

STATES OF JERSEY ORDER PAPER

Tuesday 9th December 2003

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

Nomination of the Connétable of St. Lawrence as a member of the Employment and Social Security Committee.

D. PRESENTATION OF PAPERS

(a) Papers for information

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

H.M. Prison, La Moye: report on the temporary release of prisoners. R.C.52/2003.
Home Affairs Committee.

Draft Amendment (No. 28) to the Tariff of Harbour and Light Dues P.171/2003.
(P.171/2003): comments. Com.
Finance and Economics Committee.

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

(b) Notification of Standing Order decisions

(c) Notification of acceptance of tenders

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

Shadow Scrutiny: arrangements and approval of Chairmen and P.186/2003.
Members.
Privileges and Procedures Committee.

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

(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 20th January 2004 -

Jersey Community Relations Trust. P.120/2003.
Lodged: 12th August 2003.
Policy and Resources Committee.

Jersey Community Relations Trust (P.120/2003): addendum to report. Presented: 2nd December 2003. <i>Policy and Resources Committee.</i>	P.120/2003. Add.
Jersey Community Relations Trust (P.120/2003): comments. Presented: 7th October 2003. <i>Finance and Economics Committee.</i>	P.120/2003. Com.
Jersey Community Relations Trust (P.120/2003): amendments. Lodged: 7th October 2003. <i>Connétable of St. Helier.</i>	P.120/2003. Amd.
Dental Department: relocation. Lodged: 18th November 2003. <i>Health and Social Services Committee.</i>	P.162/2003.
Code of Practice on Public Access to Official Information: measures to improve implementation. Presented: 18th November 2003. <i>Privileges and Procedures Committee.</i>	P.164/2003.
Greville Bathe Fund: appointment of trustee. Lodged: 2nd December 2003. <i>Finance and Economics Committee.</i>	P.181/2003.
La Pouquelaye School redevelopment: approval of drawings. Lodged: 2nd December 2003. <i>Education, Sport and Culture Committee.</i>	P.182/2003.
Jersey Police Complaints Authority: appointment of Chairman and members. Lodged: 2nd December 2003. <i>Home Affairs Committee.</i>	P.183/2003.
La Carrière, Bellozanne Valley, St. Helier: transfer of administration. Lodged: 2nd December 2003. <i>Environment and Public Services Committee.</i>	P.184/2003.
Jersey Financial Services Commission: appointment of Commissioner. Lodged: 2nd December 2003. <i>Economic Development Committee.</i>	P.185/2003.
Shadow Scrutiny: arrangements and approval of Chairmen and Members. Lodged: 9th December 2003. <i>Privileges and Procedures Committee.</i>	P.186/2003.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Policy and Resources Committee regarding the circulation of information relating to the agreement with Les Pas Holdings Limited.

The Deputy of St. Martin will ask a question of the President of the Home Affairs Committee regarding the working relationship between the States of Jersey Police and the

Honorary Police.

Senator E.P. Vibert will ask questions of the President of the Environment and Public Services Committee regarding the Connex bus service.

Deputy G.P. Southern of St. Helier will ask a question of the President of the Environment and Public Services Committee regarding the Connex bus service.

The Deputy of St. John will ask a question of the President of the Environment and Public Services Committee regarding the Connex bus service.

Deputy G.P. Southern of St. Helier will ask a question of the President of the Finance and Economics Committee regarding the '2020.je Report'.

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Policy and Resources Committee regarding the role and attendance of States members at meetings of Commonwealth Ministers.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

The President of Home Affairs Committee will make a statement regarding R.C.52/2003, (presented at the current meeting), on H.M. Prison, La Moye: report on the temporary release of prisoners.

K. PUBLIC BUSINESS

Official Report of the States Assembly and its Committees P.81/2003.
(‘Hansard’): Introduction.
Lodged: 17th June 2003.
Privileges and Procedures Committee.

Official Report of the States Assembly and its Committees P.81/2003.
(‘Hansard’): Introduction (P.81/2003) – comments. Com.
Presented: 18th November 2003.
Finance and Economics Committee.

