

STATES OF JERSEY ORDER PAPER

Tuesday 3rd December 2002 and
Wednesday 4th December 2002

A. COMMUNICATIONS BY THE BAILIFF

Committee of Inquiry into the Honorary R.C.48/2002.
Police Election Procedures: report.

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Motor Traffic (Taxi-Cabs - General) (Jersey) Order 2002.
R&O 137/2002.
Home Affairs Committee.

Motor Cars (Driving Instruction) (Amendment No. 13)
(Jersey) Order 2002. R&O 142/2002.
Home Affairs Committee.

Motor Vehicles (Construction and Use) (Amendment
No. 4) (Jersey) Order 2002. R&O 143/2002.
Home Affairs Committee.

Motor Vehicles (Driving Licences) (Amendment) (Jersey)
Order 2002. R&O 144/2002.
Home Affairs Committee.

Motor Traffic (Public Service Vehicles (Fees)) (No. 2)
(Jersey) Order 2002. R&O 145/2002.
Home Affairs Committee.

Road and Sand Racing (Jersey) Order 2002. R&O
146/2002.
Home Affairs Committee.

Merchant Shipping (Small Ships Register) (Amendment
No. 6) (Jersey) Order 2002. R&O 147/2002.
Harbours and Airport Committee.

Road Traffic (Public Parking Places) (No. 3) (Jersey)
Order 2002. R&O 148/2002.
Public Services Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

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

Annual Report of the Director of Public
Health Services 2002.
Health and Social Services Committee

Budget 2003: amendment (P.212/2002) - P.212/2002.
amendment - (P.212/2002 Amd.) - Amd. Com.
comments.
Agriculture and Fisheries Committee.

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

Presented on 26th November 2002

Draft Parish Rate (Administration) P.199/2002.
(Jersey) Law 200- (P.199/2002) - Com.
comments.
Finance and Economics Committee.

(b) Notification of Standing Order decisions

15th November 2002.

Decisions under delegated functions.
Finance and Economics Committee.

(c) Notification of acceptance of tenders

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

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

Lodged on 26th November 2002

Draft Health Insurance (Amendment P.222/2002.
No. 13) (Jersey) Law 200.
Employment and Social Security Committee.

Draft Family Allowances (Amendment P.223/2002.
No. 6) (Jersey) Law 200.
Employment and Social Security Committee.

Draft Public Employees (Contributory P.224/2002.
Retirement Scheme) (Amendment No. 17)
(Jersey) Regulations 200-.
Human Resources Committee.

Draft Public Employees (Contributory P.225/2002.
Retirement Scheme) (Existing Members)
(Amendment No. 6) (Jersey) Regulations
200-.
Human Resources Committee.

Draft Public Employees (Contributory P.226/2002.
Retirement Scheme) (Former Hospital
Scheme) (Amendment No. 4) (Jersey)
Regulations 200-.
Human Resources Committee.

Draft Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 8) (Jersey) Regulations 200-.
Human Resources Committee.

P.227/2002.

Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 8) (Jersey) Regulations 200-.
Human Resources Committee.

P.228/2002.

Draft Social Security (Amendment No. 15) (Jersey) Law 2002 (Appointed Day) Act 2002.
Employment and Social Security Committee.

P.229/2002.

Draft Customs and Excise (Amendment) (Jersey) Law 200-.
Home Affairs Committee.

P.230/2002.

Draft Boats and Surf-Riding (Control) (Amendment No. 24) (Jersey) Regulations 200-.
Harbours and Airport Committee.

P.231/2002.

Draft Harbours (Amendment No. 35) (Jersey) Regulations 200-.
Harbours and Airport Committee.

P.232/2002.

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

**E. STATEMENTS AND PROPOSITIONS
RELATING TO THE ARRANGEMENT OF
PUBLIC BUSINESS AT THIS OR ANY
SUBSEQUENT MEETING**

THE STATES are asked to agree that the following matters lodged "au Greffe" be considered at their next meeting on 10th December 2002 -

Machinery of Government: composition and election of the States Assembly. P.186/2002.
Lodged: 8th October 2002.
Special Committee on the Composition and Election of the States Assembly.

Machinery of Government: composition and election of the States Assembly (P.186/2002) - comments. P.186/2002.
Presented: 12th November 2002. Com.
Policy and Resources Committee.

Machinery of Government: composition and election of the States Assembly (P.186/2002) - comments. P.186/2002.
Presented: 12th November 2002. Com.(2)
Finance and Economics Committee.

Machinery of Government: composition and election of the States Assembly (P.186/2002) - comments. P.186/2002.
Presented: 12th November 2002. Com.(3)
Human Resources Committee.

