

# STATES OF JERSEY ORDER PAPER

Tuesday, 27th April 1999

## A. COMMUNICATIONS BY THE BAILIFF

## B. TABLING OF SUBORDINATE LEGISLATION

*(Explanatory note attached)*

Court of Appeal (Civil) (Amendment No. 2) (Jersey) Rules 1999. R & O 9383.  
*Court of Appeal.*

Island Planning (Designation of Sites of Special Interest) (Saint John) (Jersey) Order 1999. R & O 9384.

Island Planning (Tree Preservation) (Saint Helier) (Amendment) (Jersey) Order 1999. R & O 9386.

Island Planning (Tree Preservation) (Saint Saviour) (Amendment) (Jersey) Order 1999. R & O 9387.  
*Planning and Environment Committee.*

Investment Business (Client Assets) (Jersey) Order 1999. R & O 9385.  
*Finance and Economics Committee.*

## C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

Resignation of Deputy S.M. Baudains of St. Helier from the Telecommunications Board and the Legislation Committee.

## D. PRESENTATION OF PAPERS

### (a) Papers for information

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

1998 Financial Report and Accounts.  
*Finance and Economics Committee.*

Data Protection: report for 1998.  
*Finance and Economics Committee.*

Agricultural loans: annual report. R.C.16/99  
*Agriculture and Fisheries Committee.*

Nitrate and Pesticide Joint Working Party: report to 31st December 1998. R.C.17/99  
*Agriculture and Fisheries Committee.*

States of Jersey Law 1966, as amended: delegation of functions - harbours administration.  
R.C.18/99  
*Harbours and Airport Committee.*

Public access to official information: code of practice (P.38/99) - comments. P.38/99  
*Establishment Committee.* Com.

Planning and Environment Committee: vote of no confidence (P.45/99) - comments. P.45/99  
*Planning and Environment Committee.* Com.

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

### (b) Notification of Standing Order decisions

Decisions under delegated functions.

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

D'Hautrée School: temporary law courts.  
*Public Services Committee.*

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

Draft Protection of Children (Amendment No. 2) (Jersey) Law 199 . P.50/99  
*Legislation Committee.*

Draft Parish Rate (Administration) (Amendment No. 9) (Jersey) Law 199 . P.51/99  
*Legislation Committee.*

Draft Affiliation Proceedings (Prescription) (Jersey) Law 199 .P.52/99  
*Legislation Committee.*

Committees of the States: access to meetings. P.53/99  
*Senator S. Syvret.*

Housing strategy 1998 - 2003. (P.201/98): amendments and supplementary report. P.54/99  
*Housing Committee.*

Millennium licensing hours. P.55/99  
*Tourism Committee.*

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

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

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

THE STATES are asked to agree that the following matters lodged "au Greffe" will be considered at the next meeting on 11th May 1999 -

Public access to official information: code of practice. P.38/99  
Lodged: 16th March 1999.  
*Special Committee on Freedom of Information.*

Public access to official information: code of practice (P.38/99) - amendments. P.47/99  
Lodged: 13th April 1999.  
*Senator S. Syvret.*

Public access to official information: code of practice (P.38/99) - comments. P.38/99  
Presented: 27th April 1999. Com.  
*Establishment Committee.*

Draft Parish Rate (Administration) (Amendment No. 9) (Jersey) Law 199 . P.51/99  
Lodged: 27th April 1999.  
*Legislation Committee.*

Millennium licensing hours. P.55/99  
Lodged: 27th April 1999.  
*Tourism Committee.*

**F. PRESENTATION OF PETITIONS**

**G. QUESTIONS**

The President of the Tourism Committee will reply to the question asked at the last meeting by Senator S. Syvret about the forms of subsidy available to tourism related undertakings in the European Union.

Deputy T.J. Le Main of St. Helier will ask questions of the President of the Finance and Economics Committee about the application of the Regulation of Undertakings and Development (Jersey) Law 1973, as amended.

Senator S. Syvret will ask questions of the President of the Finance and Economics Committee about the creation of additional jobs for the St. Helier waterfront development.

Senator S. Syvret will ask a question of the President of the Housing Committee about the Committee's policy on population growth.

Senator S. Syvret will ask a question of the President of the Policy and Resources Committee about a recent meeting held to discuss population issues.

The Deputy of St. John will ask questions of the President of the Agriculture and Fisheries Committee about the marketing of Jersey produce.