Draft Housing (General Provisions) (Amendment No. 20) (Jersey) P.156/2003.
Regulations 200-.
Lodged: 11th November 2003.
Housing Committee.

Draft Housing (General Provisions) (Amendment No. 20) (Jersey) P.156/2003.
Regulations 200- (P.156/2003): comments. Com.
Presented: 2nd December 2003.
Finance and Economics Committee.

Le Coie Hotel site, Janvrin Road/Springfield Road, St. Helier: P.161/2003.
approval of drawings and sale of units.
Lodged: 18th November 2003.
Housing Committee.

Draft Family Allowances (Jersey) Regulations 200- Lodged: 25th November 2003. <i>Employment and Social Security Committee.</i>	P.167/2003.
Draft Family Allowances (Jersey) Regulations 200- (P.167/2003): comments. Presented: 2nd December 2003. <i>Finance and Economics Committee.</i>	P.167/2003. Com.
Draft Health Insurance (Medical Benefit) (Amendment No. 58) (Jersey) Regulations 200- Lodged: 25th November 2003. <i>Employment and Social Security Committee.</i>	P.168/2003.
Draft Health Insurance (Medical Benefit) (Amendment No. 58) (Jersey) Regulations 200- (P.168/2003): comments. Presented: 2nd December 2003. <i>Finance and Economics Committee</i>	P.168/2003. Com.
Draft Parish Rate (Administration) (Amendment) (Jersey) Regulations 200- Lodged: 25th November 2003. <i>Legislation Committee.</i>	P.169/2003.
Draft Amendment (No. 28) to the Tariff of Harbour and Light Dues. Lodged: 25th November 2003. <i>Harbours and Airport Committee.</i>	P.171/2003.
Draft Amendment (No. 28) to the Tariff of Harbour and Light Dues (P.171/2003): comments. Presented: 9th December 2003. <i>Finance and Economics Committee.</i>	P.171/2003. Com.
Draft Harbours (Amendment No. 36) (Jersey) Regulations 200. Lodged: 25th November 2003. <i>Harbours and Airport Committee.</i>	P.175/2003.
Draft Boats and Surf-Riding (Control) (Amendment No. 25) (Jersey) Regulations 200- Lodged: 25th November 2003. <i>Harbours and Airport Committee.</i>	P.177/2003.
Draft Boats and Surf-Riding (Control) (Amendment No. 25) (Jersey) Regulations 200- (P.177/2003): addendum to report. Presented: 2nd December 2003. <i>Harbours and Airport Committee.</i>	P.177/2003. Add.
Waterfront Leisure Complex: sale of Head Lease. Lodged: 25th November 2003. <i>Finance and Economics Committee.</i>	P.172/2003.
Health Services Disciplinary Tribunal: appointment of members. Lodged: 25th November 2003. <i>Employment and Social Security Committee.</i>	P.173/2003.
Manual Workers' Joint Council: membership.	P.174/2003.

Lodged: 25th November 2003.
Policy and Resources Committee.

Bas du Mont Flats, Pier Road, St. Helier: sale to the Christians
Together in Jersey (CTJ) Housing Trust. P.176/2003.
Lodged: 25th November 2003. (re-issue)
Housing Committee.

Draft Road Traffic (No. 56) (Jersey) Regulations 200. P.179/2003.
Lodged: 25th November 2003.
Deputy G.C.L. Baudains of St. Clement.

Draft Road Traffic (No. 56) (Jersey) Regulations 200 (P.179/2003): P.179/2003.
comments. Com.
Presented: 2nd December 2003.
Home Affairs Committee.

Cattle Street Car Park, St. Helier: transfer of administration of a part of P.180/2003.
land.
Lodged: 25th November 2003.
Telecommunications Board.

Fish Market, North Corridor to the east of Telephone House, Minden
Place, St. Helier: Transfer of Administration of room.
Telecommunications Board.
(attached).

Draft Transfer of Functions (Economic Development Committee)
(No.2) (Jersey) Act 200-.
Economic Development Committee.
(attached).

Draft Amendment (No.26) of the Standing Orders of the States of
Jersey.
Economic Development Committee.
(attached).

M.N. DE LA HAYE
Greffier of the States

4th December 2003.