Machinery of Government: composition and election of the States Assembly (P.186/2002) - comments. P.186/2002.
Presented: 12th November 2002. Com.(4)
Connétable of Grouville.

<p>Le Talus, La Rue du Nord, St. John, sale of land, and at Fremont Headland, St. John, acquisition of land. Lodged: 5th November 2002. <i>Public Services Committee.</i></p>	P.200/2002.
<p>Planning and Building (Jersey) Law 2002 - removal of third party appeals. Lodged: 5th November 2002. <i>Planning and Environment Committee.</i></p>	P.206/2002.
<p>Planning and Building (Jersey) Law 2002 - removal of third party appeals (P.206/2002) - comments. Presented: 19th November 2002. <i>Finance and Economics Committee.</i></p>	P.206/2002. Com.
<p>Le Chemin du Douet, St. Ouen: acquisition of track. Lodged: 19th November 2002. <i>Public Services Committee.</i></p>	P.214/2002.
<p>Election of Committee Presidents. Lodged: 19th November 2002. <i>Privileges and Procedures Committee.</i></p>	P.215/2002.
<p>Draft Health Insurance (Medical Benefit) (Amendment No. 57) (Jersey) Regulations 200-. Lodged: 19th November 2002. <i>Employment and Social Security Committee.</i></p>	P.216/2002.
<p>Draft Family Allowances (Jersey) Regulations 200-. Lodged: 19th November 2002. <i>Employment and Social Security Committee.</i></p>	P.217/2002.

- Draft Public Employees (Contributory Retirement Scheme) (Amendment No. 17) (Jersey) Regulations 200-.
Lodged: 26th November 2002.
Human Resources Committee. P.224/2002.
- Draft Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 6) (Jersey) Regulations 200-.
Lodged: 26th November 2002.
Human Resources Committee. P.225/2002.
- Draft Public Employees (Contributory Retirement Scheme) (Former Hospital Scheme) (Amendment No. 4) (Jersey) Regulations 200-.
Lodged: 26th November 2002.
Human Resources Committee. P.226/2002.
- Draft Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 8) (Jersey) Regulations 200-.
Lodged: 26th November 2002.
Human Resources Committee. P.227/2002.
- Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 8) (Jersey) Regulations 200-.
Lodged: 26th November 2002.
Human Resources Committee. P.228/2002.
- Draft Social Security (Amendment No. 15) (Jersey) Law 2002 (Appointed Day) Act 2002.
Lodged: 26th November 2002.
Employment and Social Security Committee. P.229/2002.
- Draft Boats and Surf-Riding (Control) (Amendment No. 24) (Jersey) Regulations 200-.
Lodged: 26th November 2002.
Harbours and Airport Committee. P.231/2002.
- Draft Harbours (Amendment No. 35) (Jersey) Regulations 200-.
Lodged: 26th November 2002.
Harbours and Airport Committee. P.232/2002.

In accordance with Standing Order 22(3) Deputy Alan Breckon of St. Saviour has instructed the Greffier of the States to withdraw the proposition regarding mortgage interest relief: limit (P.194/97 lodged "au Greffe" on 9th December 1997).

F. PRESENTATION OF PETITIONS

G. QUESTIONS

The Deputy of St. John will ask a question of the President of the Agriculture and Fisheries Committee regarding the production of organic milk.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

Draft Telecommunications (Jersey) Law
2002 (Appointed Day) (No. 3) Act 2002.
Industries Committee.
(Attached)

Budget 2003. Lodged: 5th November 2002. <i>Finance and Economics Committee.</i>	
Budget 2003: amendment. Lodged: 12th November 2002. <i>Deputy G.P. Southern of St. Helier.</i>	P.212/2002.
Budget 2003: amendment (P.212/2002) - comments. Presented: 19th November 2002. <i>Health and Social Services Committee.</i>	P.212/2002. Com.
Budget 2003: amendment (P.212/2002) - amendment. Lodged: 19th November 2002. <i>Connétable of St. Helier.</i>	P.212/2002. Amd.
Budget 2003: amendment (P.212/2002) - amendment - (P.212/2002 Amd.) - comments. <i>Agriculture and Fisheries Committee.</i>	P.212/2002. Amd. Com.
Budget 2003: second amendment. Lodged: 19th November 2002. <i>Deputy G.P. Southern of St. Helier.</i>	P.218/2002.
Draft Finance (Jersey) Law 200-. Lodged: 19th November 2002. <i>Finance and Economics Committee.</i>	P.220/2002.
Draft Income Tax (Amendment No. 22) (Jersey) Law 200-. Lodged: 19th November 2002. <i>Finance and Economics Committee.</i>	P.219/2002.
Training and Employment Partnership: transfer of responsibility from the Employment and Social Security Committee to the Economic Development Committee. Lodged: 5th November 2002. <i>Employment and Social Security Committee.</i>	P.197/2002.
Draft Parish Rate (Administration) (Jersey) Law 200-. Lodged: 5th November 2002. <i>Legislation Committee.</i>	P.199/2002.
Draft Parish Rate (Administration) (Jersey) Law 200- (P.199/2002) - comments. Presented: 26th November 2002. <i>Finance and Economics Committee.</i>	P.199/2002. Com.
Magistrate's Court, Union Street, St. Helier: approval of drawings. Lodged: 5th November 2002. <i>Finance and Economics Committee.</i>	P.202/2002.
Draft Crime and Security (Jersey) Law 200-. Lodged: 12th November 2002. <i>Home Affairs Committee.</i>	P.210/2002.

