activities;

a separate income statement which deals with the general revenues only and which would be reconcilable to the budget;

the inclusion on the balance sheet of assets purchased from the trading funds and those financed by lease arrangements;

a reserve note to illustrate the movements between the various funds which could be reconciled to the income and expenditure account;

provisions for liabilities, which exist but have not been approved by the States;

note disclosures to provide more useful information.

(a) does the Committee accept each of these recommendations?

(b) what action does the Committee propose to take to secure the introduction of these recommendations?

3.(a) Does the Committee intend to issue a formal policy on the future of capital accounting in the States, supported by clear guidelines for departments as recommended by the States’ Auditors and referred to in paragraph 30 of the Audit Commission report?

(b) if the answer to (a) is in the affirmative, when does the Committee intend to issue this policy?

The President of the Finance and Economics Committee replied as follows -

- “1(a) My Committee shares some of the concerns of the Audit Commission and is itself concerned about the length of time it takes to implement many recommendations and decisions within the States generally. Unfortunately delays are a frequent feature of the current cumbersome States machine. However, it is not realistic in any government structure to expect all recommendations to be implemented immediately. Consultation and further investigation often need to follow, to ensure that all issues are fully addressed.
- (b) In its Report No 8, post-implementation review of Reports Nos. 1-7, issued in May 1998, the Audit Commission was listing its concerns at that time, since when work has been undertaken on the areas identified as still outstanding. For example -
- (i) a code of directions on Financial Reporting, including the reporting of the incidence of overtime has now been issued;
 - (ii) all the issues raised in Report No 3, in regard to computers, are being addressed by the newly appointed States IS/IT Strategy Adviser;
 - (iii) a code of directions on the monitoring of control of capital expenditure was issued in May 1999 and my Committee has also established the Capital Projects Sub-Committee and, most recently, an independent “value for money” review of three of the largest capital projects.

In addition, my Committee has recently commissioned a wide-ranging independent review of audit and implementation procedures throughout the entire public sector and we will be reporting on that in due course.

- 2(a) My Committee has fully accepted the six points highlighted in paragraph 28 of the Audit Commission’s report and they were all included in the 1998 States Accounts.
- (b) In addition to implementing the Audit Commission’s recommendations, my Committee is reviewing further improvements to the States’ Accounts and is working closely with the States Auditors in this respect. The aim is to provide full, clear, and concise information to States Members and the public alike.
- 3(a) The Committee does intend to issue a formal policy and guidelines on capital accounting as soon as it is practical.
- (b) As this stage I am unable to predict when the full guidance notes will be issued as there is much consultation and discussion required prior to its implementation. My Committee is well aware of the issues surrounding capital accounting but also acknowledges that this is a major area which can not be addressed in the short-term and without considerable resource implications. New computer systems will be required and this has been included in the Financial Information System Strategy for the States currently being developed by the Treasury and PriceWaterhouseCoopers. These systems will not be fully operational until 2003. Notwithstanding this my Committee has agreed that, as a starting point, the Treasury will be reviewing the situation in respect of fixed asset registers and will issue guidance on this in 1999.

Service review programme - questions and answers - (Tape No. 515)

Senator Stuart Syvret asked Senator Pierre Françoise Horsfall, President, Policy and Resources Committee the following questions -

- “(a) Does the Committee agree with the statement in paragraph 15 of the recently published States Audit Commission report that “the service review programme may not have fulfilled its objectives”?

- (b) If deficiencies with the service review programme are identified what action does the Committee propose to take to rectify the situation?"

The President of the Policy and Resources Committee replied in the following terms -

- “(a) As I have previously informed the Assembly, the Policy and Resources Department has been conducting a critique of the service review programme, the stated objective of which is “to undertake an analysis of all completed service reviews to determine whether the original purpose of the service review programme was met and whether the programme provided the States of Jersey with value for money.”

This review is nearing completion and will be presented to the States once it has been considered by the Policy and Resources Committee. We intend this report to present a full and objective analysis of the programme of completed reviews to date. As I have explained, it will examine the question of whether the reviews have provided the States with value for money. Until the report has been considered by the Committee it is not possible, nor would it be proper, for me to say whether the Committee agrees with the views expressed in the Audit Commission report. I would ask members to await the report’s findings before passing any judgment on the value of the service reviews carried out to date.

We are in close contact with the Audit Commission who are content to await the contents of our review before considering the service review programme and its value for money further.

- (b) Only when the Committee has had an opportunity to consider the findings of the report to which I have referred in answering the previous question will it be in a position to decide what action is called for to rectify any deficiencies identified.”

