

STATES OF JERSEY ORDER PAPER

Tuesday and Wednesday, 10th and 11th September 2002

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Tourism (General Provisions) (Amendment No. 9)
(Jersey) Order 2002. R & O 70/2002.
Tourism Committee.

Places of Refreshment (Registration) (Fees) (Jersey)
Order 2002. R & O 71/2002.
Tourism Committee.

Gorey Fête (Jersey) Order 2002. R & O 72/2002.
Public Services Committee.

Road Traffic (Public Parking Places) (No. 2)
(Jersey) Order 2002. R & O 73/2002.
Public Services Committee.

Companies (General Provisions) (Jersey) Order
2002. R & O 74/2002.
Finance and Economics Committee.

Companies (Fees) (Jersey) Order 2002. R & O
75/2002.
Finance and Economics Committee.

Companies (Subsidiaries) (Transitional Provisions)
(Jersey) Order 2002. R & O 76/2002.
Finance and Economics Committee.

Companies (Standard Table) (Amendment) (Jersey)
Order 2002. R & O 77/2002.
Finance and Economics Committee.

Control of Borrowing (Amendment No. 11) (Jersey)
Order 2002. R & O 78/2002.
Finance and Economics Committee.

Community Customs (Wine and Spirits)
(Amendment) (Jersey) Order 2002. R & O 79/2002.
Finance and Economics Committee.

States of Jersey (Declaration by Candidate) Order
2002. R & O 80/2002.
Privileges and Procedures Committee.

Community Provisions (Zimbabwe - Restrictive
Measures) (No. 2) (Jersey) Order 2002. R & O
81/2002.
Policy and Resources Committee.

Education (Discretionary Grants) (Amendment)

(Jersey) Order 2002. R & O 83/2002.
Education Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

Resignation of Deputy M.E. Vibert of St. Brelade from the Tourism Committee.

Resignation of Deputy R.G. Le Hérissier of St. Saviour from the Agriculture and Fisheries Committee.

Nomination of the Connétable of St. Mary as a member of the Health and Social Services Committee.

D. PRESENTATION OF PAPERS

(a) Papers for information

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

Committee of Inquiry into Building Costs: final report.
Committee of Inquiry into Building Costs. R.C.32/2002.

Financial assistance for the cost of ophthalmic and dental care for persons aged over 65: extension of scheme (P.131/2002) - comments.
Finance and Economics Committee. P.131/2002.
Com.

States Resource Plan 2002 (P.132/2002): amendment (P.132/2002 Amd.)- comments.
Finance and Economics Committee. P.132/2002.
Amd. Com.

Haut de la Garenne: Incorporation of Trust, appointment of original Trustees, and lease of property to the Trust (P.147/2002) - comments.
Finance and Economics Committee. P.147/2002.
Com.

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

30th July 2002

Report by the Government Actuary on the financial condition of the Health Insurance Fund as at 31st December 1997.
Employment and Social Security Committee. R.C.27/2002.

Employment relations legislation. R.C.28/2002.
*Employment and Social Security
Committee.*

6th August 2002

Cottage Homes Committee: P.104/2002.
transfer of functions to Housing Com.(2)
Committee (P.104/2002) -
comments.
Human Resources Committee.

Draft Public Records (Jersey) P.107/2002.
Law 200- (P.107/2002): Com.
comments.
Human Resources Committee.

13th August 2002

General Reserve: grant of R.C.29/2002.
additional funds to 30th June
2002.
*Finance and Economics
Committee.*

20th August 2002.

Haut de la Garenne, St. Martin : P.57/2002.
approval of drawings Com.
(P.57/2002) - comments.
*Finance and Economics
Committee.*

3rd September 2002

Competition Law: progress R.C.30/2002.
report.
Industries Committee.

“Review of Consumer Protection R.C.31/2002.
in Jersey” report: response.
Industries Committee.

(b) Notification of Standing Order decisions

2nd September 2002

Decisions under delegated functions.
Finance and Economics Committee.

(c) Notification of acceptance of tenders

7th August 2002

Thistle Grove, St. Lawrence: sewer extension.
Public Services Committee.

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

Machinery of Government: P.142/2002.
freedom of representation Amd.
(P.142/2002) – amendment.
Policy and Resources Committee.

Draft Licensing (Licence Fees) P.150/2002.
(Jersey) Regulations 200-.
Tourism Committee.

Health and Social Care P.151/2002.
Modernisation Fund.
*Health and Social Services
Committee.*

Draft States Reform: P.152/2002.
Reorganization of Committees
(Transitional Arrangements)
(Jersey) Act 200-.
*Privileges and Procedures
Committee.*

Draft Public Finances P.153/2002.
(Administration) (Amendment
No. 11) (Jersey) Law 200.
*Finance and Economics
Committee.*

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

13th August 2002

States Resource Plan 2002. P.132/2002.
Policy and Resources Committee.

