

**THE STATES assembled on Tuesday,
27th November 2001 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 -

Senator Christopher Gerard Pellow Lakeman - out of the Island
Henry George Coutanche, Connétable of St. Lawrence- out of the Island
Michael John Touzel, Connétable of St. John- out of the Island
Jacqueline Jeanette Huet, Deputy of St. Helier- out of the Island
Celia Joyce Scott Warren, Deputy of St. Saviour- ill
Philip Francis Cyril Ozouf, Deputy of St. Helier- out of the Island.

Prayers

Matters presented

The following matters were presented to the States -

Machinery of Government: proposed reforms - implementation plan.
Presented by the Policy and Resources Committee.

Tenants and Lodgers: return of deposits (P.46/2001): comments - P.46/2001 Com.
Presented by the Finance and Economics Committee.

States members' income support and expense allowance: annual increases (P.160/2001) - comments - P.160/2001 Com.
Presented by the Finance and Economics Committee.

States members' income support and expense allowance: annual increases (P.160/2001): amendment (P.160/2001 Amd.) - comments - P.160/2001 Amd. Com.
Presented by the Finance and Economics Committee.

Jersey Consumer Council: transfer of responsibility (P.167/2001): comments.
Presented by the Finance and Economics Committee.

Machinery of Government: composition and role of Privileges and Procedure and Scrutiny Committees (P.175/2001): comments - P.175/2001 Com.
Presented by the Finance and Economics Committee.

Draft Public Service Vehicles (Fees) (Amendment No. 12) (Jersey) Regulations 200 (P.177/2001): comments - P.177/2001 Com.
Presented by the Finance and Economics Committee.

Draft Hire Cars (No. 11) (Jersey) Regulations 200 (P.178/2001): comments - P.178/2001 Com.
Presented by the Finance and Economics Committee.

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

Matters lodged

The following matters were lodged "au Greffe" -

Investing in Tourism's future (P.170/2001): amendment - P.170/2001 Amd.
Presented by the Deputy of Trinity.

Investing in Tourism's future (P.170/2001): second amendments - P.170/2001 (Amd.(2)).
Presented by Deputy A. Breckon of St. Saviour.

Draft Act amending further the Act of the States dated the 27th day of April 1999 establishing a scheme to make child care more available for low income families - P.183/2001.
Presented by the Employment and Social Security Committee.

Draft Health Insurance (Medical Benefit) (Amendment No. 55) (Jersey) Regulations 200 P.184/2001.
Presented by the Employment and Social Security Committee.

Draft Family Allowances (Jersey) Regulations 200- P.185/2001.
Presented by the Employment and Social Security Committee.

Draft Act annulling the Regulation of Undertakings and Development (Return of Employers) (Jersey) Order 2001 - P.186/2001.
Presented by Deputy A. Breckon of St. Saviour.

Draft Conservation of Wildlife (Amendment) (Jersey) Law 200- P.187/2001.
Presented by the Planning and Environment Committee.

Fields 263 and 263A, Grouville, re-zoning and acquisition of land for school recreation facilities - P.188/2001.
Presented by the Planning and Environment Committee.

Draft Standard Chartered Bank (CI) Limited (Jersey) Law 2001 (Appointed Day) Act 200- P.189/2001.
Presented by the Finance and Economics Committee.

Draft Royal Bank of Scotland International Limited (Jersey) Law 2001 (Appointed Day) Act 200- P.190/2001.
Presented by the Finance and Economics Committee.

Draft Sea Fisheries (Minimum Size Limits) (Jersey) Regulations 200- P.191/2001.
Presented by the Agriculture and Fisheries Committee.

Draft Sea Fisheries (Trawling, Netting and Dredging) (Jersey) Regulations 200- P.192/2001.
Presented by the Agriculture and Fisheries Committee.

Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Jersey) Regulations 200- P.193/2001.
Presented by the Agriculture and Fisheries Committee.

Draft Sea Fisheries (Log Books and Landing Declarations) (Jersey) Regulations 200- P.194/2001.
Presented by the Agriculture and Fisheries Committee.

Arrangement of public business for the next meeting on 4th and 5th December 2001

THE STATES confirmed that the following matter would be considered at the next meeting on 4th and 5th December 2001 -

Budget 2002.
Lodged: 6th November 2001.
Finance and Economics Committee.

THE STATES agreed that the following matters would be considered at the next meeting on 4th and 5th December 2001 -

Draft Road Traffic (No. 52) (Jersey) Regulations 200P.176/2001.
Lodged: 20th November 2001.
Home Affairs Committee.

