

# STATES OF JERSEY ORDER PAPER

Tuesday 1st March 2005

## A. COMMUNICATIONS BY THE BAILIFF

## B. TABLING OF SUBORDINATE LEGISLATION

*(Explanatory note attached)*

Road Traffic (Prohibition of Waiting) (Clearways) (Amendment No. 8) (Jersey) Order 2005. R&O 8/2005.  
*Environment and Public Services Committee.*

Road Traffic (St. Saviour) (Amendment No. 2) (Jersey) Order 2005. R&O 9/2005.  
*Environment and Public Services Committee.*

Road Traffic (St. Peter) (Amendment No. 5) (Jersey) Order 2005. R&O 10/2005.  
*Environment and Public Services Committee.*

Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 12) (Jersey) Order 2005. R&O 11/2005.  
*Health and Social Services Committee.*

Financial Services (General Insurance Mediation Business (Accounts, Audits, Reports and Solvency)) (Jersey) Order 2005. R&O 12/2005.  
*Economic Development Committee.*

Road and Sand Racing (Jersey) Order 2005. R&O 13/2005.  
*Home Affairs Committee.*

Road Racing (Hill Climbs and Sprint) (Jersey) Order 2005. R&O 14/2005.  
*Home Affairs Committee.*

## C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

## D. PRESENTATION OF PAPERS

### (a) Papers for information

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

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

8th February 2005

Population Policy: provision of information and alternatives. R.C.6/2005.  
*Policy and Resources Committee.*

Public Elections (Jersey) Law 2002: Proposals for change – Consultation Paper. R.C.7/2005.  
*Privileges and Procedures Committee.*

Regulation of Undertakings and Development (Jersey) Law 1973: commentary on licences granted under Part II for the period to 31st December 2004. R.C.8/2005.  
*Economic Development Committee.*

15th February 2005

The Future of Jersey Harbours: Shadow Scrutiny Panel Report. S.R.2/2005  
*Deputy R.C. Duhamel of St. Saviour.*

Housing Rent Subsidy Scheme: disregard to long-term incapacity allowance (P.6/2005) – comments. P.6/2005. Com.  
*Housing Committee.*

Draft Jersey Overseas Aid Commission (Jersey) Law 200- (P.14/2005): comments. P.14/2005. Com.  
*Finance and Economics Committee.*

22nd February 2005

Draft Royal Court (Amendment No. 11) (Jersey) Law 200 (P.7/2005): comments. P.7/2005. Com.  
*Finance and Economics Committee.*

Draft Liquor (Restrictions on Consumption) (Jersey) Law 200- (P.9/2005): comments. P.9/2005. Com.  
*Finance and Economics Committee.*

Environment Committee: establishment (P.13/2005) – comments. P.13/2005. Com.  
*Policy and Resources Committee.*

Modernisation of Jersey's Gambling Legislation (P.62/2004): addendum. P.62/2004. Add.  
*Economic Development Committee.*

**(b) Notification of Standing Order decisions**

24th February 2005

Decisions under delegated functions.  
*Finance and Economics Committee.*

13th January 2005, and 10th February 2005

Committee decisions.  
*Finance and Economics Committee.*

**(c) Notification of acceptance of tenders**

13th January 2005

Construction of a female cellblock and laundry development, temporary workshop facilities, substation/fuel farm and new kitchen within the boundary of H.M. Prison La Moye, St. Brelade.

10th February 2005

Le Marais (low rise) estate, St. Clement: phase 1 of redevelopment.