Draft Amendment (No. 11) of P.133/2002.
Standing Orders Relating to
Certain Transactions in Land.
*Privileges and Procedures
Committee.*

Draft Jersey Advisory and P.134/2002.
Conciliation (Jersey) Law 200-
*Employment and Social Security
Committee.*

20th August 2002.

Public Employees Contributory P.135/2002.
Retirement Scheme: Committee
of Management - appointment of
member.
Human Resources Committee.

Draft Public Holidays and Bank P.136/2002.
Holidays (Amendment No. 2)
(Jersey) Law 200-
*Finance and Economics
Committee.*

Royde House, 21 Midvale Road, P.137/2002.
St. Helier: lease of
accommodation.
*Health and Social Services
Committee.*

Draft Criminal Justice (Evidence P.138/2002.
of Children) (Amendment)
(Jersey) Law 200-
Legislation Committee.

Committee of Inquiry: procedures for allocation of residential property by Housing Trusts.
Deputy S.M. Baudains of St. Helier.

P.139/2002.

27th August 2002.

States Resource Plan 2002 (P.132/2002): amendment.
Human Resources Committee.

P.132/2002.
Amd.

Draft Nursing and Residential Homes (Amendment) (Jersey) Law 200-.
Health and Social Services Committee.

P.140/2002.

Mains Drain Extension Scheme: Thistle Grove, St. Lawrence and St. John.
Deputy of St. John.

P.141/2002.

Machinery of Government: freedom of representation.
Senator S. Syvret.

P.142/2002.

Planning and Building Core Service: strategy for future funding.
Planning and Environment Committee.

P.143/2002.

3rd September 2002

Draft Boats and Surf-Riding (Control) (Amendment No. 23) (Jersey) Regulations 200-.
Harbours and Airport Committee.

P.144/2002.

Draft Pilotage (General Provisions) (Amendment No. 8) (Jersey) Regulations 200-.
Harbours and Airport Committee.

P.145/2002.

Draft Harbours (Amendment No. 34) (Jersey) Regulations 200. *Harbours and Airport Committee.* P.146/2002.

Haut de la Garenne: Incorporation of Trust, appointment of original Trustees, and lease of property to the Trust. *Planning and Environment Committee.* P.147/2002.

Draft Law granting an Act of Incorporation to the Association called "The Haut de la Garenne Trust". *Planning and Environment Committee.* P.148/2002.

Machinery of Government: election and removal of ministers and votes of no confidence in ministers. *Senator S. Syvret.* P.149/2002.

(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

Deputy A. Breckon of St. Saviour will seek leave to defer consideration of his proposition regarding the Office of Fair Trading: establishment (P.97/2002 lodged "au Greffe" on 11th June 2002) from the present meeting to a later date.

THE STATES are asked to agree that the following matters lodged "au Greffe" be considered at the present meeting -

States Resource Plan 2002. P.132/2002.
Lodged: 13th August 2002.
Policy and Resources Committee.

States Resource Plan 2002 P.132/2002.
(P.132/2002): amendment. Amd.
Lodged: 27th August 2002.
Human Resources Committee.

States Resource Plan 2002 P.132/2002.
(P.132/2002): amendment Amd. Com.
(P.132/2002 Amd.)- comments.
Presented: 10th September 2002.
Finance and Economics Committee.

The President of the Policy and Resources Committee will ask that this matter be taken as the first item of

public business.

Haut de la Garenne, St. Martin: P.57/2002.
approval of drawings.
Lodged: 23rd April 2002.
*Planning and Environment
Committee.*

Haut de la Garenne, St. Martin : P.57/2002.
approval of drawings (P.57/2002) - Com.
comments.
Presented : 20th August 2002.
*Finance and Economics
Committee.*

Public Employees Contributory P.135/2002.
Retirement Scheme: Committee of
Management - appointment of
member.
Lodged: 20th August 2002.
Human Resources Committee.

Draft Criminal Justice (Evidence P.138/2002.
of Children) (Amendment)
(Jersey) Law 200-
Lodged: 20th August 2002.
Legislation Committee.

Planning and Building Core Service: strategy for future funding.
Lodged: 27th August 2002.
Planning and Environment Committee.

P.143/2002.

THE STATES are asked to agree that the following matters lodged "au Greffe" be considered at their next meeting on 24th September 2002 –

Draft Planning and Building (Amendment) (Jersey) Law 200-.
Lodged: 23rd April 2002.
Planning and Environment Committee.

P.56/2002.

Draft Police Procedures and Criminal Evidence (Jersey) Law 200-.
Lodged: 28th May 2002.
Home Affairs Committee.