The Deputy of St. John will ask questions of the President of the Planning and Environment Committee about requests for additional staff.

Deputy G.C.L. Baudains of St. Clement will ask questions of the President of the Planning and Environment Committee about the implications of the proposed designation of part of the south coast as a Ramsar site.

## **H. MATTERS OF PRIVILEGE**

## **I. PERSONAL STATEMENTS**

## **J. COMMITTEE STATEMENTS**

The President of the Housing Committee will make a statement about the future of the Rent Control Tribunal.

## **K. PUBLIC BUSINESS**

Jersey Kosovo Appeal.  
*Finance and Economics Committee.*

Health and Safety Appeal Tribunal: appointment of members.  
*Employment and Social Security Committee.*

Agricultural Loans and Guarantees Advisory Board: appointment of members.  
*Agriculture and Fisheries Committee.*

Draft Act to establish a Scheme to make child care more available for low income families. P.42/99  
Lodged: 13th April 1999.  
*Employment and Social Security Committee.*

Planning and Environment Committee: vote of no confidence. P.45/99  
Lodged: 13th April 1999.  
*Senator R.J. Shenton.*

Planning and Environment Committee: vote of no confidence (P.45/99) - comments. P.45/99  
Presented: 27th April 1999. Com.  
*Planning and Environment Committee.*

Security of tenure law - report of the Working Party. P.257/98  
Lodged: 1st December 1998.  
*Housing Committee.*

Draft Education (Jersey) Law 199 . P.30/99  
Lodged: 2nd March 1999.  
*Education Committee.*

Draft Education (Jersey) Law 199 . (P.30/99): amendments. P.48/99  
Lodged: 13th April 1999.  
*Deputy of Grouville.*

Draft Radio Equipment (Jersey) Law 1997 (Appointed Day) Act 199 .P.41/99  
Lodged: 13th April 1999.  
*Telecommunications Board.*

Green Street/Francis Street: conditions of purchase. P.43/99  
Lodged: 13th April 1999.  
*Public Services Committee.*

Jersey Heritage Trust: new constitution. P.44/99  
Lodged: 13th April 1999.  
*Finance and Economics Committee.*

Jersey Table Tennis Association: grant of a loan.  
Lodged: 13th April 1999.  
*Finance and Economics Committee.*

P.46/99

**G.H.C. COPPOCK**

**Greffier of the States**

22nd April 1999

## **Explanatory Note regarding subordinate legislation tabled at this Meeting**

(See Item B)

### **R & O 9383**

The purpose of these Rules is to bring the costs system in relation to the Court of Appeal in civil cases in line with the new systems being introduced by the Royal Court (Amendment No.13) Rules 1999.

These rules were made on 8th April 1999 and will come into force on 1st June 1999.

### **R & O 9384**

The purpose of this Order is to designate a number of buildings and places in the Parish of St. John as sites of special interest by reason of the special archaeological, architectural, cultural, historical or traditional interest attaching to them.

The Order was made on 1st April 1999 and came into force forthwith.

### **R & O 9385**

The purpose of this Order is to regulate the holding of client money and other property by persons registered to carry on investment business under the Investment Business (Jersey) Law 1998.

*Part I* contains the definitions used in the Order (*Article 1*).

*Part II* relates to client money which is defined in *Article 3*. Conditions are imposed as to the segregation, accounting for and use of client money (*Articles 4 and 5*). Provision is made for the opening of client bank accounts, their use and payments in and out of the accounts (*Articles 6-8*). There is provision concerning the paying of interest (*Article 9*), reconciliation of accounts (*Article 10*) and for certain requirements not to apply designated accounts (*Article 11*).

*Part III* relates to the protection of client property. *Articles 13 and 14* are concerned with the protection of investments and *Articles 15-18* are concerned with the safekeeping of documents. *Article 19* relates to the accounting to clients for documents of title of investments held in the registered person's custody, and reconciliation of those documents, and *Article 20* is concerned with storage of client property. *Article 21* imposes a requirement to maintain insurance and *Article 22* relates to the registered person's dealing with third parties in relation to client property.