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

Draft Education (Provided Schools) (Jersey) Regulations 200-. P.34/2005.  
*Education, Sport and Culture Committee.*

Control of Public Entertainment Panel: appointment of Chairman. P.35/2005.  
*Education, Sport and Culture Committee.*

Draft Employment Tribunal (Jersey) Regulations 200-. P.36/2005.  
*Employment and Social Security Committee.*

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

8th February 2005

Migration: monitoring and regulation. P.25/2005.  
*Policy and Resources Committee.*

Draft States of Jersey (Amendment) Law 200-. P.26/2005.  
*Policy and Resources Committee.*

Draft Community Provisions (Animal Feeding) (Jersey) Regulations P.27/2005.  
200-.  
*Environment and Public Services Committee.*

Draft Fertilisers and Feeding Stuffs (Amendment) (Jersey) Law 200-. P.28/2005.  
*Environment and Public Services Committee.*

Draft Diseases of Animals (Amendment No. 6) (Jersey) Law 200. P.29/2005.  
*Environment and Public Services Committee.*

Draft Bankruptcy (Netting, Contractual Subordination and Non- P.30/2005.  
Petition Provisions) (Jersey) Law 200-.  
*Economic Development Committee.*

22nd February 2005

Social Security Tribunal: appointment of members. P.31/2005.  
*Employment and Social Security Committee.*

Family Allowances Tribunal: appointment of members. P.32/2005.  
*Employment and Social Security Committee.*

Land in St. Lawrence near Tesson Mill and Field 621, St. Brelade: P.33/2005.  
rezoning. (re-issue)  
*Deputy J.A. Hilton of St. Helier.*

**(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**

In accordance with Standing Order 22(3), the Deputy of St. John has instructed the Greffier of the States to withdraw the following matter –

Château La Chaire, Rozel, St. Martin: use of public funds. P.22/2004.  
Lodged: 3rd February 2004.  
*Deputy of St. John.*

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at their next meeting on 15th March 2005 -

Speed Limits: revised policy. P.1/2004.  
Lodged: 20th January 2004.  
*Environment and Public Services Committee.*

Speed Limits: revised policy (P.1/2004) – amendment. P.1/2004. Amd.  
Lodged: 9th November 2004.  
*Connétable of St. Helier.*

Speed limits: revised policy (P.1/2004) – amendment P.1/2004.  
(P.1/2004 Amd.)– comments. Amd.Com.  
Presented: 23rd November 2003.  
*Environment and Public Services Committee.*

Draft Regulation of Investigatory Powers (Jersey) Law 200-. P.196/2004.  
Lodged: 9th November 2004.  
*Home Affairs Committee.*

Draft Regulation of Investigatory Powers (Jersey) Law 200- P.196/2004.  
(P.196/2004): comments. Com.  
Presented: 30th November 2004.  
*Finance and Economics Committee.*

Draft Liquor (Restrictions on Consumption) (Jersey) Law 200-. P.9/2005.  
Lodged: 18th January 2005.  
*Home Affairs Committee.*

Draft Liquor (Restrictions on Consumption) (Jersey) Law 200- P.9/2005. Com.  
(P.9/2005): comments.  
Presented: 22nd February 2005.  
*Finance and Economics Committee.*

Draft Jersey Overseas Aid Commission (Jersey) Law 200-. P.14/2005.  
Lodged: 25th January 2005.  
*Overseas Aid Committee.*

Draft Jersey Overseas Aid Commission (Jersey) Law 200- P.14/2005.  
(P.14/2005): comments. Com.  
Presented: 15th February 2005.  
*Finance and Economics Committee.*