QUESTION PAPER

(See Item G)

Deputy G.C.L. Baudains of St. Clement will ask the following question of the President of the Policy and Resources Committee -

“During the States debate of P.117/2003 regarding the proposed agreement with Les Pas Holdings Limited, the President stated that he would circulate a list of the misleading information he claimed had been made on the issue. Would the President advise when this list will be published?”

The Deputy of St. Martin will ask the following question of the President of the Home Affairs Committee -

“With reference to answers given by the President on 2nd December 2003, regarding the working relationship between the States of Jersey Police and the Honorary Police, would the President inform members –

- (a) whether much of the uncertainty and misunderstanding would be alleviated if the Jersey Police Authority was functioning in line with that which was approved by the States in May 1998?
- (b) why the Jersey Police Authority is not functioning and what steps have been taken to appoint a chairman and full membership?
- (c) whether the Committee is minded to re-establish the Police Authority, and, if not, whether it is intended that the proposed Memorandum of Understanding will replace it? If the Memorandum of Understanding is not intended to replace the Police Authority would the President inform members of what plans are in hand to ensure that there is a framework of accountability which is not only acceptable to members of both the States and Honorary Police officers but also to the members of the public? and,
- (d) whether the proposed Memorandum of Understanding will allow for the appointment of an Honorary Police Chief to represent the interests of the Honorary Police?”

Senator E.P. Vibert will ask the following questions of the President of the Environment and Public Services Committee -

“1. Would the President inform members –

- (a) how the recently announced cuts to the Connex bus schedules fit into the Bus Strategy approved by the States in 2001, which was intended to improve the quality of service provided to all bus users?
- (b) whether he would agree that as the Committee, due to staff shortages, has not been able to monitor the much-vaunted Service Level Agreement with Connex together with that company’s performance, and, given the service cuts announced recently, that the Bus Strategy has been a total and expensive failure?

2. Would the President confirm that a bus service, that only two years ago was costing the tax payer £140,000, is now costing nearly £1.9 million, and would he inform members of the likely cost of the service for the next year?”

Deputy G.P. Southern of St. Helier will ask the following question of the President of the Environment and Public

Services Committee -

- “(a) Would the President agree that the proposed reductions in service levels in the bus service will lead to a reduction in fare revenue and would he advise members –
- (i) what fare revenue is estimated for the next 12 months? and,
 - (ii) what this level of fare revenue will mean for the level of subsidy payable to Connex during this period?
- (b) Will the President explain the rationale behind the decision to remove additional ‘K’ services from the ‘shoulder’ months in spring and autumn?
- (c) Would the President agree that the proposals fail to meet the commitment contained in the Bus Strategy, approved by the States in 2001, to support the Island’s tourism industry, and that the latest proposals will force tourists to use alternative methods of transport throughout the year, and, in particular, explain why there will be no bus service at all to the Living Legend, as one of Jersey’s major tourist attractions? and,
- (d) Would the President explain the Committee’s reasoning for supporting the proposed reduction from the current 20 minute frequency to a half-hourly frequency on the No. 15 service between the hours of 3.00 and 6.00 p.m., and, whether the Committee is satisfied that the reduced frequency will be adequate?”

The Deputy of St. John will ask the following question of the President of the Environment and Public Services Committee -

“Recently the Committee placed an advertisement in the Jersey Evening Post showing the proposals for the all-year Connex Bus service.

Will the President advise members–

- (a) whether the Committee has a Transport Strategy to cover all areas of the Island, and, if not, will he explain the reasons why?
- (b) whether the Committee intends to give consideration to ensuring that people on, for example, the No. 5 route to St. John, and other outlying areas of the Island, are not left without a winter bus service?
- (c) whether the Committee, when reviewing the winter bus timetable, will ensure that the timing of buses are such to allow people to use the service to get to and from work?
- (d) of the proposed times for the Route 22 extension as these were not publicised in the recent advertisement on 26th November 2003, seeking public comment?”

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

“In a recent radio interview the President stated that the ‘2020.je Report’ was being considered in policy discussions within various States departments. Will the President advise members whether this is the case given the criticism of the Report, its methodology and conclusions.”