Draft Hire Cars (No. 12) (Jersey) P.213/2002.
Regulations 200-
Lodged: 19th November 2002.
Home Affairs Committee.

M.N. DE LA HAYE

Greffier of the States

28th November 2002

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 137/2002

The purpose of this Order is to regulate the provision of cab services.

The Order was made on 19th November 2002 and came into force on the day it was made.

R&O 142/2002

This Order increases from £66.10 to £67.75 the fees for the written and practical parts of the examination for driving instructors.

It also increases from £131.20 to £134.45 the fees for entry in the register of driving instructors and for further retention of entries in that register.

The Order, which was made by the Home Affairs Committee on 21st November 2002, comes into force on 1st January 2003.

R&O 143/2002

The purpose of this Order is to increase from £66.10 to £67.75 the fee for a licence under Article 39A of the Road Traffic (Jersey) Law 1956 (authorization of use on roads of vehicle not complying with Orders under Article 39 of that Law).

The Order was made on 21st November 2002 and comes into force on 1st January 2003.

R&O 144/2002

The purpose of this Order is to increase the fees for driving tests.

The Order was made on 21st November 2002 and comes into force on 1st January 2003.

R&O 145/2002

The purpose of this Order is to increase fees in respect of public services vehicles.

The Order was made on 21st November 2002 and comes into force on 1st January 2003.

R&O 146/2002

The purpose of this Order is to authorize the road and sand racing programme of the Jersey Motor Cycle and Light Car Club for 2003.

The Order was made on 21st November 2002.

R&O 147/2002

The purpose of this Order is to increase from £17.56 to £18.30 the fee for the registration of a ship in the small ships register and to provide for an urgency fee of twice the standard fee.

The Order was made on 22nd November 2002 and comes into force on 1st January 2003.

R&O 148/2002

The purpose of this Order is to regulate parking in public parking places.

It differs from the Orders it replaces by -

- (a) limiting parking at the Waterfront car park to a total period of 4 hours at any one time;

- (b) regulating the period during which vehicles displaying disabled person's badges may be parked in parking places without the payment of any parking fees;
- (c) regulating parking at Le Hocq Slip.

The Order was made on 25th November 2002 and comes into force on 1st December 2002.

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

15th November 2002

- (a) as recommended by the Committee for Postal Administration, the entering onto of a Deed of Arrangement with Royal Trust Properties Limited in order to clarify the boundaries between the Post Office at Nos. 15 and 17 Broad Street, St. Helier and Nos. 15 and 17 Broad Street/1921 Commercial Street, with the inclusion of the right to reduce the level of the party-owned wall - the timing of the demolition of which was covered by a pre-signed licence agreement.

Upon completion of the removal of the section of wall between the rear of the Post Office building and the north of the Royal Bank of Canada building (Nos. 7-9 Commercial Street), this was to be replaced by a new rendered wall built up to and on to the centre line of the existing party-owned wall and the public would retain the right to build up and on to the centre line of the party-owned wall in due course when redeveloping the premises 15-17 Broad Street.

The granting of the abovementioned rights would not in any way prevent the public from improving, enlarging or extending its own premises in the future. Royal Trust Properties Limited, as owners of Nos. 7-9 Commercial Street/19-21 Broad Street, would move at its own cost any protective flashings or any other such structures to enable the public to carry out any work upon its own property. It would also have the rights of access on to Nos. 15-17 Broad Street and for future repair and maintenance, carrying out any work as quickly as possible causing the least inconvenience as possible to the public.