<p>Senatorial elections 2005: reduced term of office. Lodged: 1st February 2005. <i>Deputy of St. Martin.</i></p>	P.17/2005.
<p>Draft Employment Relations (Jersey) Law 200-. Lodged: 1st February 2005. <i>Employment and Social Security Committee.</i></p>	P.19/2005.
<p>Draft Employment (Jersey) Law 2003 (Appointed Day) Act 200-. Lodged: 1st February 2005. <i>Employment and Social Security Committee.</i></p>	P.18/2005.
<p>Field 690A, Maufant, St. Martin: sale of rights. Lodged: 1st February 2005. <i>Housing Committee.</i></p>	P.20/2005.
<p>Field 690A, Maufant, St. Martin: sale of rights (P.20/2005)- comments. Presented: 1st February 2005. <i>Environment and Public Services Committee.</i></p>	P.20/2005. Com.
<p>Draft States of Jersey (Amendment) Law 200-. Lodged: 8th February 2005. <i>Policy and Resources Committee.</i></p>	P.26/2005.
<p>Draft Bankruptcy (Netting, Contractual Subordination and Non- Petition Provisions) (Jersey) Law 200-. Lodged: 8th February 2005. <i>Economic Development Committee.</i></p>	P.30/2005.
<p>Social Security Tribunal: appointment of members. Lodged: 22nd February 2005. <i>Employment and Social Security Committee.</i></p>	P.31/2005.
<p>Family Allowances Tribunal: appointment of members. Lodged: 22nd February 2005. <i>Employment and Social Security Committee.</i></p>	P.32/2005.
<p>Control of Public Entertainment Panel: appointment of Chairman. Lodged: 1st March 2005. <i>Education, Sport and Culture Committee.</i></p>	P.35/2005.
<p>Draft Employment Tribunal (Jersey) Regulations 200-. Lodged: 1st March 2005. <i>Employment and Social Security Committee.</i></p>	P.36/2005.

**F. PRESENTATION OF PETITIONS**

**G. QUESTIONS**

**(a) Written Questions**

The President of the Legislation Committee will table an answer to a question asked by the Deputy of St. John regarding the sentencing of adult offenders aged between 18 and 21 years.



The President of the Education, Sport and Culture Committee will table an answer to a question asked by the Deputy of St. John regarding Les Landes School Breakfast Club and policy regarding extended day care of children at school.

The President of the Environment and Public Services Committee will table an answer to a question asked by the Deputy of St. John regarding leased premises at La Collette.

The President of the Harbours and Airport Committee will table an answer to a question asked by the Deputy of St. John regarding users of the English, French and Old Harbours.

The President of the Environment and Public Services Committee will table an answer to a question asked by the Deputy of St. John regarding the publishing of planning applications in the local newspaper.

The President of the Economic Development Committee will table an answer to a question asked by the Deputy of St. John regarding funding granted to the Jersey Potato Export Marketing Board.

The President of the Home Affairs Committee will table answers to questions asked by Deputy J-A. Bridge of St. Helier regarding the implementation of the recommendations of the report of H.M. Chief Inspector of Prisons and the Young Offenders' Institution Rules and Prison Rules.

The President of the Health and Social Services Committee will table an answer to a question asked by the Deputy of St. John regarding the contamination of Grands Vaux Reservoir.

The President of the Environment and Public Services Committee will table an answer to a question asked by the Deputy of St. John regarding the contamination of Grand Vaux Reservoir.

The President of the Education, Sport and Culture Committee will table an answer to a question asked by Deputy R.G. Le Hérisier of St. Saviour regarding the proposed Cultural Strategy.

The President of the Employment and Social Security Committee will table answers to questions asked by Deputy G.P. Southern of St. Helier regarding the draft Employment Relations (Jersey) Law 200-.

The President of the Employment and Social Security Committee will table answers to questions asked by Deputy G.P. Southern of St. Helier regarding the Committee's proposed income support scheme and changeover to a new computer scheme.

**(b) Oral Questions**

**H. MATTERS OF PRIVILEGE**

**I. PERSONAL STATEMENTS**

**J. COMMITTEE STATEMENTS**

Deputy G.P. Southern of St. Helier, one of the Chairmen of the Shadow Scrutiny Panels, will make a statement regarding certain activities of his Panel's work programme in 2005.

## K. PUBLIC BUSINESS

Chairmen's Committee: appointment of members.  
*Privileges and Procedures Committee.*  
(attached)

Modernisation of Jersey's Gambling Legislation. P.62/2004.  
Lodged: 20th April 2004. (re-issue)  
*Economic Development Committee.*

Modernisation of Jersey's Gambling Legislation (P.62/2004): P.62/2004. Add.  
addendum.  
Presented: 22nd February 2005.  
*Economic Development Committee.*

Modernisation of Jersey's Gambling Legislation (P.62/2004): P.62/2004.  
comments. Com.  
Presented: 11th May 2004.  
*Finance and Economics Committee.*