P.89/2002.

Draft Police Procedures and Criminal Evidence (Jersey) Law 200- (P.89/2002): comments.
Presented: 11th June 2002.
Human Resources Committee.

P.89/2002.
Com.

Draft Police Procedures and Criminal Evidence (Jersey) Law 200- (P.89/2002): comments.
Presented: 11th June 2002.
Finance and Economics Committee.

P.89/2002.
Com.(2)

Draft Crime (Going Equipped) (Jersey) Law 200-.
Lodged: 11th June 2002.
Legislation Committee.

P.96/2002.

European Convention for the Protection of Human Rights and Fundamental Freedoms: Individual Right to Petition.
Lodged: 25th June 2002.
Policy and Resources Committee.

P.110/2002.

Draft Civil Evidence (Jersey) Law 200-.
Lodged: 2nd July 2002.
Legislation Committee.

P.111/2002.

Meetings of the States in 2003: suspension of Standing Order 4(1).
Lodged: 23rd July 2002.
Privileges and Procedures Committee.

P.124/2002.

Draft Law Reform (Miscellaneous

P.130/2002.

Provisions) (Jersey) Law 200-.
Lodged: 23rd July 2002.
Legislation Committee.

Financial assistance for the cost of P.131/2002.
ophthalmic and dental care for
persons aged over 65: extension of
scheme.
Lodged: 23rd July 2002.
*Employment and Social Security
Committee.*

Financial assistance for the cost of P.131/2002.
ophthalmic and dental care for Com.
persons aged over 65: extension of
scheme (P.131/2002) - comments.
Presented: 10th September 2002.
*Finance and Economics
Committee.*

In accordance with Standing Order 22(3) Senator S. Syvret has instructed the Greffier of the States to withdraw the proposition regarding Machinery of Government: freedom of representation (P.25/2002 lodged "au Greffe" on 26th February 2002), having lodged "au Greffe" a revised proposition (P.142/2002) on 27th August 2002.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

The Deputy of St. John will ask questions of the President of the Sport, Leisure and Recreation Committee regarding swimming pool facilities.

Senator S. Stein will ask a question of the President of the Public Services Committee regarding bus passes.

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

Deputy R.G. Le Hérisssier of St. Saviour will ask a question of the President of the Public Services Committee regarding the school bus service.

The Deputy of St. John will ask a question of the President of the Home Affairs Committee regarding the appointment of police officers.

The Connétable of Trinity will ask a question of the President of the Planning and Environment Committee regarding the photographing of properties in the parish of Trinity.

The Deputy of St. John will ask questions of the President of the Agriculture and Fisheries Committee regarding aid to the Jersey Milk Marketing Board.

Deputy G.C.L. Baudains of St. Clement will ask questions of the President of the Harbours and Airport Committee regarding the fencing on the New North Quay.

The Deputy of St. John will ask a question of the President of the Public Services Committee regarding the St. Helier Surface Water Link and Storage Tank Contract.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

Subject to E -

States Resource Plan 2002. P.132/2002.
Lodged: 13th August 2002.
Policy and Resources
Committee.

States Resource Plan 2002 P.132/2002.
(P.132/2002): amendment. Amd.
Lodged: 27th August 2002.
Human Resources Committee.

States Resource Plan 2002 P.132/2002.
(P.132/2002): amendment Amd. Com.
(P.132/2002 Amd.)-
comments.
Presented: 10th September
2002.
Finance and Economics
Committee.

States Resource Plan 2002
amendment (P.132/2002
Amd): amendment.
Education Committee.
(Attached)

States Resource Plan 2002
amendment (P.132/2002):
second amendment.
Senator S. Syvret.
(Attached)

Haut de la Garenne, St. P.57/2002.
Martin: approval of drawings.
Lodged: 23rd April 2002.
Planning and Environment
Committee.

Haut de la Garenne, St. P.57/2002.
Martin : approval of drawings Com.
(P.57/2002) - comments.

Presented : 20th August 2002.
*Finance and Economics
Committee.*

Office of Fair Trading: P.97/2002.
establishment.
Lodged: 11th June 2002.
*Deputy A. Breckon of St.
Saviour.*

Office of Fair Trading: P.97/2002.
establishment (P.97/2002) - Com.
comments.
Presented: 25th June 2002.
*Human Resources
Committee.*

Draft Water Pollution (Amendment) P.100/2002.
(Jersey) Law 200-
Lodged: 11th June 2002.
Public Services Committee.

Cottage Homes Committee: transfer P.104/2002.
of functions to Housing Committee.
Lodged: 18th June 2002
Housing Committee.

Cottage Homes Committee: transfer P.104/2002.
of functions to Housing Committee Com.
(P.104/2002) - comments.
Presented: 9th July 2002.
Finance and Economics Committee.