Draft Public Service Vehicles (Fees) (Amendment No. 12) (Jersey) Regulations 200 P.177/2001.
Lodged: 20th November 2001.
Home Affairs Committee.

Draft Public Service Vehicles (Fees) (Amendment No. 12) (Jersey) Regulations 200 (P.177/2001):
comments - P.177/2001 - P.177/2001 Com.
Presented: 27th November 2001.
Finance and Economics Committee.

Draft Hire Cars (No. 11) (Jersey) Regulations 200P.178/2001.
Lodged: 20th November 2001.
Home Affairs Committee.

Draft Hire Cars (No. 11) (Jersey) Regulations 200 (P.178/2001): comments - P.178/2001 Com.
Presented: 27th November 2001.
Finance and Economics Committee.

THE STATES agreed in principle that the following matters lodged "au Greffe" would be considered at the meeting on 11th December 2001 -

Investing in Tourism's future - P.170/2001.
Lodged: 13th November 2001.
Tourism Committee.

Investing in Tourism's future (P.170/2001): amendment - P.170/2001 Amd.
Presented: 27th November 2001.
Deputy of Trinity.

Investing in Tourism's future (P.170/2001): second amendments - P.170/2001 (Amd.(2)).
Presented: 27th November 2001.
Deputy A. Breckon of St. Saviour.

La Collette Fuel Farm, St. Helier: lease to Shell (UK) Limited and Esso Petroleum Company Limited-
P.180/2001.
Lodged: 20th November 2001.
Harbours and Airport Committee.

Draft Jersey Potato Marketing Scheme 200- (Approval) (Jersey) Act 200- P.182/2001.
Lodged: 20th November 2001.
Agriculture and Fisheries Committee.

Draft Act amending further the Act of the States dated the 27th day of April 1999 establishing a scheme
to make child care more available for low income families - P.183/2001.
Lodged: 27th November 2001.
Employment and Social Security Committee.

Draft Health Insurance (Medical Benefit) (Amendment No. 55) (Jersey) Regulations 200 P.184/2001.
Lodged: 27th November 2001.
Employment and Social Security Committee.

Draft Family Allowances (Jersey) Regulations 200- P.185/2001.
Lodged: 27th November 2001.
Employment and Social Security Committee.

Draft Act annulling the Regulation of Undertakings and Development (Return of Employers) (Jersey) Order 2001 - P.186/2001.

Lodged: 27th November 2001.

Deputy A. Breckon of St. Saviour.

Draft Standard Chartered Bank (CI) Limited (Jersey) Law 2001 (Appointed Day) Act 200- P.189/2001.

Lodged: 27th November 2001.

Finance and Economics Committee.

Draft Royal Bank of Scotland International Limited (Jersey) Law 2001 (Appointed Day) Act 200- P.190/2001.

Lodged: 27th November 2001.

Finance and Economics Committee.

Draft Sea Fisheries (Minimum Size Limits) (Jersey) Regulations 200- P.191/2001.

Lodged: 27th November 2001.

Agriculture and Fisheries Committee.

Draft Sea Fisheries (Trawling, Netting and Dredging) (Jersey) Regulations 200- P.192/2001.

Lodged: 27th November 2001.

Agriculture and Fisheries Committee.

Draft Sea Fisheries (Inshore Trawling, Netting and Dredging) (Jersey) Regulations 200- P.193/2001.

Lodged: 27th November 2001.

Agriculture and Fisheries Committee.

Draft Sea Fisheries (Log Books and Landing Declarations) (Jersey) Regulations 200- P.194/2001.

Lodged: 27th November 2001.

Agriculture and Fisheries Committee.

Budget 2002 - questions and answers (Tape No. 696)

The Deputy of St. John asked Senator Frank Harrison Walker, President of the Finance and Economics Committee, the following questions -

- “1. In view of the inflationary effect both of the proposed increases on fuel, tobacco and alcohol in the 2002 Budget, and of the continuing use of the Regulation of Undertakings Law and the resultant estimated 3,000 job vacancies, will the President now give consideration to amending his budget proposals in order to reduce their inflationary effect?”
2. Given that the budget will be inflationary and will affect particularly the less well off, will the President undertake to review the tax contribution of the successful finance industry, to shift the burden of tax away from those less well off in the Island?”