Housing Rent Subsidy Scheme: disregard to long-term incapacity P.6/2005.  
allowance.  
Lodged: 11th January 2005.  
*Deputy G.P. Southern of St. Helier.*

Housing Rent Subsidy Scheme: disregard to long-term incapacity P.6/2005. Com.  
allowance (P.6/2005) – comments.  
Presented: 15th February 2005.  
*Housing Committee.*

Draft Royal Court (Amendment No. 11) (Jersey) Law 200. P.7/2005.  
Lodged: 18th January 2005.  
*Legislation Committee.*

Draft Royal Court (Amendment No. 11) (Jersey) Law 200 (P.7/2005): P.7/2005. Com.  
comments.  
Presented: 22nd February 2005.  
*Finance and Economics Committee.*

Field 812A, Bagot Manor Farm, St. Saviour: rezoning. P.12/2005.  
Lodged: 25th January 2005.  
*Environment and Public Services Committee.*

Environment Committee: establishment. P.13/2005.  
Lodged: 25th January 2005.  
*Deputy G.C.L. Baudains of St. Clement.*

Environment Committee: establishment (P.13/2005) – comments. P.13/2005.  
Presented: 22nd February 2005. Com.  
*Policy and Resources Committee.*

Draft Termination of Pregnancy (Amendment) (Jersey) Law 200-. P.15/2005.  
Lodged: 25th January 2005.  
*Health and Social Services Committee.*





Draft Règlement (200-) (Abrogation) sur les Portefaix. Lodged : 1st February 2005. <i>Harbours and Airport Committee.</i>	P.16/2005.
Former Jersey College for Girls, Rouge Bouillon, St. Helier: transfer of administration. Lodged: 1st February 2005. <i>Education, Sport and Culture Committee.</i>	P.21/2005.
Jersey Tourism: relocation and lease of new office accommodation. Lodged: 1st March 2005. <i>Economic Development Committee.</i>	P.22/2005.
Jersey Tourism: relocation and lease of new office accommodation (P.22/2005) – comments. Presented: 1st February 2005. <i>Environment and Public Services Committee.</i>	P.22/2005. Com.

**M.N. DE LA HAYE**  
**Greffier of the States**

24th February 2005.

**Note –**

**In accordance with a decision of the States on 16th November 2004, this meeting will continue, if necessary, on Wednesday 2nd March and Tuesday 8th March 2005.**

## **Explanatory Note regarding subordinate legislation tabled at this meeting.**

### **R&O 8/2005**

The purpose of this Order is to extend the section of La Route de Beaumont on which stopping, or waiting in, a vehicle is prohibited.

The Order was made on 3rd February 2005, and came into force 7 days after it was made.

### **R&O 9/2005**

This Order –

- (1) reverses the direction of traffic on part of Le Geyt Road so that it is one way only from St Saviour's Hill all the way to Springfield Road (the section of the road north of this part leading to Grands Vaux is no longer a public road);
- (2) prohibits waiting on the entire section of Le Geyt Road that is still a public road; and
- (3) prohibits parking on Beach Road for a total period exceeding 12 hours in any continuous period of 24 hours.

The Order was made on 3rd February 2005, and came into force 7 days after it was made.

### **R&O 10/2005**

This Order prohibits waiting on a further section of La Route de Beaumont in St. Peter and extends the section of that road on which there is a 15-minute restriction on parking.

The Order was made on 3rd February 2005, and came into force on 17th February 2005.

### **R&O 11/2005**

*Article 1* provides for an interpretation of the term used in the Order.

*Article 2* amends the Nursing Homes and Mental Nursing Homes (General Provisions) (Jersey) Order 1995 by stating that the staff that are required to be provided under that Order in nursing homes and mental nursing homes are to be available by day and night and are suitably qualified and competent. It also requires that the number of staff to be employed is adequate in order to ensure the well-being of the patients in the home.

*Article 3* is a transitional provision and provides for a transitional period of 3 months for nursing homes and mental nursing homes which are registered when the Order comes into force. During that 3 month period the current obligation under the Nursing Homes and Mental Nursing Homes (General Provisions) (Jersey) Order 1995 will continue to apply to them.