<p>Cottage Homes Committee: transfer of functions to Housing Committee (P.104/2002) - comments. Presented: 6th August 2002. <i>Human Resources Committee.</i></p>	<p>P.104/2002. Com.(2)</p>
<p>Draft Public Records (Jersey) Law 200-. Lodged: 18th June 2002 <i>Finance and Economics Committee.</i></p>	<p>P.107/2002.</p>
<p>Draft Public Records (Jersey) Law 200- (P.107/2002): comments. Presented: 6th August 2002. <i>Human Resources Committee.</i></p>	<p>P.107/2002. Com.</p>
<p>Abattoir, La Collette, St. Helier: transfer of administration. Lodged: 25th June 2002. <i>Agriculture and Fisheries Committee.</i></p>	<p>P.109/2002.</p>
<p>Draft Sea Fisheries (Ormers - Temporary Restrictions) (Repeal) (Jersey) Regulations 200-. Lodged: 23rd July 2002. <i>Agriculture and Fisheries Committee.</i></p>	<p>P.125/2002.</p>
<p>Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 2) (Jersey) Regulations 200-. Lodged: 23rd July 2002. <i>Agriculture and Fisheries Committee.</i></p>	<p>P.126/2002.</p>
<p>Draft Sea Fisheries (Minimum Size Limits) (Amendment) (Jersey) Regulations 200-. Lodged: 23rd July 2002. <i>Agriculture and Fisheries Committee.</i></p>	<p>P.127/2002.</p>

Subject to E -

Public Employees P.135/2002.
Contributory Retirement
Scheme: Committee of
Management - appointment
of member.
Lodged: 20th August 2002.
*Human Resources
Committee.*

Draft Criminal Justice P.138/2002.
(Evidence of Children)
(Amendment) (Jersey) Law
200-
Lodged: 20th August 2002.
Legislation Committee.

Planning and Building Core P.143/2002.
Service: strategy for future
funding.
Lodged: 27th August 2002.
*Planning and Environment
Committee.*

C.M. NEWCOMBE

Greffier of the States

5th September 2002

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 70/2002

This Order increases the fees for the grant or renewal of registration of premises under the Tourism (Jersey) Law 1948 by approximately 2.5%. The fees were last increased on 1st October 2001.

The Order was made on 29th July 2002, and comes into force on 1st October 2002.

R&O 71/2002

This Order increases from £62 to £64 the fee for registration, or renewal of registration, of premises as a place of refreshment.

The Order was made on 29th July 2002 and comes into force on 1st January 2003.

R&O 72/2002

The effect of this Order was to allow the St. Martin's Gymkhana and Fete Committee to use Gorey Pier for the purpose of holding the Gorey Fête on Thursday, 15th August 2002.

It also authorized the fete committee to temporarily close the site to traffic and impose temporary traffic restrictions in other roads, in connection with the fete, between Tuesday, 13th August 2002 and Friday, 16th August 2002.

The Order was made by the Public Services Committee on 5th August 2002, on the application of the fete committee and after consultation by the Committee with the Connétables of Saint Martin and Grouville and the Harbours and Airport Committee.

R&O 73/2002

The purpose of this Order is to provide for the reorganization of the public parking places in the area of Gorey Pier.

The Order was made on 5th August 2002 and came into force forthwith.

R&O 74/2002

The effect of this Order is to replace the Companies (General Provisions) (Jersey) Order 1992 consequentially on the enactment of the Companies (Amendment No. 6) (Jersey) Law 2002.

The Order was made by the Finance and Economics Committee on 7th August 2002, after consultation with the Jersey Financial Services Commission, and came into force on the same day as that Law (i.e. 1st September 2002).

R&O 75/2002

The effect of this Order is to replace the Companies (Fees) (Jersey) Order 1992, in consequence of the enactment of the Companies (Amendment No. 6) (Jersey) Law 2002.

The Order introduces a flat fee of £50 for the registration of companies other than limited par value companies.

The Order also provides for the following new fees -

- (a) a filing fee of £25 will be payable for the delivery of accounts to the registrar under Article 106 of the Companies (Jersey) Law 1991, a late filing fee of £100 will be payable if they are delivered more than 7 months but not more than 9 months after the end of the financial period to which they relate, and a late filing fee of £200 will be payable if they are delivered later than that;
- (b) a fee of £500 will be payable on any application for the continuance of an overseas body corporate within the Island, or an application for authorization from the Jersey Financial Services Commission by a Jersey company to seek continuance abroad; and
- (c) the maximum charge that a public company may make for permitting the inspection of its register of directors and secretary under Article 83 of the Companies (Jersey) Law 1991 will be £5.

The fee for delivering a memorandum of association and statement, on incorporation, to the registrar is increased from £130 to £150.

