

**THE STATES assembled on Tuesday,  
29th January 2002 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache.**

**His Excellency the Lieutenant Governor,  
Air Chief Marshal Sir John Cheshire, K.B.E., C.B.,  
was present**

All members were present with the exception of -

Francis Herbert Amy, Connétable of Grouville - out of the Island

Prayers

### **Golden Jubilee of H.M. The Queen - formation of Committee**

The Bailiff informed the States that, following consultation with the President of the Policy and Resources Committee, a small Committee had been established to consider the format of the celebrations for the Golden Jubilee of Her Majesty The Queen, as follows -

The President of the Policy and Resources Committee - Senator Pierre François Horsfall, O.B.E.  
The President of the Finance and Economics Committee - Frank Harrison Walker

The Senior Senator  
The Senior Connétable  
The Senior Deputy

### **Subordinate legislation tabled**

The following enactments were laid before the States, namely -

**Diseases of Animals (Foot and Mouth - Restrictions No. 1G) (Jersey) Order 2002. R & O 4/2002.**

**Jersey Potato Export Marketing (Polls) (Jersey) Order 2002. R & O 5/2002.**

**Civil Service (Exclusion) (No. 4) (Jersey) Order 2002. R & O 6/2002.**

### **Public Services Committee - election of President**

There were nominated for appointment as President of the Public Services Committee -

The Deputy of St. Peter- proposed by Senator Terence Augustine Le Sueur

Deputy Gerard Clifford Lemmens Baudains of St. Clement- proposed by Deputy Terence John Le Main of St. Helier.

THE STATES having proceeded to a secret ballot, the Bailiff declared that the Deputy of St. Peter had been elected President of the Public Services Committee.

The result of the ballot was as follows -

Deputy of St. Peter	27 votes
Deputy G.C.L. Baudains	24 votes

### **Matters presented**

The following matters were presented to the States -

**Sport, Leisure and Recreation: Five Year Strategic Plan 2002 - 2006.**

Presented by the Sport, Leisure and Recreation Committee.

**Births, Marriages and Deaths in 2001: statement - R.C. 3/2002 (re-issue).**

Presented by the Etat Civil Committee.

**States of Jersey Law 1966: delegation of functions - Gambling (Jersey) Law 1964 - R.C.4/2002.**

Presented by the Gambling Control Committee.

**Machinery of Government: the composition and election of the States Assembly (P.179/2001): comments - P.179/2001 Com. (2).**

Presented by the Finance and Economics Committee.

**Compulsory purchase law review (P.205/2001): comments - P.205/2001. Com.(3)**

Presented by the Legislation Committee.

The following matter was presented on 22nd January 2002 -

**Manpower report for the period 1st July 2001 to 30th September 2001 - R.C. 2/2002.**

Presented by the Industries Committee.

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

### **Matters noted - land transactions**

THE STATES noted an Act of the Finance and Economics Committee dated 23rd January 2002 recording the following decision of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land -

as recommended by the Harbours and Airport Committee, the lease to the Parish of St. Brelade of an area of land (measuring 828 square metres) situated adjacent to the Parish Hall, St. Aubin, St. Brelade, for a period of 21 years, at an annual rent of £25 payable in one sum upon the date of passing contract before the Royal Court, on the basis that the Parish would be responsible for both parties' legal fees.

### **Matters noted - acceptance of tender**

THE STATES noted an Act of the Finance and Economics Committee dated 23rd January 2002, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Health and Social Services Committee had, by Act dated 13th November 2001, accepted the lowest tender for the relocation of the Renal Dialysis Unit to the Gwyneth Huelin Wing of the General Hospital, namely that submitted by Mercury Construction (1996) Limited in the sum of £454,189.12 for a contract period of 24 weeks.

### **Matters lodged**

The following matters were lodged “au Greffe” -

**Draft Petroleum (Amendment) (Jersey) Law 200- P.9/2002.**

Presented by the Home Affairs Committee.

**Draft Fire Precautions (Amendment) (Jersey) Law 200- P.10/2002.**

Presented by the Home Affairs Committee.