*Article 4* provides for the name of the Order and the commencement date.

The Order was made on 4th February 2005, and came into force 7 days after it was made.

## **R&O 12/2005**

This Order specifies requirements relating to accounts, audits, auditor and solvency in respect of a person who operates a general insurance mediation business.

*Part 2* of the Order requires such a person to –

- (a) appoint auditors;
- (b) keep proper accounting records; and
- (c) provide financial reports to the Jersey Financial Services Commission.

*Article 11* enables the Commission to exempt registered persons from the application of the above provisions, if it is satisfied that no client will be disadvantaged by the Commission doing this.

*Part 2* also places obligations on auditors in relation to the audit of persons who operate a general insurance mediation business and who appoint them to be auditors.

*Article 10* specifies that auditors and other reporting persons shall report to the Commission when there is reasonable cause to believe that an offence may have been committed, when there are grounds for cancelling a registered person's registration or when a person has incurred, or is at significant risk of incurring, a material loss.

*Part 3* of the Order imposes on the registration of persons involved in the general insurance mediation business various conditions relating to solvency.

The *Part* specifies that registered persons are to attain a "margin of solvency" (that is, a proportion by which the assets of the person are greater than the liabilities of the person) and notify the Commission when that proportion ceases to be attained.

When this occurs, the Commission may require a financial scheme for correcting the proportion to be determined and applied to the person. Such a scheme may, amongst other matters, require the appointment of a special manager by the registered person or the cessation in whole or in part of the business.

If the person fails to notify of a failure to attain the margin, to submit a draft scheme, or to comply with a requirement of such a scheme that has been approved by the Commission, the person will commit an offence against *Article 9* of the Law of breaching a condition. In addition, the Commission may then apply to the Royal Court to appoint a special manager in relation to the person in accordance with *Article 10A* of the Law.

*Article 20* specifies that a subordinate loan may not be acquired by the person without the approval of the Commission.

*Article 21* specifies that the Commission may exempt a person from any of the provisions of the Order, if it is satisfied that the person is appropriately regulated by a regulatory authority of another country or territory (e.g. a person who is regulated under the Financial Services and Markets Act 2000 of the United Kingdom).

*Article 22* makes transitional arrangements for person who have not previously established accounting periods.

*Article 23* provides a citation for the Order and specifies that if made the Order will come into force 7 days after it is made.

This Order was made on 10th February 2005, and came into force 7 days afterwards.

**R&O 13/2005**

The purpose of this Order is to prescribe the times and dates in 2005 when certain roads and beaches may be used for the purposes of the various road races and sand races promoted by the Jersey Motor Cycle and Light Car Club.

The Order has to be read in conjunction with the Road Racing (General Provisions) (Jersey) Order 1959 and the Sand Racing (General Provisions) (Jersey) Order 1959.

The Order was made on 10th February 2005, and came into force 7 days after it was made.

**R&O 14/2005**

The purpose of this Order is to allow the Jersey Old Motor Club, the promoters, to close and use the following roads in St. Helier for motor races (including practice) on the dates and between the times shown –

- (a) part of Victoria Avenue and one of the adjoining lay-bys on 3rd June 2005 between 7 p.m. and 11 p.m.;
- (b) part of Westmount Road, on 4th June 2005 between 10 a.m. and 5 p.m.; and
- (c) parts of Pier Road, Mount Bingham, South Hill, Fort Regent Road and the car parks at South Hill and La Collette Gardens, on 5th June 2005 between 10 a.m. and 5 p.m.

The Order was made by the Home Affairs Committee on 10th February 2005, and came into force on being made.