*Part IV* is concerned with regulating procedure in respect of protected accounts in the event of bankruptcy or insolvency ("default"). *Article 24* creates a statutory trust in respect of client money in favour of clients in proportion to their respective shares, and thereafter in favour of the registered person. *Articles 25-27* determine the destination of client money in the event of default on the part of the registered person, an approved bank holding client money or an intermediary, or the coming into force of a direction from the Financial Services Commission in respect of the client money. *Article 28* provides for the appointment by the Commission of a default officer to administer this Part of the Order.

*Part V*, miscellaneous, deals with record keeping (*Article 29*) and the citation and commencement provision (*Article 30*).

The Order was made on 19th April 1999 and comes into force on 1st July 1999.

### **R & O 9386**

This Order prevents the cutting down or destruction of two trees in Saint Helier without the consent of the Planning and Environment Committee.

The Order was made on 21st April 1999 and comes into force forthwith.

### **R & O 9387**

This Order prevents the cutting down or destruction of five trees in Saint Saviour without the consent of the Planning and Environment Committee.

The Order was made on 21st April 1999 and comes into force forthwith.



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

19th April 1999

- (a) as recommended by the Public Services Committee, the purchase from Le Riche Group Limited (parent company of Le Riches Stores Limited), of an area of land measuring 2,244 square feet situated at the junction of La Marquanderie, St Brelade (shown on Drawing No. 15/621/6) required for road widening, for the sum of £10, with the Committee to be responsible for both parties' legal fees and the cost of the necessary accommodation works;
- (b) as recommended by the Public Services Committee, the acquisition from Mrs. Joan Marie Bisson, née Coutanche, of an area of land measuring 5,640 square feet situated at La Rue des Pres, Sorsoleil, St. Lawrence (shown on drawing No. P587/02), required for road widening and remedial works, free of charge, with the Committee to be responsible for both parties' legal fees, the costs of the necessary accommodation works, and also the provision of drainage for the surface water from Mrs. Bisson's meadow adjoining the abovementioned area of land into the culvert;
- (c) as recommended by the Harbours and Airport Committee, the renewal of the lease to Dive and Ski of the bunker known as A3, Albert Pier, St. Helier Harbour, for a further period of three years from 1st January 1999, at an annual rent of £1,711.50 (representing a rate of £4.20 a square foot based on a letting area of 407.5 square feet) subject to annual review in line with the Jersey Retail Prices Index;
- (d) as recommended by the Sport, Leisure and Recreation Committee, the lease to the Jersey Table Tennis Association of an area of land (measuring 16,276 square feet) situated to the north of the running track within the F.B. Playing Fields, St. Clement, for a period of 99 years from the date of passing of the contract in the Royal Court, at a commencing annual rent of £2,500 payable annually in advance, with terms and conditions as agreed with the Director of Property Services, and on the basis that each party was to be responsible for its own legal costs incurred in the transaction;
- (e) as recommended by the Public Services Committee, the lease to Mr. Ronald John Rebourg of Field No. 15, Mont à la Brune, St. Brelade (measuring 0.20.0 vergées), for a period of three years from 1st February 1999, at an annual rent of £60 (based on a rate of £120 a vergée) to be paid annually in advance, on the basis that the tenant would be responsible for the maintenance and upkeep of the land during the period of the lease, and with each party being responsible for its own legal costs arising from the transaction;
- (f) as recommended by the Health and Social Services Committee, the renewal of the lease to Messrs. Derrick Gordon Le Cornu and David John Le Cornu of Fields Nos. 34, 37, 38 (eastern part) and part of 54, Grouville (together measuring 29.5 vergées), for a period of nine years from 25th December 1998, at a commencing annual rent of £2,950, to be increased in line with the Jersey Retail Prices Index every three years from the commencement date, with all terms and conditions remaining as in the existing lease, on the basis that each party will be responsible for its own legal costs arising from the transaction;
- (g) as recommended by the Public Services Committee, the lease to Mr. Anthony George Benest, of Oak Farm, Five Oaks, St. Saviour, of the property known as Stonemason's Yard, Mont Mado, St. John, for a period of nine years from 1st November 1996 at a stepped annual rent as follows -

Year 1	£850
Year 2	£1,500
Year 3	£2,000
Year 4	£2,500
Year 5	£3,000
Year 6	£3,500
Year 7	£4,000
Year 8	£4,500
Year 9	£5,000

on the basis that the premises were to be used only for stone cutting and masonry work in connexion with the lessee's business and at no time were any part of the premises to be used as sleeping quarters, with the lessee to take out the necessary public liability insurance and not to be permitted to assign, sub-let part or any of the premises without the lessor's permission, which would not be unreasonably withheld, and on the basis that each party would be responsible



for its own legal costs arising from the transaction;