The fee for filing an annual return is increased from £130 to £150.

The Order was made by the Finance and Economics Committee on 7th August 2002, after consultation with the Jersey Financial Services Commission. The increased fee for filing an annual return will have effect from 1st January 2003. The other provisions came into force on the same day as the Companies (Amendment No. 6) (Jersey) Law 2002 (i.e. 1st September 2002).

R&O 76/2002

The effect of this Order is to provide that during the period from 1st September 2002 (the day on which the Companies (Amendment No. 6) (Jersey) Law 2002 comes into force) until 31st December 2002, rights attached to shares held by way of security on 1st September 2002 shall be treated for the purposes of Article 2 of the Companies (Jersey) Law 1991 (which relates to the definitions "subsidiary", wholly-owned subsidiary" and "holding company") as being held by the person providing the security.

The Order was made by the Finance and Economics Committee on 7th August 2002, after consultation with the Jersey Financial Services Commission, and came into force on 1st September 2002.

R&O 77/2002

Article 11 of the Companies (Amendment No. 6) (Jersey) Law 2002 removes the requirement that a company must have common seal.

This Order amends the Companies (Standard Table) (Jersey) Order 1992 to take account of that change.

The Order was made by the Finance and Economics Committee on 7th August 2002, after consultation with the Jersey Financial Services Commission, and came into force on the same day as the Companies (Amendment No. 6) (Jersey) Law 2002 (i.e. 1st September 2002).

R&O 78/2002

The effects of this Order are -

- (a) to prohibit a Jersey body corporate from admitting persons to membership otherwise than by the issue or transfer of shares, unless the Jersey Financial Service Commission has given its consent for the purposes of the Borrowing Control (Jersey) Law 1947; and
- (b) to prohibit the issue of a certificate of continuance under the Companies (Jersey) Law 1991 to a body corporate unless it has, in respect of its shares, debentures and other securities that are already in issue, obtained the consent of the Commission to their remaining in issue on its continuance in the Island.

The Order was made by the Finance and Economics Committee on 7th August 2002, and came into force on the same day as the Companies (Amendment No. 6) (Jersey) Law 2002 (i.e. 1st September 2002).

R&O 79/2002

The purpose of this Order is to update the Community Customs (Wine and Spirits) (Jersey) Order 2000 in consequence of the repeal and replacement of an EU Regulation relating to wine.

The Order was made on 7th August 2002 and came into force forthwith.

R & O 80/2002

The purpose of this Order is to specify the form and content of the declaration that a candidate for election as Senator or Deputy is required to make under Article 8 of the States of Jersey Law 1966 as amended by the States of Jersey (Amendment No.8) Law 2002.

The Order was made on 8th August 2002 and came into force seven days after it was made.

R&O 81/2002

The purpose of this Order is to replace the Community Provisions (Zimbabwe - Restrictive Measures) (Jersey) Order 2002 which gave effect in the Island to a Council Regulation of the European Communities that put in place certain restrictive measures in respect of Zimbabwe. This new Order is in identical terms save that it incorporates two amendments that have been made to the Council Regulation correcting the entries in the list of competent authorities of Austria, Belgium and the United Kingdom and extending the list of persons, entities and bodies to whom no funds, financial assets or economic resources shall be made available.

The Order was made on 14th August 2002 and came into force forthwith.

R & O 83/2002

The effect of this Order is to increase, with effect from 1st September 2002, the maximum amounts of discretionary grants and allowances for higher, vocational and further education, contributions towards standard student grants and the upper

income limit for eligibility for distance learning grants.

The increases (except those for home grants and distance learning allowances) reflect the 1.7 per cent increase in the United Kingdom cost of living index at 1st September 2001. The increases for home grants and distance learning allowances reflect the 4.2 per cent increase in the cost of living in Jersey at that date.

The Order was made by the Education Committee on 30th August 2002 and came into force on 1st September 2002.