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

24th February 2005

- As recommended by the Environment and Public Services Committee, the lease to Silverwood Management Limited of the ground and first floor office accommodation at Broadcasting House, Rouge Bouillon, St. Helier (together with 6 associated car parking spaces), for a period of 13 months from 1st December 2004, at an annual rent of £23,000 payable monthly in advance, with no provision for a rent review, on the basis that the ingoing tenant would be responsible for meeting the service charge payments in respect of the communal facilities and charges associated with the building, and also for meeting the landlord's fees in respect of the preparation of the lease in an amount of £200. (The Committee accordingly rescinded its Act No. A1(a) of 3rd December 2004).

**NOTIFICATION OF STANDING ORDER DECISIONS -  
FINANCE AND ECONOMICS COMMITTEE**

13th January 2005

- As recommended by the Education, Sport and Culture Committee, the proposed purchase from Mr. Patrick Joseph McCarthy and Mrs. Jane Caroline McCarthy, née Armitage, of the southern part of Field No. 263A Grouville (measuring approximately 0.33.0 vergée), for a consideration of £4,125 for the unencumbered freehold title of the land. In addition, the public would also be responsible for meeting the vendor's legal costs, which were estimated not to exceed £1,000.

-  
10th February 2005

- As recommended by the Education, Sport and Council, a proposal of that Committee to sell the property "Petit Zinj", Park Estate, St. Brelade for a consideration of £375,000 so that the proceeds (net of any agents and legal fees) might be credited to "The Rivington Travelling Scholarship."

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

13th January 2005

The Home Affairs Committee, subject to the adoption of the drawings by the States, (*adopted 1st February 2005*), has accepted the lowest tender for phases 2 to 5 of the development works relating to the construction of a female cellblock and laundry development, temporary workshop facilities, substation/fuel and new kitchen within the boundary of H.M. Prison, La Moye, St. Brelade, namely that submitted by Camerons Limited in the sum of £5,213,000 in a contract period of 78 weeks.

The Committee noted that the other tenders received were as follows -

	<u>Contractor</u>	<u>Tender sum</u>	<u>Contract period</u>
weeks	Charles Le Quesne Limited	£5,415,980.58	70
weeks	Hacquoil and Cook Limited	£6,212,910.19	72
85 weeks	A.C. Mauger and Son (Sunwin) Ltd.	£6,544,059.00	

10th February 2005

The Housing Committee has accepted the most economically advantageous tender received for the construction of 23 three-bedroom houses and 14 one-bedroom flats as Phase 1 of the redevelopment of the Le Marais (low rise) estate, St. Clement, namely that submitted by A.C. Mauger and Son (Sunwin) Limited in the sum of £4,095,423, in a contract period of 50 weeks.

The Committee noted that the other tenders received were as follows -

	<u>Contractor</u>	<u>Tender sum</u>	<u>Duration</u>
	Houzé Construction Limited	£4,046,962.00	72 weeks
	Premier Contractors Limited	£4,070,335.00	81 weeks
	Hacquoil and Cook Limited	£4,075,710.11	62 weeks
	Camerons Limited	£4,182,972.00	54 weeks
	J.P. Mauger Limited	£4,299,193.00	75 weeks
	Charles Le Quesne (1956) Limited	£4,380,602.89	65 weeks



## WRITTEN QUESTION PAPER

(See Item G)

The President of the Legislation Committee will table an answer to the following question asked by the Deputy of St. John –

“Would the President state whether any consideration is being given by the Committee to removing the special provisions affecting the sentencing of adult offenders aged between 18 and 21 following the lowering of the age of majority to 18 under the provisions of the Age of Majority (Jersey) Law 1999?”

The President of the Education, Sport and Culture Committee will table an answer to the following question asked by the Deputy of St. John –

“Would the President inform members –

- (a) how the breakfast club at Les Landes School, which is run from 7.30 a.m. daily, is being funded including any additional premises and staff costs; if this impacts on the school budget, is the Committee satisfied that this represents value for money and best use of funds, and would he also explain whether the club is open to all the school’s children, and, if not, why not? and,
- (b) does the Committee operate a policy regarding the extended day care of children at school, and, if so, does this acknowledge the value of home life and the parent’s responsibility to provide it?”