- (h) as recommended by the Harbours and Airport Committee, the addition to the existing lease to the Jersey Electricity Company Limited of land associated with the Power Station, La Collette, St. Helier, of a further area of land south of the Power Station (Measuring 1,998 square metres) required for the extension of the Power Station, at no additional cost;
- (i) as recommended by the Health and Social Services Committee, the renewal of the lease from Mrs. Evelyn Marguerite Hefford, née Hervé, of the 'j' category property known as No. 17 Court Drive, La Route de la Haule, St. Lawrence, for a period of two years from 1st August 1998 with an option to extend the lease for a further one year to 31st July 2001, at a commencing annual rent of £12,938.72 (representing an increase of 4.7 per cent, to be revised in line with the Jersey Retail Prices Index as at 1st August 1999), with all terms and conditions to remain as in the original lease with an additional clause to be added giving both parties the option to break the lease upon giving at least three months notice in writing to that effect, and on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (j) as recommended by the Health and Social Services Committee, the renewal of the lease from Mr. John Menzies Scarborough of the property known as Briville, Rue de Tas de Geon, Trinity, for a period of two years from 1st February 1998, at an annual rent of £15,335, with all terms and conditions to remain as in the original lease, with an additional clause to be added giving both parties the option to break the lease upon giving at least three months' notice in writing to that effect, and on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (k) as recommended by the Health and Social Services Committee, the renewal of the lease to Miss Zoe Veronica D'Avoine of No. 9 Chevalier Road, St. Helier, for a period of three years from 25th December 1998 at a commencing annual rent of £6,500 to be reviewed annually on the anniversary of the commencement date of the lease in line with the Jersey Retail Prices Index, with all terms and conditions to remain as in the existing lease, and on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (l) as recommended by the Health and Social Services Committee, the renewal of the lease from Mrs. Jane Melanie Hiron, née Gouyette, of Field No. 768, Sous l'Eglise, St. Peter (known as Clos du Menage) for a period of two years from 1st February 1999 at a commencing annual rent of £300, to be increased annually in line with the Jersey Retail Prices Index, with all terms and conditions to remain as in the existing lease, and on the basis that each party would be responsible for its own costs arising from the transaction.

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

19th April 1999

The Public Services Committee has accepted the lowest tender received for the construction of temporary law courts at the Lawn Block of the former d'Hautrée School, St. Saviour, namely that submitted by Mercury Construction (1996) Limited in the sum of £250,626.83 in a contract period of 12 weeks.

The other tenders received (all in a contract period of 13 weeks) were as follows -

Contractor	Amount
Hacquoil and Cook Limited	£253,018.00
Regal Construction (Jersey) Limited	£267,868.29
Premier Contracting and Shopfitting Limited	£275,016.00
T.M. Ruane Limited	£275,631.44
C.A. Mauger Limited	£278,545.00

# **PROPOSITION**

## **JERSEY KOSOVO APPEAL**

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

to direct the Committee to make available to the Overseas Aid Committee up to £750,000 from the general reserve, for the Jersey Kosovo Appeal and for that sum to be set aside for structured payments to be made as and when required, with a payment totalling £250,000 to be forwarded immediately to the Disasters Emergency Council and UNICEF.

FINANCE AND ECONOMICS COMMITTEE

## **Report**

### **Introduction**

Although the Finance and Economics Committee has the authority under the Public Finances (Administration) (Jersey) Law, 1967, as amended, to approve the granting of additional monies from the general reserve the Committee believes that it is appropriate to bring this request to the attention of the States.

Article 18 (3) (b) of the Finance Law states that the Finance and Economics Committee can seek the direction of the States as to whether additional funding should be granted to a Committee from the general reserve. The request to the States has to be made by the Finance and Economics Committee and that is the reason for this report and proposition being in that Committee's name. The request has, however, been fully instigated and proposed by the Overseas Aid Committee and the following report was prepared by that Committee.

### **Overseas Aid Committee - Request for further financial support**

The plight of the Kosovan refugees is so enormous that the Overseas Aid Committee was not surprised by the response from the general public asking what it was doing to assist in addressing the situation and how they could contribute. It was also of no shock that Senator Stein acted so promptly in preparing a proposition to obtain support for the refugees and for this the Committee is most grateful.