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

2nd September 2002

- (a) as recommended by the Housing Committee, the sale to Mr. Andrew Alistair Colquhoun and Mrs. Margaret Kennedy Colquhoun, née Guild, of an area of land (measuring approximately 930 square feet) at the Bashford Housing Estate, St. Saviour (located within the garden of the property known as Ruxley, Longueville Road, St. Saviour), for a nominal consideration of £10, on the basis that Mr. and Mrs. Colquhoun would be responsible for both parties' legal costs arising from this transaction;
- (b) as recommended by the Public Services Committee, the purchase from Mr. Philip Cowan Sinel and Mrs. Iva de Jesus Sinel, née Camacho, of Field No. 1167a, St. Ouen (measuring 4,980 square feet), for the purpose of constructing an underground pumping station referred to as Bas du Marais Foul Sewer Extension (as shown on Public Services Department Drawing No. 768/004 dated July 2001), for a total consideration of £4,980, on the basis that the Committee would be responsible for both parties' reasonable legal fees arising from this transaction;
- (c) as recommended by the Health and Social Services Committee, the lease from Laprom Properties Limited of the undermentioned units of accommodation at No. 37A David Place, St. Helier, required for occupation by nursing staff, for a period of five years and 15 days from 17th August 2002 (until 31st August 2007), on the basis of rental payments being monthly in advance -
- (i) Flat 1 - at an annual rent of £9,360, subject to annual revision in line with the Jersey Retail Price Index; and
 - (ii) Flats 2, 3 and 4 - at an annual rent for each of £8,320, subject to annual revision in line with the Jersey Retail Price Index;
- with each party to be responsible for the payment of its own legal costs in relation to this transaction and on the basis that no deposits were to be paid;
- (d) as recommended by the Health and Social Services Committee, a three-year internal repairing lease from Mr. Wayne Robert Meenagh and Mrs. Rani Ann Meenagh, née Vivian, of the property known as Swiss Cottage, Savile Street, St. Helier, from 1st July 2002 at an annual rent of £17,000 (representing a rate of £326.92 a week) payable monthly in advance, subject to review in line with the Jersey Retail Price Index as at 1st July each year. All other terms and conditions were to remain as contained in the existing lease, with each party to be responsible for its own legal costs arising from the transaction and no deposits were to be paid;
- (e) as recommended by the Housing Committee, the sale to Mr. Roy Albert Anquetil and Mrs. Dilys Joan Anquetil, née Le Cornu, of

a roadway (measuring five feet in width) which adjoins their property known as Le Petit Nicholais, Le Mont Millais, St. Helier, from the north-west, for a consideration of £2,500. It was recognised that the Committee administered the roadway, which served as a pedestrian access to Mr. and Mrs. Anquetil's property, as part of the Orchid Court Housing Estate. However, the roadway served no benefit to the public and it had been agreed that the public would be party to a contract which would rectify a number of minor encroachments on the northern boundary of the property and the necessary service rights. Mr. and Mrs. Anquetil were to be responsible for both parties' legal costs arising from this transaction.

**NOTIFICATION OF ACCEPTANCE OF TENDER UNDER RULE 5 OF THE PUBLIC FINANCES
(GENERAL) (JERSEY) RULES 1967, AS AMENDED -
FINANCE AND ECONOMICS COMMITTEE**

7th August 2001

1. The Public Services Committee, by Act dated 8th July 2002, had accepted the lowest tender for the proposed foul sewer extension to Thistlegrove, St. Lawrence, namely that submitted by P. Trant (Jersey) Limited in the sum of £865,538.40 in a contract period of 30 weeks.

The Committee noted that the other tenders received (all for a contract period of 30 weeks) were as follows -

<u>Contractor:</u>	<u>Amount:</u>
M.J. Gleeson (Jersey) Limited	£885,785.54
Jayen (Jersey) Limited	£895,824.00
Queghan Civil Engineering Limited	£937,534.00

QUESTION PAPER

(See Item G)

The Deputy of St. John will ask the following questions of the President of the Sport, Leisure and Recreation Committee-

1. Will the President inform the Assembly whether the Committee is aware of the number of meetings held between the new operator of the Waterfront Pool and the Jersey Swimming Club and, if so, would he give details of such meetings and advise the Assembly whether members of the Committee were in attendance?
2. Assurances were given to the Assembly that the future of aquatics would be secure if Fort Regent's swimming pool was closed. Would the President confirm the assurance he gave at that time that there would be continuity in providing proper swimming pool facilities in the light of a letter to him from the Jersey Swimming Club dated 9th August 2002 and signed by the President and both Vice-Presidents of the Club which expresses extreme concern regarding future swimming pool provision?
3. Will the President indicate whether or not Les Quennevais pool will be used for major swimming events in future and if the answer is in the affirmative, give details and dates when proper spectator seating will be provided at that pool?"

Senator C. Stein will ask the following question of the President of the Public Services Committee -

"Would the President inform members whether the contract entered into with the new bus operator, Connex Bus UK Limited, includes provision for the continuation of free bus passes for those people of pensionable age and the disabled when it begins operating on the first of October this year?"

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

"At the last States Meeting on 26th July 2002, the President of the Public Services Committee gave members an assurance that the school bus service problems had been resolved for all secondary schools and stated that a revised timetable would be produced in the next few weeks. What the President failed to tell members was that it would be at the expense of two primary school routes, namely St. Martin and Trinity. Will the President explain the Committee's rationale for removing school transport from primary States' schools and state whether parents from Trinity, St. Martin's and FCJ schools were consulted about stopping this service?"