The President of the Environment and Public Services Committee will table an answer to the following question asked by the Deputy of St. John –

“Would the President inform members –

- (a) of the terms/duration of the lease granted to Elan Animal Products Limited of premises located at La Collette, St. Helier and, if no lease exists, explain on what terms, if any, the Company occupies the property? and,
- (b) whether all businesses occupying States owned properties at La Collette have to be marine associated within the terms of any agreement or lease, and, if so, would he provide details?”

The President of the Harbours and Airport Committee will table an answer to the following question asked by the Deputy of St. John –

“Would the President advise members –

- (a) how many boats are moored respectively in the English, French and Old Harbours and give details of what facilities exist for car parking whilst owners use their boats, especially during the week period?
- (b) why permit parking restrictions now apply to the slipways in the English and French Harbours, and whether boat users and other interested groups, such as the yacht clubs and marine industry, were consulted in advance?”

The President of the Environment and Public Services Committee will table an answer to the following question asked by the Deputy of St. John –

“On page 17 of the Jersey Evening Post of 1st February 2005 there was a list of planning applications, and, on page 32, under ‘Classified’, there was also a full page of planning applications. Would the President advise members whether the Committee paid for both insertions and, if so, of the total cost to the taxpayer, and explain the criteria used to determine the space required, as 25 applications appeared on a full page advertisement whereas 14 applications appeared on only a quarter of a page?”

The President of the Economic Development Committee will table an answer to the following question asked by the Deputy of St. John –

“Would the President provide members –

- (a) with full details of the funding granted by the Committee to the Jersey Potato Export Marketing Board; and,
- (b) whether the Jersey Potato Export Marketing Board will now reimburse the States with the sum of £105,000 following the decision not to proceed with plans to establish a vodka distillery, and, if not, what action, if any, does the Committee intend to take to recover these funds?”

The President of the Home Affairs Committee will table answers to the following questions asked by Deputy J-A. Bridge of St. Helier –

- “1. In an answer to a written question tabled on 6th July 2004, the President explained that out of 147 recommendations by H.M. Chief Inspector of Prisons, 122 had been addressed although ‘action on some’ was “on-going”.

Would the President –

- (a) specify the recommendations where action was “on-going” in July, update members on progress since that time and outline a timetable for completion? and,
  - (b) specify the 25 recommendations where action had not occurred in July, update members on any progress on these recommendations and, if appropriate, give reasons for any lack of progress?
2. When questioned on the delay in implementation of the Young Offenders’ Institution Rules and Prison Rules, the President stated that they had been ‘delayed pending the receipt of advice from H.M. Attorney General on the question of whether to appoint an Adjudicator to replace the Prison Board of Visitors to adjudicate on matters concerning the discipline of prisoners, in particular where the loss of remission is concerned. Once this issue has been resolved, the Rules can be brought into effect.’

Would the President inform members whether this issue has been resolved, and, if so, when the Committee intends to bring the rules into effect; if not, would the President explain the reasons why?

The President of the Health and Social Services Committee will table an answer to the following question asked by the Deputy of St. John –

“In February, the Grands Vaux Reservoir was contaminated with the herbicide Cyanazine. Has the Committee received information on the effects of this chemical on the human body, and, if so, could he provide details including the breakdown time of the chemical involved?”

The President of the Environment and Public Services Committee will table an answer to the following question asked by the Deputy of St. John –

“Would the President advise members –

- (a) whether the Committee’s officers investigated the recent chemical contamination of Grands Vaux Reservoir, and, if so, confirm the nature of the chemical concerned and the quantity found in the water supply. What action, if any, has been taken by the Committee to prevent the contaminated water getting into the food chain? and,
- (b) has the Committee received information on the possible dangers, if any, posed to health as a result of the contamination?”

The President of the Education, Sport and Culture Committee will table an answer to the following question asked by Deputy R.G. Le Hérissier of St. Saviour –

“With regard to the proposed Cultural Strategy, would the President -

- (a) identify the sources and sum of funding which will support the Strategy? and,
- (b) outline how the ‘arms length’ principle will be maintained under the proposals put forward in the Strategy?”