At the end of March the Committee received an initial £250,000 allocation for the Kosovo situation which was agreed by the Finance and Economics Committee from the general reserve. This sum was immediately forwarded to the Disasters Emergency Council (DEC).

This crisis is very emotive and being able to stand back and address the longer-term issues is extremely difficult, but must be done if this horrendous situation is to be addressed. The Overseas Aid Committee believes that it is right that a further £750,000 be allocated from the general reserve, with a total of £250,000 of this being sent to the Disasters Emergency Council (£230,000) and UNICEF (£20,000) immediately

The Committee sincerely hopes that the general public will endeavour to match the contribution made by the States which will, subject to the agreement of the Assembly, amount to £500,000.

The Committee believes that by allocating the money to the DEC and UNICEF it is being directed, via the professionals working on the ground in the crisis area, to the most needy causes.

It is intended that the remaining £500,000 will only be allocated once expert advice and up to date information has been received from the major aid agencies. This funding will be directed to the DEC or to other specific agencies that are arranging longer-term facilities, including more permanent shelter, health and education requirements for these most unfortunate individuals.

The Overseas Aid Committee must, however, point out to States members that there is every likelihood that it may have to request further funds from the Finance and Economics Committee. Whilst the Committee will be able to deal with normal applications for this area, other aid development work must not be left to suffer because the Kosovan refugees may need further funding for essentials.

## **PROPOSITION**

### **AGRICULTURAL LOANS AND GUARANTEES ADVISORY BOARD: APPOINTMENT OF MEMBERS**

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

- (a) to approve the re-appointment of Mr. David John Le Marquand as Chairman of the Agricultural Loans and Guarantees Advisory Board;
- (b) to approve the re-appointment of Mr. David John Picot as Vice-Chairman of the Agricultural Loans and Guarantees Advisory Board;
- (c) to approve the re-appointment of Messrs. Walter Labey, Robin Victor Perchard, Lewis Rondel, Michael Touzel and David Vautier as members of the Agricultural Loans and Guarantees Advisory Board;

for a period of three years, in accordance with Regulation 3(2) of the Agricultural (Loans) (Jersey) Regulations 1974, as amended.

**AGRICULTURE AND FISHERIES COMMITTEE**

## Report

The Agriculture (Loans and Guarantees) (Jersey) Law 1974 and the Agricultural (Loans) (Jersey) Regulations 1974, as amended, provided for the constitution of a Board called the Agricultural Loans and Guarantees Advisory Board which Board makes recommendations with regard to the making of agricultural loans and payments under the aforementioned law and regulations.

The regulations provide for the States, on the recommendation of the Agriculture and Fisheries Committee, to appoint a chairman, a vice-chairman and four other persons all of whom have had experience and shown capacity in commerce or finance and four other persons who have had experience and shown capacity in the agricultural industry to hold office on the Board for a period of three years and for such persons to be re-appointed. The purpose of the Board is to consider all applications for an agricultural loan and to make recommendations thereon to the Agriculture and Fisheries Committee.

Mr. D.J. Le Marquand has been a member of the Board since 1982 and had been vice-chairman since 1986 and chairman since 1994. Mr. D.J. Picot has been a member of the Board since 1989. Messrs. Labey, Perchard, Rondel, Touzel and Vautier are all presently members of the Board. The Agriculture and Fisheries Committee recommends that Mr. Le Marquand should be re-appointed as Chairman; Mr. Picot should be re-appointed as Vice-Chairman; and the remaining above-mentioned persons should all be re-appointed as members of the Board, presently leaving three appointments unfilled.

The re-appointment of the members, when due in May 1997, was held in abeyance due to the commencement of an audit report on the Agricultural Loans Scheme and subsequent Departmental Service Review. These have now been completed.

The Committee greatly appreciates the contribution by all the members of the Board and the time they give to consider loan applications and to make recommendations thereon. The posts are purely voluntary and members of the Board meet frequently throughout the year to consider applications which involves considerable time both studying applications, site visits and meetings.

**STATES MEMBERS LUNCHEON**

**No.3 Committee Room**

**I will require lunch at today's Sitting.**

**Signed.....**

**Named.....**

**Please hand this slip to an usher before 10.00 a.m. today**