**Draft Banking Business (Amendment No. 3) (Jersey) Law 2002 (Appointed Day) Act 200- P.11/2002.**

Presented by the Finance and Economics Committee.

**Draft Collective Investment Funds (Amendment No. 3) (Jersey) Law 2002 (Appointed Day) Act 200- P.12/2002.**

Presented by the Finance and Economics Committee.

**Draft Financial Services (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200- P.13/2002.**

Presented by the Finance and Economics Committee.

**Draft Insurance Business (Amendment No. 3) (Jersey) Law 2002 (Appointed Day) Act 200- P.14/2002.**

Presented by the Finance and Economics Committee.

**Waterfront Enterprise Board Limited: appointment of States director - P.15/2002.**

Presented by the Policy and Resources Committee.

**Draft Marriage and Civil Status (Jersey) Law 2001 (Appointed Day) Act 200- P.16/2002.**

Presented by the Etat Civil Committee.

**Draft Summer Time (Amendment) (Jersey) Law 200- P.17/2002.**

Presented by the Legislation Committee.

**Fairfield, La Rue des Landes, St. Peter: purchase - P.18/2002.**

Presented by the Harbours and Airport Committee.

The following matters were lodged on 22nd January 2002 -

**Projet de Loi (200-) concernant la Police Honorifique de St. Martin- P.7/2002.**

Presenté par le Comité de Législation.

**Projet de Loi (200-) concernant la Police Honorifique de St. Ouen- P.8/2002.**

Presenté par le Comité de Législation.

**Arrangement of public business for the next meeting on 12th February 2002**

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 12th February 2002 -

Agriculture and Fisheries: policy report 2001 - P.126/2001.

Lodged: 14th August 2001.

*Agriculture and Fisheries Committee.*

Agriculture and Fisheries: policy report 2001 (P.126/2001): amendments - P.126/2001 Amd.

Lodged: 18th December 2001.

*Agriculture and Fisheries Committee.*

Agriculture and Fisheries: policy report 2001 (P.126/2001): comments - P.126/2001 Com.

Presented: 25th September 2001.  
*Human Resources Committee.*

Draft Housing (General Provisions) (Amendment No. 16) (Jersey) Regulations 200 P.199/2001.  
Lodged: 11th December 2001.  
*Housing Committee.*

Draft Housing (General Provisions) (Amendment No. 16) (Jersey) Regulations 200 (P.199/2001):  
comments - P.199/2001 Com.  
Presented: 15th January 2002.  
*Finance and Economics Committee.*

Machinery of Government: method of appointment of Chief Minister and Council of Ministers - P.3/2002.  
Lodged: 15th January 2002.  
*Deputy R.C. Duhamel of St. Saviour.*

Projet de Loi (200-) concernant la Police Honorifique de St. Martin- P.7/2002.  
Logé le 22 janvier 2002.  
*Comité de Législation.*

Projet de Loi (200-) concernant la Police Honorifique de St. Ouen- P.8/2002.  
Logé le 22 janvier 2002.  
*Comité de Législation.*

Draft Fire Precautions (Amendment) (Jersey) Law 200- P.10/2002.  
Lodged: 29th January 2002.  
*Home Affairs Committee.*

Draft Banking Business (Amendment No. 3) (Jersey) Law 2002 (Appointed Day) Act 200 P.11/2002.  
Lodged: 29th January 2002.  
*Finance and Economics Committee.*

Draft Collective Investment Funds (Amendment No. 3) (Jersey) Law 2002 (Appointed Day) Act 200  
P.12/2002.  
Lodged: 29th January 2002.  
*Finance and Economics Committee.*

Draft Financial Services (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200- P.13/2002.  
Lodged: 29th January 2002.  
*Finance and Economics Committee.*

Draft Insurance Business (Amendment No. 3) (Jersey) Law 2002 (Appointed Day) Act 200 P.14/2002.  
Lodged: 29th January 2002.  
*Finance and Economics Committee.*