Deputy R.G. Le Hérisssier of St. Saviour, will ask the following question of the President of the Public Services Committee -

"Would the President outline the public consultation process which will precede the granting of bus licences to the new operator?"

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

“Will the President –

- (a) confirm that the two recently appointed Superintendents who have come over from the United Kingdom are on employed on a contract basis?
- (b) advise members of the terms of the contracts and whether or not a rent allowance of approximately £25,000 per annum per officer has been agreed?
- (c) confirm that 10 police constables have been recruited from the United Kingdom? If the answer is in the affirmative, would he -
 - (i) give details of the length of term of their contracts;
 - (ii) confirm that these officers will be entitled to rent allowances;
 - (iii) indicate the amount per officer per annum of any rent allowances?
- (d) advise whether the Committee is likely to assist any of these officers to purchase homes within the Island prior to their 10 years' contract having been completed and prior to them having gained housing qualifications?
- (e) advise whether rent allowances are available to local officers and if not, would the President explain the rationale behind the Committee's thinking?
- (f) explain whether the Committee has considered that if no allowance is available to local officers, how they will avoid creating a divide within the States Police force?”

The Connétable of Trinity will ask the following question of the President of the Planning and Environment Committee -

“Would the President inform members -

- (a) if he is aware that members of his Department are photographing properties in the Parish of Trinity 'to be able to compare with photographs taken several years ago';
- (b) if all properties are to be photographed and if not, why not?
- (c) of the purpose of these photographs?
- (d) should current photographs reveal changes have been made to a property without planning permission having been granted, will the Committee be referring the cases to the Attorney General for consideration?

(e) of the cost of this exercise?"

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

“1. In the Jersey Milk Marketing Board (JMMB) Annual Report, a loss of £566,000 is reported for 2002 with a further loss of £227,000 for 2001. Will the President confirm whether or not the Committee was aware of the most recent losses when the Committee recommended to the Finance and Economics Committee that two large sums of money were required by the JMMB to carry out its exit strategy for cattle farmers?

2. On 19th March 2002, the President advised the Assembly -

‘The total amount of aid provided to the dairy industry in the calendar year 2001 was £1,914,538, comprising Direct Aid amounting to £917,966 and Indirect Aid amounting to approximately £996,572. With regard to indirect aid, there is a degree of estimation, because some services are shared between the dairy industry and the crop production sectors.’

Would the President give members details of the aid paid to the JMMB for 2001 and 2002 to date, both direct and indirect, including the exit strategy payments?"

Deputy G.C.L. Baudains of St. Clement will ask the following questions of the President of the Harbours and Airport Committee -

“1. On 18th June 2002 members adopted the following proposition by 26 votes to 12 -

New North Quay, St. Helier: erection of fencing (P.88/2002) requested the Committee to ‘..... reconsider its decision to restrict access to parts of the New North Quay, St. Helier, through the erection of fencing, and to request the Committee to replace the fencing, if necessary, with fencing in a location that meets the needs of all port users including pleasure boat owners’.

Would the President explain what progress the Committee has made on this matter in the interim and would he give details of the various options the Committee has considered together with the conclusions it has reached?

2. On 23rd July 2002 I asked the President three questions. In 1(b) I asked (in relation to the New North Quay fencing) ‘what decisions the Committee had made as a result of P.88/2002 and the timetable involved’. He replied ‘A number of legal aspects required confirmation by the Attorney General and we are awaiting his responses’.

As the Committee was being asked to re-site, not remove the fencing, would the President give details of the legal aspects requiring confirmation and whether that advice has now been received and would he further advise members whether the Attorney General’s advice was sought before

the present fencing was erected and if not, why not?

3. In question 1(c) of the same date, I asked the President to 'give details of what alternative parking arrangements, if any, the Committee will implement in the short term to replace those lost by the present fence?'

The President replied 'The spaces referred to by Deputy Baudains do in fact require, and have for some years, port parking permits. These permits are issued to shipping and freight staff working in the area. Thus in times when restriction was not necessary, these spaces were customarily used (evenings and weekends) by boat owners. The customary practice of allowing port parking spaces outside of the restricted area to be used by boat owners will continue. Thus boat owners will not be disadvantaged

- (a) Will the President confirm that approximately 22 parking spaces at the southern end of the quay were not restricted to permit holders at weekends and Bank Holidays and will he therefore agree that the first sentence of his answer is misleading?

- (b) With regard to the second sentence of his reply, will the President agree that whilst permits are issued to shipping and freight staff, they are also issued to Marine Traders and others who are now denied access?

- (c) The fencing has made around 50 parking spaces (to which boatowners had previous access) unavailable. On 3rd March the President wrote to the Deputy Harbourmaster 'To the south of these gates there are 47 car parking spaces. Parking for boat owners is very limited around the harbour. Where are we going to replace these 47 spaces?'