Deputy G.C.L. Baudains of St. Clement will ask the following question of the President of the Policy and Resources Committee -

“The minutes of the Committee meeting held on 23rd October 2003, state that Senator M.E. Vibert would not be attending the ‘Commonwealth Education Ministers’ meeting in Edinburgh because “*there are several matters on the agenda with which he disagreed, yet he would be required to show allegiance with the United Kingdom’s view*”. Will the President explain the rôle of Jersey representatives attending such meetings and whether they are required to show allegiance to the U.K.’s view?”

PROPOSITION

FISH MARKET, NORTH CORRIDOR TO THE EAST OF TELEPHONE HOUSE, MINDEN PLACE, ST. HELIER: TRANSFER OF ADMINISTRATION OF ROOM

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

- (a) to authorise the transfer of administration of a certain first floor room above the north corridor of the “Fish Market” premises to the east of Telephone House, Minden Place, St. Helier as shown on Drawing No. 359/03/53 from the Telecommunications Board to the Environment and Public Services Committee and to authorise the Greffier of the States to sign the said drawing on behalf of the States;
- (b) to authorise the lease of the said room by the Public to JTG (St. Helier) Limited for a term of twenty-five years from the date of the transfer of administration at an annual rental of £9,654, subject to five yearly rent reviews,;
- (c) to authorise the Attorney General and the Greffier of the States to pass the necessary contract on behalf of the States and to authorise the Treasurer of the States to receive the rent as it becomes due.

TELECOMMUNICATIONS BOARD

Note: The Environment and Public Services Committee supports the proposition.

The comments of the Finance and Economics Committee are to follow.

REPORT

In accordance with the Telecommunications (Transfer) (Jersey) Regulations 2002, certain operational properties administered by the Telecommunications Board were transferred to Jersey Telecom Group Limited and its subsidiary companies on 1st January 2003.

In Schedule I to Regulation 8, the agreed continued use by JTG (St. Helier) Limited of a certain room at first floor level above the north corridor of the “Fish Market” premises is acknowledged. The room, which measures 877.64 square feet, is used as an exchange equipment room and is only accessed from Telephone House.

The room is to be retained in Public ownership and it is therefore necessary to transfer the administration of the premises to another States Committee to allow the Telecommunications Board to be dissolved.

It is proposed that the administration of the room is transferred to the Environment and Public Services Committee and leased to JTG (St. Helier) Limited in accordance with the Principal Heads of Agreement attached to Schedule I of Regulation 8 of the Telecommunications (Transfer) (Jersey) Regulations 2002, already agreed by the States.

In summary, the Public will lease the room to JTG (St. Helier) Limited for a term of twenty-five years at a rental of £9,654 per annum, subject to five yearly rent reviews. In the event of any redevelopment of the Fish Market, either party may give five years’ notice of termination of the lease, although such notice cannot be given within

the first five years of the lease. If the Fish market has not been developed within the twenty-five year period, the parties may agree to renew the lease for a further twenty-five years on the same terms and conditions, except that the prohibition on giving notice during the first five years of the lease shall not apply.

This proposition has no implications for the financial or manpower resources of the States.

**TRANSFER OF FUNCTIONS (ECONOMIC DEVELOPMENT COMMITTEE) (No. 2)
(JERSEY) ACT 200-**

Report

The transfer of the administration of the remaining piece of land and wall in Cattle Street and the first floor room in the Fish Market, North Corridor from the Telecommunications Board to the Environment and Public Services Committee completes the transfer of functions, assets and liabilities under the Telecommunications (Jersey) Law 2002 and the Telecommunications (Transfer) (Jersey) Regulations 2002 from the Telecommunications Board. No known functions or responsibilities remain with the Board.

However, in the event that some currently unknown responsibility comes to light in the future, it is proposed that, an Act be adopted by the States transferring all remaining functions of the Telecommunications Board, to the Economic Development Committee.

With this done it is further proposed that the Telecommunications Board be dissolved, there being no further requirement for it to remain in existence.

There is a consequential amendment to Standing Orders of the States of Jersey which follows this draft Act.

ECONOMIC DEVELOPMENT COMMITTEE.