Jersey’s contribution to H.M. Government for services received - statement

Senator Pierre François Horsfall, President of the Policy and Resources Committee, made a statement in the following terms -

“Deputy Le Main asked the States on Tuesday, 2nd March 1999 what was the total contribution that Jersey paid to H.M. Government for all the services that the States received and what Departments benefit from such services. I replied by saying that, in the time available, it had not been possible to obtain the answer to this question because, to ensure that a complete picture was presented to members, information needed to be obtained from every Committee of the States. In supplementary questions, members indicated that they wished to see this complete picture.

Information has now been obtained from all Departments. What this confirms, and what should be clearly stated so that there is no misunderstanding, is that as a matter of course the Island pays for the public services it receives in the United Kingdom. It does so through direct payments to the United Kingdom Government, through payments to the providers of services enjoyed by Island residents (for example universities), or through reciprocal arrangements (for example hospital services). The suggestion is sometimes made by the Island’s critics that Island residents are enjoying education, health and other services in the United Kingdom at the expense of the United Kingdom taxpayer. This is not so. The Island pays its way.

The Education Committee makes no material payments to H.M. Government for the services received. The Committee used to pay a substantial annual sum to the Department for Education and Employment for the tuition of Jersey students in higher education but, for the last seven years, tuition fees have been paid directly to the universities.

The Health and Social Services Committee makes no payments directly to H.M. Government, although a donation is made to the Wessex Medical Trust. The Committee makes no contribution to H.M. Government as it receives no services from the United Kingdom other than those provided through the Channel Islands/United Kingdom reciprocal health agreement. The premise of this agreement is that the

cost to the parties involved remains largely in balance.

The Prison Board makes payment for prisoners sentenced in Jersey who are transferred to prisons in England and Wales.

There are many other States Departments that pay for services received, albeit that in many cases the service received is a small one.

The Planning and Environment Committee takes advantage of training courses mounted by United Kingdom authorities from time to time for which the Committee pays the necessary course fees.

Jersey Post makes payments for services received from the British Post Office.

Agriculture and Fisheries makes payment for services received from H.M. Government agencies.

The Official Analyst makes payment for services obtained from the Health and Safety Laboratory and the Central Science Laboratory.

Income Tax makes payment for training supplied by the training arm of the Inland Revenue on an occasional basis.

The Probation Service makes payment for the occasional use of U.K. probation hostels for specialist placements.

The Fire Service obtains information from the Fire and Emergency Planning Directorate of the Home Office, and the Fire Service Inspectorate undertakes a triennial inspection of the local service for which a fee is charged.

The Police makes payment for the training of officers in the United Kingdom.

Employment and Social Security makes payment for certain specific services such as the services of the Government Actuary's Department.

Many other Departments have stated that they make no contribution to H.M. Government as they do not receive any services from this source. They include the States Greffe, Tourism, the Judicial Greffe, Driver & Vehicle Standards, Sport, Leisure & Recreation, Harbours, Telecoms, Airport, Treasury, Public Services and States Personnel.

For those services received other than education, health and social services, and excluding the defence contribution through the Territorial Army, the total annual payments in 1998 was around £1 million, of which the payments made by the Prison Board accounted for nearly half."

Racial discrimination - statement

Senator Pierre François Horsfall, President of the Policy and Resources Committee, made a statement in the following terms -

"In this Assembly on 2nd March 1999 I was asked questions by Deputy A. S. Crowcroft about the progress the Committee had made in implementing the recommendation in its Report on Racial Discrimination (P.213/96) namely:-

‘to encourage more enlightened attitudes through education and a promotional campaign’

I stated that it was intended to give consideration to the carrying out of a survey in the Island as proposed by the organisers of the One World conference held in October 1997. The Policy and Resources

Committee has now considered this matter further and has concluded that a survey is not necessary, nor is it considered an appropriate means of dealing with this sensitive subject.

What the Committee has decided would be a better course of action would be to organise an open forum involving all the relevant sections of the Island community with a view to reaching a consensus on an action plan to encourage more enlightened attitudes. The Committee is planning to arrange this forum in September or October. It is envisaged that the forum would be organised on similar lines to the successful housing forum that was held earlier this year.”

Outsourcing policy - P.59/99

THE STATES resumed consideration of a proposition of the Policy and Resources Committee on outsourcing policy (P.59/99) which had been discontinued at the meeting of 8th June 1999 and, adopting paragraph (c), charged the Policy and Resources Committee, in consultation with the Establishment Committee (and employee representatives) to develop the concept of ‘off-Island stationing’ as outlined in paragraph 23 of report of the Policy and Resources Committee dated 4th May 1999 and to report back to the States with recommendations.

Members present voted as follows -

“Pour” (39)

Senators

Horsfall, Le Maistre, Stein, Quérée, Bailhache, Norman, Walker, Kinnard.

Connétables

St. Lawrence, St. Mary, St. Brelade, St. Peter, Grouville, St. Helier, St. Martin, St. Ouen, St. John, Trinity, St. Saviour, St. Clement.