Waterfront Enterprise Board Limited: appointment of States director - P.15/2002.  
Lodged: 29th January 2002.  
*Policy and Resources Committee.*

Draft Marriage and Civil Status (Jersey) Law 2001 (Appointed Day) Act 200- P.16/2002.  
Lodged: 29th January 2002.  
*Etat Civil Committee.*

Draft Summer Time (Amendment) (Jersey) Law 200- P.17/2002 (re-issue).  
Lodged: 29th January 2002.  
*Legislation Committee.*

Fairfield, La Rue des Landes, St. Peter: purchase- P.18/2002.  
Lodged: 29th January 2002.  
*Harbours and Airport Committee.*

**Machinery of Government: composition of Privileges and Procedure and Scrutiny Committees (P.175/2001)**

THE STATES, adopting a proposition of Senator Pierre François Horsfall, O.B.E., agreed that the proposition of Senator Stuart Syvret concerning the Machinery of Government: composition of Privileges and Procedure and Scrutiny Committees (P.175/2001 lodged au Greffe on 13th November 2001) should not be considered on 12th February 2002.

Members present voted as follows -

**“Pour” (31)**

**Senators**

Horsfall, Stein, Quérée, Bailhache, Norman, Walker, Le Sueur, Lakeman.

**Connétables**

St. Ouen, Trinity, St. Saviour, St. Brelade, St. John, St. Clement, St. Helier.

**Deputies**

St. Mary, Trinity, Routier(H), Layzell(B), Grouville, Vibert(B), St. Peter, Dubras(L), Dorey(H), Voisi(L), Scott Warren(S), Farnham(S), Le Hérisier(S), Ozouf(H), Fox(H), Bridge(H).

**“Contre” (20)**

**Senators**

Le Maistre, Syvret, Kinnard, Le Claire.

**Connétables**

St. Martin, St. Lawrence, St. Mary, St. Peter.

**Deputies**

H. Baudains(C), S. Baudains(H), Duhamel(S), Breckon(S), Huet(H), St. Martin, St. John, Le Main(St. Ouen), G. Baudains(C), Troy(B), Martin(H).

**Ban on ormer fishing and disposal of agricultural polythene - questions and answers (Tape No. 715)**

The Deputy of St. John asked Senator Jean Amy Le Maistre, President of the Agriculture and Fisheries Committee, the following questions -

- “1. Several years ago a ban was placed on ormer fishing in local waters. Is the President in a position to inform members when this ban will be lifted? If the ban is not to be lifted, would he give members details of the Committee’s reason for not wishing to lift the ban?”
2. As another potato planting season is well underway and many fields are being covered in polythene -

- (a) will the President explain why many rolls of discarded polythene from previous years are still littering the countryside and what action his Committee is to take to encourage the agricultural community to clean up this unsightly mess?
- (b) do potato growers receive subsidies either directly or otherwise to cover their potatoes with polythene, and if the answer is in the affirmative, will the President give details?"

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

- "1. A very severe mortality in ormer stocks occurred in the summer of 1999 which prompted the Agriculture and Fisheries Committee to impose a ban on ormer fishing during the winter of 1999/2000. The ormer stock was surveyed in the summer of 2000 and because of the very little evidence of recovery the Committee decided to keep the fishery closed for the winter of 2000/2001.

A survey through the summer of 2001 revealed that no further mortality had occurred, but the recovery of the ormer population was slow. The Committee therefore decided to maintain the closure for 2001/2002.

A further survey will be done in the spring and summer of 2002 to ascertain the health of ormer stocks. If there is no further mortality this summer and if the stocks have recovered sufficiently the Committee will consider opening the ormer fishing season in the winter of 2002/2003. Depending on the survey results, this may be for a shorter period than usual and certain management measures may be considered.