In light of the above, would the President explain his statement 'Thus boatowners will not be disadvantaged'.

- (d) During the debate on P.88/2002, the President stated 'in a couple of months the two old warehouses next to the Sailors Rest will be demolishedwill be removed shortly and that area retained for parking for boatowners, the museum

The debate was three months ago and still there is no sign of demolition. Will the President explain why and also explain why the trolleys promised for the area have not arrived?

4. Will the President confirm that -

- (a) the gates to the New North Quay are now padlocked at night and at weekends, despite my asking in the debate that they would not be made operational until all the options had been properly evaluated by the Committee, and would he also

confirm that some boatowners have found themselves trapped on the quay by this exercise?

- (b) the gates of the boat park at La Collette have recently been padlocked shut at weekends, and will he explain what he is hoping to achieve by this inconvenience to boatowners and will he also give details of those the Department forewarned of this closure?
- (c) three old cranes that had been parked on the New North Quay for many years were recently scrapped, and advise who undertook this work, how much it cost and how much the scrap realised?"

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

"The Public Services Committee presented its report on the St. Helier Surface Water Link and Storage Tank Contract (R.C.14/2002) to the States on 17th April 2002. The report stated that the final cost of the project as at 14th January 2002 was £22,396,757.00. Would the President advise members -

- (a) whether this figure includes all costs, for example the cost of the elements of the twin culverts and pumping station at Elizabeth Marina?
- (b) what the cost of these two elements was?

STATES RESOURCE PLAN 2002 AMENDMENT (P.132/2002 AMD): AMENDMENT

After the words “non-trading committees”, insert the words “except the Education Committee”, and amend the revised Table 4.4 accordingly.

EDUCATION COMMITTEE

REPORT

The Education Committee recognises the importance of appropriate occupational health services for its staff. It notes however, that the issue of funding such services was accorded relatively low priority during the Decision Conferencing process, involving Presidents, which was held in April this year.

Subsequent to that meeting, committee budgets were agreed and departments undertook the strategic and financial planning necessary for the provision of efficient and effective services to the public. The amendment to the States Resource Plan brought by the Human Resources Committee effectively challenges the whole basis upon which committee budgets are identified and allocated and, by seeking to extract funding from budgets after departments have set their priorities and established their annual goals, threatens the efficiency and effectiveness of services mentioned above.

Furthermore, the Education Committee considers that there are matters which need to be resolved or clarified regarding the provision of the Occupational Health Service. These include:

whether the current level of occupational health service provision is appropriate to the needs of States Departments;

the arrangements for monitoring the activities of the provider of the Service;

whether the Service currently offered provides value for money.

In view of the above, the Education Committee is fundamentally opposed to the Human Resources Committee's amendment and cannot agree to an arbitrary reduction in its revenue budget.

There are no financial or manpower implications arising from this amendment.

STATES RESOURCE PLAN 2002 (P.132/2002): SECOND AMENDMENT

After paragraph (b)(i) of the proposition, insert the following paragraph -

“(ii) to agree that an additional sum of £400,000 should be made available in 2003 to support the continued provision of an occupational health scheme in respect of all States’ employees, and to charge the Finance and Economics Committee to identify an appropriate source of funding.”

and re-number the existing paragraph (b)(ii) as (b)(iii).

SENATOR STUART SYVRET

Report

I support the views expressed by both the Human Resources and the Education Committees that appropriate occupational health services are important for States' employees and that a lack of identified funding for such as scheme represents a serious omission.

However, like the Education Committee, I consider the proposition of the Human Resources Committee has been presented at far too late a stage for States Committees and their departments to deduct the monies from their agreed growth plans.

For example, the Health and Social Services Committee is currently facing extreme pressure to meet the essential clinical needs of patients and to support effective social care for some of the most vulnerable people in our community. However, as the largest employing Committee of the States, the proposed deduction for occupational health services hits hardest where there is least capacity to find the additional monies, and would inevitably impact adversely on health care and social services.

I accept that it is unreasonable to expect the Human Resources Committee to fund the whole of the occupational health service from its proposed cash limit; however the sum involved would not impact significantly on the overall States expenditure limit. Accordingly it is considered that additional monies for occupational health services should be made available by the Finance and Economics Committee for 2003. This proposal is made on the understanding that in 2004 and subsequent years, recurring funding for occupational health services could be top-sliced from the total States revenue expenditure prior to the Committee resource allocation process.

In view of the above, I cannot agree to an arbitrary reduction in the Health and Social Services Committee's revenue budget, as proposed by the Human Resources Committee, and instead request the States to require the Finance and Economics Committee to identify an appropriate source of funding for the occupational health service.