The President of the Employment and Social Security Committee will table answers to the following questions asked by Deputy G.P. Southern of St. Helier –

- “1. In answer to a question on 12th October 2004, concerning the circumstances in which the action of a union to ballot for strike action could be deemed ‘unreasonable’ under the terms of the proposed Employment Relations (Jersey) Law 200-, the Attorney General commented that –

“it appears to me to be impossible, as a matter of law, to say at this stage .... The answer will be significantly influenced by the codes of practice...”

Would the President confirm whether the Committee would, as a consequence of this uncertainty, defer debate of the draft Employment Relations Law in the absence of the associated codes of practice, and, if not, would the President provide an assurance of the following codes –

- (a) Recognition. That the limitations will not be drawn so as to deny employees of small businesses the right to representation by a Trades Union;
  - (b) Resolving Disputes. That the ‘right to ballot for action’ will be so constrained by the conditions attached to the use of the term “unreasonable” above as to make the said ‘right’ impossible to enact;
  - (c) Limitations on Industrial Action. That restrictions on secondary action will not contravene ILO Convention 87 and that picketing restrictions will not in any way threaten to breach Articles 10 and 11 of the European Convention of Human Rights.
2. Is the Committee aware whether the reservations expressed in the response of 17th February 2005, from the Regional Secretary of the Transport and General Workers Union to the publication of the final draft of the draft Employment Relations (Jersey) Law 200-, are shared by many Trade Unions on the Island, and, if so, what steps will the Committee take to address these reservations before debate of the draft Law, and will these steps include a public debate? If not, will he provide the reasons why?”

The President of the Employment and Social Security Committee will table answers to the following questions asked by Deputy G.P. Southern of St. Helier –

- “1. Will the President explain to members why the rates for the Committee’s proposed income support scheme are to be based on uprated parish welfare rates and not those which apply to contributory benefits?”
- “2. Will the President inform members whether the changeover to the new Department of Employment and Social Security computer scheme has caused any disruption to the payment of benefits, and, if so, how many recipients of benefits have been affected and what assurances, if any, can the Committee give that there will be no further disruption?”

## PROPOSITION

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

to refer to their Act dated 24th July 2003 in which was approved the Machinery of Government: establishment of Scrutiny Panels and Public Accounts Committee (P.79/2003) and 27th January 2004 in which was approved the Shadow Scrutiny: arrangements and approval of Chairmen and members (P.186/2003) and

to appoint forthwith, by ballot, 2 States' members to be members of the Chairmen's Committee, not being Presidents of Committee, for a period of 10 months with immediate effect, or until ministerial government commences, whichever is the sooner.

## PRIVILEGES AND PROCEDURES COMMITTEE

### REPORT

The States have already agreed that the Chairmen of the Scrutiny Panels, together with the Chairman of the Public Accounts Committee, should form a Chairmen's Committee which would act as the co-ordinating body for the scrutiny function, and to ensure that the views of all non-Executive members were taken into account, two other non-Executive members, who may or may not be members of Scrutiny Panels or the Public Accounts Committee, should be elected by the States to sit on the Chairmen's Committee, and the purpose of this proposition is to fill those two places on the Chairmen's Committee.

The Chairmen of the Scrutiny Panels and the Shadow Chairman of the Shadow Public Accounts Committee have discussed at an informal meeting the role that the two independent members of the Chairmen's Committee might play, and considered how members (who might not be members of Scrutiny Panels) could contribute, in particular with regard to its responsibility to report to the Privileges and Procedures Committee on the operation of the Scrutiny function and recommend improvements. The Chairmen considered the format of the evaluation process of reviews that have taken place, and believe that the independent members of the Chairmen's Committee can make a valuable contribution to the process in chairing the round table evaluation of reviews.

**The Committee, having consulted the Chairmen of the Scrutiny Panels and the Shadow Chairman of the Shadow Public Accounts Committee, has noted that a number of members have expressed an interest in putting their names forward as candidates, and recommends that the States elect two members by ballot from nominations from the floor of the Assembly.**