Deputies

H. Baudains(C), Le Sueur(H), Coutanche(L), St. Mary, Pullin(S), Johns(H), Routier(H), Layzell(B), Grouville, Huet(H), St. Martin, Blampied(H), Crowcroft(H), Vibert(B), de la Haye(B), St. Peter, Dubras (L), St. Ouen, G. Baudains(C).

“Contre” (9)

Senators

Shenton, Syvret.

Deputies

Wavell(S), Duhamel(S), Breckon(S), St. John, Le Main(H), Rabet(H), Le Claire(H).

Regulation of public sector employment - P.67/99

THE STATES, adopting a proposition of the Establishment Committee -

- (a) charged the Establishment Committee to enter into an agreement with the Finance and Economics Committee to regulate the number of persons that may be employed by the States of Jersey in any area of the States administration, excluding those States’ departments that report to Trading Committees, in accordance with the principles contained within the Regulation of Undertakings legislation and the policy statement issued by the Finance and Economics Committee in respect of

the application of the Regulation of Undertakings to the private sector, effective from 10th November 1998; and

- (b) charged the Trading Committees to enter into individual agreements with the Finance and Economics Committee to regulate the number of persons employed by them in accordance with the principles contained within the Regulation of Undertakings legislation and the policy statement issued by the Finance and Economics Committee in respect of the application of the Regulation of Undertakings to the private sector.

Members present voted as follows -

“Pour” (36)

Senators

Le Maistre, Quérée, Bailhache, Norman, Walker.

Connétables

St. Lawrence, St. Mary, St. Brelade, Grouville, St. Helier, St. Martin, St. Ouen, St. John, Trinity, St. Saviour, St. Clement.

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), St. Mary, Pullin(S), Johns(H), Routier(H), Layzell(B), Grouville, Huet(H), St. Martin, St. John, Rabet(H), Vibert(B), de la Haye(B), St. Peter, Dubras(L), St. Ouen, G. Baudains(C).

“Contre” (9)

Senators

Shenton, Stein, Syvret, Kinnard.

Deputies

Duhamel(S), Breckon(S), Le Main(H), Crowcroft(H), Le Claire(H).

Change in Presidency

The Bailiff retired from the Chamber during consideration of the proposition of the Establishment Committee on the regulation of public sector employment and the Greffier of the States, Geoffrey Henry Charles Coppock, Esquire, took over the Presidency. The Bailiff resumed the Presidency after the lunch adjournment.

Statutory Nuisances (Jersey) Law 199 - P.40/98

Statutory Nuisances (Jersey) Law 199 (P.40/98): amendments- P.36/99.

Statutory Nuisances (Jersey) Law 199 (P.40/98): second amendments- P.76/99.

THE STATES, resumed consideration of the draft Statutory Nuisances (Jersey) Law 199- which had been discontinued at the meeting of 13th April 1999.

Articles 4 to 6 were adopted, the States having accepted an amendment of the Health and Social Services Committee that, in paragraph (1) of Article 4, after the word “duty” there should be inserted the words “to take such steps as are reasonably practical”.

Articles 7 to 9 were adopted, the States having accepted an amendment of the Health and Social Services

Committee that, in paragraph (2) of Article 7, for the word “(4)” there should be substituted the word “(3)”.

Article 10 was adopted the States having accepted an amendment of Deputy Gerard Clifford Lemmens Baudains of St. Clement that, for sub-paragraph (a) of paragraph (1), there should be substituted the following sub-paragraph -

“(a) if he suspects, on reasonable grounds, that a statutory nuisance exists or will exist on those premises;”

and an amendment of the Health and Social Services Committee that, in sub-paragraph (a) of paragraph (4), for the words “may be” there should be substituted the words “he considers”.

Articles 11 to 19 were adopted.

The Schedule was adopted, the States having accepted an amendment of the Health and Social Services Committee that, in clause (i) of sub-paragraph (e) of paragraph (3), after the words “industrial” there should be inserted the word “agricultural”.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Statutory Nuisances (Jersey) Law 199 .

Members present voted as follows -

“Pour” (38)

Senators

Shenton, Le Maistre, Stein, Quérée, Bailhache, Syvret, Norman, Kinnard.

Connétables

St. Lawrence, St. Mary, St. Brelade, St. Helier, St. Martin, St. Ouen, St. John, St. Saviour, St. Clement.

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), Pullin(S), Johns(H), Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin, Le Main(H), Rabet(H), Vibert(B), de la Haye(B), St. Peter, Dubras(L), St. Ouen, Le Claire(H).

“Contre” (4)

Connétables

Grouville, Trinity.

Deputies

St. John, G. Baudains(C).