Royal Trust Properties Limited were to be responsible for both parties' legal costs arising from this transaction;

- (b) as recommended by the Sport, Leisure and Recreation Committee, the lease to Leeward Enterprises Limited of crèche facilities within the ground floor of Springfield Stadium, St. Helier for a further period of three years deemed to have commenced from 11th May 1998, at an annual rent of £24,000, with an option to renew for a further period;

- (c) as recommended by the Public Services Committee, the entering into of a Deed of Arrangement with Millbrook Developments Limited, as owner of the property known as Richmond Villa, La Route de St. Aubin, St. Lawrence, which neighbored Coronation Park administered by the Committee, in order to ratify the western boundary of the property. Terms had been agreed such that the new wall would form the western boundary known Richmond Villa and would belong in its entirety to the company, subject to the payment by the company of the sum of £750 to reflect the encroachment onto public land together with the payment of all reasonable legal fees and expenses in respect of this transaction. It was noted that access rights would be granted to both parties to maintain any of their respective trees or vegetation close to the new boundary wall.

In addition, Millbrook Developments Limited was to give an undertaking that it would not action the public for any loss of light or view from the new development, or any blockages or damage resulting from leaves, foliage or branches falling onto its property, subject to the public maintaining its trees in a safe condition;

- (d) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with G.R. Langlois (1999) Limited in respect of the grant, free of charge, of access rights, rights of way and service rights over La Rue de la Poterie, Grouville in connexion with the proposed development of Field No. 141, la Rue Horman, Grouville by that company. This transaction would be recorded in the same deed as the one arising from the Act of the States, dated 14th May 2002, in relation to Field No. 141 and, as such, there would be no additional legal fees to be paid by the public or the company;
- (e) as recommended by the Housing Committee, in order to regularise the boundary between No. 5 St. Clement's Road, St. Helier and Les Ronces, St. Helier -
 - (i) the sale to the Jersey Homes Trust of a strip of land in the south-eastern extremity of Les Ronces forming the sites of part of the newly constructed northern gable of the front block and the adjoining wall which was to form part of the new development on No. 5 St. Clement's Road, for a consideration of £10; and
 - (ii) the purchase from the Jersey Homes Trust of all and such land belonging to the Trust and situated between the northern faces of the newly constructed walls and buildings erected on the site of No. 5 St. Clement's Road and the centre line of the original party-owned boundary wall, for a consideration of £10;

on the basis that each party would be responsible for its own legal costs arising from this transaction.

QUESTION PAPER

(See Item G)

The Deputy of St. John will ask the following question of the President of the Agriculture and Fisheries Committee -

- (a) On two occasions in 2002 the Dairy Industry received funding of approximately £750,000 for an exit strategy involving a capping on numbers of cattle within the milk quota scheme. Will the President inform members whether cattle from organic farms were included in the quota scheme?
- (b) Will the President explain what happens to the excess milk from organic cattle and say whether it is mixed with other milk from the milk quota?
- (c) As this milk could be mixed with milk from the quotas what rationale has the Industry got to deal with excess numbers of organic cattle and is capping going to be applied to this sector of the Industry? If no capping is planned, will the President explain the rationale in recommending a capping scheme to the Finance and Economics Committee if organic milk from an uncapped scheme can be added to the milk quota?

TELECOMMUNICATIONS (JERSEY) LAW 2002
(APPOINTED DAY) (No. 3) ACT 2002

Report

This States have already adopted 1st January 2003 as the date on which the Telecommunications (Jersey) Law 2002 comes fully into force. However, some of the repeals in Article 66 of that Law cannot take effect until a day is separately appointed for them. It would have been appropriate for this requirement to have been submitted to the States with the Appointed Day Act previously approved by the States. Regrettably, the need for this was missed at that time.

This Act covers the need for a separately Appointed Day and appoints 1st January 2003 as that day. The Act has no financial or manpower implications for the States.

The Industries Committee apologises for the late notice in bringing forward this Act but it is sensible to have all the Appointed Day Acts approved by the States before 1st January 2003.

Explanatory Note

This Act appoints 1st January 2003 as the date for the operation of the repeals contained in Article 66(2) of the Telecommunications (Jersey) Law 2002.

The repeals concern the Telecommunications (Jersey) Law 1972 (which will have no substantial operation from 1st January 2003) and two older Laws, the Loi (1904) au sujet des télégraphes du Gouvernement Britannique and the Loi (1918) au sujet des télégraphes du Gouvernement Britannique. (These were Laws that applied and adapted certain United Kingdom Acts, but their usefulness is spent.)

Telecommunications (Jersey) Law 2002

TELECOMMUNICATIONS (JERSEY) LAW 2002
(APPOINTED DAY) (No. 3) ACT 2002

(Promulgated on the day of 2002)

STATES OF JERSEY

The day of 2002

THE STATES, in pursuance of Article 66(2) of the Telecommunications (Jersey) Law 2002, have made the following Act -

- 1.** The date appointed for the repeals set out in Article 66(2) of the Telecommunications (Jersey) Law 2002 is the 1st day of January 2003.
- 2.** This Act may be cited as the Telecommunications (Jersey) Law 2002 (Appointed Day) (No. 3) Act 2002.