- 2. (a) It is true that polythene used during the 2001 growing season remains on farms as in some cases farmers will be using the material for a second year and also it was not possible to dispose of all the polythene for recycling in the U.K. Our impression, which is gained by field inspectors, is that in almost every case it is being stored tidily. If the Deputy of St. John is aware of particular instances of untidiness then the Department would offer every assistance to deal with the problem.
- (b) Potato growers do not receive subsidies to cover their potatoes with polythene. There is a subsidy in the form of supplying the 'cores' free of charge to encourage proper disposal of the discarded material. The Public Services Committee also encourages recycling by meeting the costs of shredding and baling the discarded material prior to onward shipping via Portsmouth to Dumfries. This reflects the policies with regard to the protection of the environment. The Public Services Department had a contract with British Polythene for the recycling of the material, but this contract expired last year. The Public Services Department has been investigating various alternative solutions for the safe disposal of this material and I understand that recommendations for the future will be considered in the next few weeks."

### **Haut de la Garenne - questions and answers (Tape No. 715)**

The Deputy of St. Martin asked Senator Nigel Lewis Qu  r  e, President of the Planning and Environment Committee, the following questions -

- "1. On 8th December 1998 the States gave their approval, in principle, to the conversion and redevelopment of Haut de la Garenne, St. Martin and the establishment of a Trust for the purpose of managing and operating the new Centre on a self-financing basis.

On 5th June 2001 in answer to questions regarding Haut de la Garenne, the President stated that the current project timetable should, after tenders were obtained, enable a contractor to be appointed and commence on site at the end of September 2001. It was anticipated that the conversion would be completed by January 2003.

Would the President inform the members whether the work commenced in September and if it did, will

the work be completed within the timescale and revised budget? If the work has not commenced, would he give the reasons for the delay and is it likely that the delay will incur additional costs?

2. On 5th June 2001 the President also stated that the Solicitor General had drafted the proposed constitution and it had been discussed and agreed with the Steering Group, subject to the Committee's approval. The constitution was ready to be forwarded to the Finance and Economics Committee for assessment of the financial implications prior to lodging with the States. It was planned that this would be at the same time as the States approval was sought for the drawings. The President also stated that prior to the building contract being signed the Trust should be formally constituted. As neither the drawings nor the constitution of the Trust have been submitted to the States, would the President give the reasons for the continued delay and when will the documents be submitted to the States?"

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

- "1. Certain enabling works have been undertaken at Haut de La Garenne over the past year including timber preservation and damp-proofing treatments. Preliminary works to separate the adjoining Aviemore property, including the refurbishment of the plant room, fire separation and the provision of main services of electricity, telephones, fire alarm systems and re-location of oil tanks have also been completed.

The main contract has been delayed whilst the Project Design Team has undertaken re-design work to reduce the overall cost of the project within the available budget. The Project Team has also worked closely, over a fairly lengthy period, with the members of the Steering Group (the volunteers who are eventually to become Trustees). This has given the opportunity to incorporate the majority of the needs identified in their Business Objectives Plan, which will enable the premises to be operated on a self-funding basis as required in the approval by the States.

Revised plans were submitted to the Planning and Environment Committee last year and once those have received the necessary approval, the Bill of Quantities will be finalised and the contract will go out to tender. Subject to receiving the approval within the next two weeks, tender documentation will go out on 22nd February to be returned by 5th April.

Subject to the approval of the Finance and Economics Committee, the States will be asked to approve the drawings in May. If approved, the successful contractor should commence on site at the beginning of June 2002. The contract period will now be shorter and still allow a projected completion date to remain as Easter 2003.

The Project Team has worked extremely hard in undertaking re-design work to reduce the overall cost of the project, whilst still meeting the 'Trustees' Business Plan objectives. The net result is that the pre-planning of this contract has been more thorough and should enable a 'smoother' and more effective refurbishment programme on site without additional cost.

2. Whilst the principles of the draft constitution for the Trust were agreed between the Planning and Environment Committee and the Steering Group, over the past six months the Steering Group has continued with the assistance of the Solicitor General to refine and complete the detail of the Constitution. This has involved issues concerning indemnity and on-going maintenance of the Haut de La Garenne property. It is understood that the draft constitution is being finalised and as promised will be submitted for the approval of the States in April of this year at the same time as the drawings.