Draft Conservation of Wildlife (Jersey) Law 199 - P.223/98

Amendment - P.29/99; second amendments - P.49/99; third amendments - P.56/99; fourth amendments; report - P.223/98 Rpt.

THE STATES, commenced consideration of the draft Conservation of Wildlife (Jersey) Law 199- and adopted the Preamble.

Members present voted as follows -

“Pour” (37)

Senators

Shenton, Le Maistre, Stein, Quérée, Syvret, Kinnard.

Connétables

St. Lawrence, St. Mary, St. Brelade, St. Martin, St. Ouen, St. John, Trinity, St. Saviour, St. Clement.

Deputies

Wavell(S), H. Baudains(C), Le Sueur(H), Coutanche(L), St. Mary, Pullin(S), Johns(H), Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin, Le Main(H), Rabet(H), Vibert(B), de la Haye(B), St. Peter, Dubras(L), St. Ouen, Le Claire(H).

“Contre” (4)

Connétables

Grouville, St. Helier.

Deputies

St. John, G. Baudains(C).

Article 1 was adopted, the Deputy of Grouville having withdrawn her amendment that, in paragraph (1) - for the definition of “wild animal” there should be substituted the following definition -

“ ‘wild animal’ means any animal (other than a bird) which is of a native fauna species, that is, a fauna species which has been recorded as having occurred naturally in the area comprising the Island and the territorial sea adjacent to the Island -

- (a) as a breeding or reproductive resident;
- (b) as a seasonal immigrant;
- (c) as a migrant which passes through that area regularly; or
- (d) as an occasional, but regular, visitor to that area,

but not a fauna species which has been introduced into, or is feral or exotic in, that area;”

and for the definition of “wild bird” there should be substituted the following definition -

“ ‘wild bird’ means any bird (other than poultry) which is of a native fauna species, that is, a fauna species which has been recorded as having occurred naturally in the area comprising the Island and the territorial sea adjacent to the Island -

- (a) as a breeding or reproductive resident;
- (b) as a seasonal immigrant;
- (c) as a migrant which passes through that area regularly; or

(d) as an occasional, but regular, visitor to that area,

but not a fauna species which has been introduced into, or is feral or exotic in, that area.”.

Article 2 and the First and Second Schedules were adopted.

Article 3 was adopted, the States having rejected an amendment of the Deputy of Grouville that at the end of the Article there should be inserted the following paragraph -

“(3) A plant may be prescribed under this Article only if it is of a native flora species (that is, a flora species which has been recorded as having occurred naturally in the area comprising the Island and the territorial sea adjacent to the Island as a reproductive resident, but not a flora species which has been introduced into, or is exotic in, that area).”

Article 4 was adopted.

Article 5 was adopted, the States having accepted an amendment of Deputy Gerard Clifford Lemmens Baudains of St. Clement that -

in paragraph (1), for the words “paragraphs (2) and (3)” there should be substituted the words “paragraphs (2) to (4)”;

after paragraph (3) there should be inserted the following paragraphs -

“(4) A person shall not be found guilty of an offence under paragraph (1) as respects any act relating to a protected wild bird which is not also a specially protected wild bird if he satisfies the court that the act was -

(a) to defend himself or another person against actual or imminent injury; or

(b) to prevent or stop serious damage to any land of which he is the owner or the authorized agent of the owner.

(5) In paragraph (4), “owner” includes a usufructuary owner and the occupier of the land.”;

and that paragraphs (4) and (5) respectively should be numbered as paragraphs (6) and (7).

Members present vote on the amendment as follows -

“Pour” (21)

Connétables

St. Mary, St. Brelade, Grouville, St. Helier, St. Martin, St. John, Trinity, St. Saviour, St. Clement.

Deputies

Le Sueur(H), Duhamel(S), Routier(H), Breckon(S), Huet(H), St. Martin, St. John, Le Main(H), Rabet(H), de la Haye(B), St. Ouen, G. Baudains(C).

“Contre” (19)

Senators

Stein, Quérée, Bailhache, Syvret, Norman, Kinnard.

Deputies

Wavell(S), H. Baudains(C), Coutanche(L), St. Mary, Pullin(S), Johns(H), Layzell(B), Grouville, Crowcroft(H), Vibert(B), St. Peter, Dubras(L), Le Claire(H).

Adjournment

THE STATES, then adjourned, having agreed to meet on Tuesday 29th June 1999 to continue consideration of the draft Conservation of Wildlife (Jersey) Law 199- and to consider the outstanding items of public business. The States acceded to a request of the President of the Public Services Committee that the proposition on a Sustainable Island Transport Policy (P.60/99 lodged "au Greffe" on 11th May 1999) be considered at the meeting of 29th June 1999.

THE STATES rose at 5.58 p.m.

G.H.C. COPPOCK

Greffier of the States.