Explanatory Note

The object of this Act is to transfer from the Telecommunications Board any residual functions, rights, and liabilities, that it may have after the substantive transfers effected on 1st January 2003 under the Telecommunications (Jersey) Law 2002. The transfer is made for the sake of abundant caution and is to the Economic Development Committee.

**TRANSFER OF FUNCTIONS (ECONOMIC DEVELOPMENT COMMITTEE) (No. 2)
(JERSEY) ACT 200-**

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 29 of the States of Jersey Law 1966, have made the following Act –

1 Interpretation

In this Act –

“liabilities” means any liabilities, debts or obligations (whether present or future and whether vested or contingent);

“receiving Committee” means the Economic Development Committee;

“rights” means any rights, powers, privileges or immunities (whether present or future and whether vested or contingent);

“transferring Committee” means the Telecommunications Board.

2 Residual functions transferred

There are transferred to the receiving Committee the functions, if any, of the transferring Committee.

3 Construction and transitional provisions

- (1) Subject to paragraph (2), in any enactment, any reference to the transferring Committee in relation to the functions transferred by Article 2 shall be construed as a reference to the receiving Committee.
- (2) In the construction of, and for the purposes of, any enactment, judgment, award, contract, certificate or other document passed or made before this Act comes into force, anything that is, or is to be construed as, a reference to the transferring Committee or its officers shall, so far only as may be necessary for and in consequence of the transfer of functions effected by Article 2, be construed as a reference to the receiving Committee or its officers.
- (3) The transfer of functions effected by Article 2 shall not prejudice the operation of any appointment, determination, direction, instruction, approval, consent, requirement, authorization or other thing made, given or done by the transferring Committee before the time when this Act comes into force in relation to the functions transferred by Article 2, but such matter shall, if then in force, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the receiving Committee.
- (4) Any rights, and any liabilities, enjoyed or incurred by the transferring Committee in connection with those functions shall be transferred to the receiving Committee and shall become by virtue of this Act the rights and liabilities of the receiving Committee.

- (5) The operation of paragraph (4) shall not be regarded –
 - (a) as a breach of contract or confidence or otherwise as a civil wrong;
 - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of rights or liabilities; or
 - (c) as giving rise to any remedy by a party to a contract or other instrument, as an event of default under any contract or other instrument or as causing or permitting the termination of any contract or other instrument, or of any obligation or relationship.
- (6) For the purposes of paragraph (4), to the extent that a contract, or other instrument, that creates or passes a right or liability of the transferring Committee specifies that it is incapable of transfer or assignment, the contract or instrument shall be of no effect.
- (7) Anything commenced before this Act comes into force by or under the authority of the transferring Committee may, so far as it relates to the functions, rights, or liabilities, transferred by this Act, be carried on and completed by or under the authority of the receiving Committee.
- (8) Where, at the coming into force of this Act, any legal proceeding is pending to which the transferring Committee is a party and the proceeding has reference to any of the functions, rights, or liabilities, transferred by this Act, the receiving Committee shall be substituted in the proceeding for the transferring Committee and the proceeding shall not abate by reason of the substitution.

4 Citation and commencement

This Act may be cited as the Transfer of Functions (Economic Development Committee) (No. 2) (Jersey) Act 200- and shall come into force on 1st January 2004.

AMENDMENT (No. 26) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Explanatory Note

This Amendment to the Standing Orders of the States of Jersey removes the reference to the Telecommunications Board from the list of committees in Standing Order 39(1) as well as removing Standing Order 39(4) (which referred only to the Telecommunications Board).

The Amendment is consequential on the passing of the residual functions (if any) of the Board to the Economic Development Committee.

ECONOMIC DEVELOPMENT COMMITTEE.

AMENDMENT (No. 26) OF THE STANDING ORDERS OF THE STATES OF JERSEY

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 27 of the States of Jersey Law 1966, have made the following amendments of the Standing Orders of the States of Jersey –

1 Standing Order 39 amended

Standing Order 39(1)(1) and (4) shall be deleted.

2 Citation and commencement

This Amendment may be cited as Amendment (No. 26) of the Standing Orders of the States of Jersey and shall come into force on 1st January 2004.