I would wish to take this opportunity of expressing my sincere gratitude, on behalf of the Committee, to the members of the Steering Group, especially the late Brian Le Feuvre, who have given of their time and skills in a voluntary capacity to progress this important project."

**Production of the Tourism Committee's Christmas card - question and answer (Tape No. 715)**

The Deputy of St. John asked the Deputy of Grouville, President of the Tourism Committee, the following question -

“In the run up to Christmas 2001 did the Tourism Committee use consultants to design and produce its Christmas card for 2001? If the answer is in the affirmative, would the President advise members -

- (a) which company was used?
- (b) the cost of producing the card, including design and distribution costs?
- (c) why the Committee thought it was necessary to use consultants for this purpose?
- (d) whether the designs and the production of the Christmas cards were put out to tender, if so, to how many companies?”

The President of the Tourism Committee replied as follows -

“(a) Jersey Tourism’s 2001 Christmas card was designed and produced by the department’s brand design agency, Coley Porter Bell.

(b) The costs were as follows:

One off design costs:	£3,450
Production costs for 2001:	£1,127

Thus a total of £4,577 was spent on the initial design and production of the cards which were sent around the world to all our crucial contacts, agents and clients, on whom we rely to sell and promote Jersey to existing and potential visitors.

- (c) A good Christmas card is a valuable marketing tool. As is a strong and consistent brand image. This is why strengthening and re-launching the Jersey brand was the number one action point in the Tourism Strategy debated by this Assembly last year. It is equally important that the brand is consistent and carried through every aspect of our global contacts with the travel trade and our customers. This is why the department very properly instructed Coley Porter Bell to prepare the cards. Good branding is a serious investment. I and my Committee are satisfied that the new Jersey brand design has achieved first class value for money in the uniquely competitive environment in which Jersey Tourism must operate. Successful communication is the cornerstone of our strategy which brings benefits not only to the tourism industry but also the Island in general.
- (d) Coley Porter Bell was appointed by the Department following a tendering process in April 2000 involving four companies, and have undertaken all of the re-branding work for Jersey Tourism. The quality of this work has been acclaimed by the local industry, our UK and European trade partners and the States Members who attended the presentation on 17th January at the Pomme d’Or Hotel.”

#### **Offices of Senator and Connétable, and referendums - questions and answers (Tape No. 175)**

Senator Paul Vincent Francis Le Claire asked Senator Pierre François Horsfall, O.B.E., President of the Policy and Resources Committee, the following questions -

- “1. In the light of the overwhelming public opposition, as demonstrated at the recent parish meetings, to the proposed changes to the office of Senator and Connétable set out in P.179/2001, will the President agree to withdraw these unpopular changes and, if not, what are the Committee’s reasons for not doing so?
- 2. In view of the public support for the holding of a referendum on the review of the machinery of government, and in particular the constitution of the States, as expressed at the parish meetings, does the



President consider that this is a viable option for the Committee to support as being necessary in the interests of democracy?"

The President of the Policy and Resources Committee replied as follows -

- “1. I will be withdrawing P.179 when I make a Committee statement under “J” on the Order Paper.
2. Given the complex inter-relationship of the issues relating to how the States should be constituted, I certainly do not consider democracy would be well served by the use of such a limited process. I believe that a better way to secure a true view of public opinion is that which I will outline in the Statement I am about to make and that the open, measured consultative process, which the Committee is proposing, is the right way forward.”

### **Proposals on the composition and election of the States Assembly - statement**

The President of the Policy and Resources Committee made a statement in the following terms -

“I would like to advise members that, after careful consideration of the many and varied views expressed during and surrounding the recent series of public meetings, the Policy and Resources Committee has decided to withdraw its proposition entitled ‘Machinery of Government: the Composition and Election of the States Assembly’ (P.179/2001) and the Draft States’ Reform (Election of Senators) (Jersey) Law 200-’ (P.6/2002).

In coming to its decision, the Committee has been pleased to note that some of its proposals have received widespread support, such as that there should be a single general election date, that the election day should be moved from the autumn to the spring and that the term of office for all States members should be four years. In addition, the Committee acknowledges the clearly stated view of the majority of those attending the public meetings, that they wanted the Connétables to represent their parishes as States Members by virtue of their office, that there ought to be a single election day for all Connétables and also that those people wished to retain an Island wide mandate for some members.

Some of these wishes are potentially incompatible. In addition, many are also in conflict with views expressed before and after publication of the Clothier Report. Given the wide range of opinions that have now emerged, my Committee has concluded that the complex inter-relationships of the many issues involved in how the States Assembly should be constituted and elected, should now be considered in a different, and independent, manner.

The Policy and Resources Committee believes that the appropriate way forward is for the States to form a special group, representative of the States Assembly, possibly with an independent chairman, tasked with taking this forward through a process of public hearings and to report back to the States with detailed recommendations.

My Committee is currently considering possible membership and terms of reference of such a group and will bring detailed proposals to the States in mid-February.

The Committee wishes to stress once again its commitment to implementing the Ministerial system of government, as it has been charged to do so by the States, and this work will proceed as planned.”

### **Compulsory purchase law review - P.205/2001 Comments - P.205/2001 Com.; Com.(2); Com.(3)**

THE STATES, adopting a proposition of the Planning and Environment Committee, requested the Committee to prepare for consideration by the States at a future date a draft Law -

- (i) which conferred on the Planning and Environment Committee responsibility for procedure in respect of the compulsory purchase of land and the assessment in default of agreement of compensation for land acquired or to be acquired by the public; and
- (ii) which provided for such procedures.

#### **Jersey New Waterworks Company Limited and Jersey Electricity Company Limited: directors - P.1/2002**

THE STATES, adopting a proposition of the Finance and Economics Committee -

- (a) agreed that the Jersey New Waterworks Company Limited and the Jersey Electricity Company Limited should further amend their Articles of Association so as to provide that there should be only one class of director voted by all shareholders;
- (b) agreed that the States should be represented at any meeting of either company, or any meeting of any class of shareholders of either Company, by the Greffier of the States or the Deputy Greffier of the States (or any other officer appointed to discharge the functions of the Office of Greffier under Article 5 of the Departments of the Judiciary and the Legislature (Jersey) Law 1965, as amended) and by the Treasurer of the States or the Deputy Treasurer of the States or a substitute nominated by the Finance and Economics Committee.

#### **Grands Vaux Primary School: approval of drawings P.4/2002**

THE STATES, adopting a proposition of the Education Committee -

- (a) approved drawings Nos. 3001/W01 (Rev D), W02 (Rev H), W03 (Rev F), W04 (Rev C), W05 (Rev W06 (Rev C), W18 (Rev C), W21 (Rev C), W23 (Rev B), W101 (Rev C), W102 (Rev C), SK.06 SK.07, showing the proposed redevelopment of Grands Vaux Primary School, St. Saviour;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

#### **Former Gorey Youth Centre, La Chèvre Rue, Gorey: transfer of administration - P.5/2002**

THE STATES, adopting a proposition of the Education Committee -

- (a) approved the transfer of administration of the Former Gorey Youth Centre, La Chèvre Rue, Gorey, Grouville as shown on drawing No. 134/01/20 from the Education Committee to the Planning and Environment Committee; and
- (b) authorised the Greffier of the States to sign the said drawing on behalf of the States.

#### **Public Services Committee - number and appointment of members**

THE STATES, in accordance with Article 28(2)(b) of the States of Jersey Law 1966, and on the proposition of the Deputy of St. Peter, President of the Public Services Committee, determined that the Public Services Committee should consist of the President and four other members of the States.

THE STATES approved the following as members of the Public Services Committee -

Connétable A.S. Crowcroft of St. Helier  
Deputy I.S. Nicholls of Grouville  
Deputy C.J. Scott Warren of St. Saviour No. 1

Deputy P.F.C. Ozouf of St. Helier No. 3.

THE STATES rose at 11.57 p.m.

**C.M. NEWCOMBE**

*Greffier of the States.*