The President of the Finance and Economics Committee replied as follows -

- “1. No. The proposals we have brought forward have been carefully thought through and will be the subject of full debate in the budget next week.
2. As the Deputy is aware, my Committee is undertaking a complete review of States fiscal policies and we will give full consideration to all possible ways forward. However, we will not contemplate taking any action which encourages businesses or individuals to move into the ever-welcoming arms of our international competitors.

The finance industry contributes about 60 per cent of our tax revenues and more than covers total States expenditure on health and social security.

The tax burden on individuals in our society has already shifted heavily towards those on higher

incomes through the system of income tax exemptions and allowances and is very low compared to the level of public services from which they benefit.”

Implementation of the Machinery of Government: proposed reforms - questions and answers (Tape No. 696)

Deputy Michael Edward Vibert of St. Brelade asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following question -

“In the States on 28th September 2001 I asked a question of the President during his summing up on Machinery of Government: proposed reforms (P.122/2001) on the date an implementation plan could be expected and what consultation would be held with States’ members. The President advised that work on the implementation plan had already started, the date of the end of November would be adhered to, there would be an opportunity for States members to see drafts as they developed and information would be made available on the way.

Assuming the implementation plan is to be made available by the end of this month, in the light of his reply on 28th September 2001, can the President outline what consultation there has been with States members as regards the implementation plan; in particular,

- (i) what developing drafts of the implementation plan States members have had an opportunity to see?
- (ii) what information has been made available to States members ‘on the way’?

If the answer to the above questions is in the negative, would the President advise the Assembly why the consultation he assured States members would be carried out in relation to the implementation plan has not happened?”

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

“In my reply on 28th September 2001 I said that work on preparing the implementation plan had already started. Since that time a number of States members and senior officers have been engaged on the task.

Such was the comprehensive nature of the information coming together, it soon became clear that a single report and proposition would not be a practical way of proceeding. It was decided that the Plan would be published as a living working document from which would flow a number of key reports and propositions. This is the document that is published today.

On 22nd November 2001 I wrote to all States members explaining our intention and clearly indicating that members would have every opportunity to express views on proposals as they came forward and before they were considered by the States.

In fact, the electronic document makes specific provision for this process to be conducted by e-mail for the convenience of the 46 members now able to work in this way. The remaining members will be able to make their views known by more traditional means.

The arrangements now in place make the consultation process easier and more widespread than ever before.

There is no doubt that today’s document will develop over time and that development will be influenced by the comments received. It also represents comprehensive information for States members, which also shows what the Committee is thinking over a variety of matters, which will eventually be the subject of a series of free standing reports and propositions.

Thus this present document is information presented ‘on the way’ to the reports and propositions.”

Waterfront Hotel - question and answer (Tape No. 696)

The Deputy of St. John asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following question -

“As the Marriott Hotel is unlikely to go ahead on the waterfront due to the lack of financial support, would the President inform the Assembly whether the contract includes a let-out clause whereby compensation will be paid to the States of Jersey if nothing is built on that site? If not, will the President explain why no such clause was put in the contract?”

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

“The Waterfront Enterprise Board Limited has informed me that, as a matter of policy, it would not sign any contract with a developer unless and until the Board was satisfied that all the requisite funding was in place. For this reason no contract was signed and the question of compensation does not arise on either side.”

Anti terrorist legislation - questions and answers (Tape No. 696)

Deputy Roy George Le Hérissier of St. Saviour asked Deputy Alastair John Layzell of St. Brelade, President of the Home Affairs Committee, the following question -

“Would the President outline what plans are underway to introduce anti-terrorist and associated legislation?”

The President of the Home Affairs Committee replied as follows -

“The Home Affairs Committee is currently considering a draft Terrorism law which will update the Prevention of Terrorism (Jersey) Law 1996 by incorporating many of the provisions contained in the United Kingdom Terrorism Act 2000.

The Committee also has before it the draft Crime and Security (Jersey) Law which would mirror, in domestic legislation, a small proportion of the measures in the United Kingdom's Anti-Terrorism, Crime and Security Bill, currently passing through the Houses of Parliament.

Detailed consideration of both these drafts started last Friday and will continue tomorrow. The Committee has resolved to publish the drafts as soon as possible for consultation which will, necessarily, have to be conducted quickly because it is the Committee's intention to lodge the draft laws and request a date for debate early in the New Year.

Neither of the draft laws I have mentioned contains the most controversial provision in the United Kingdom Bill; the ability to detain suspected international terrorists without trial. The Bill contains a permissive clause which would allow this provision to be extended to the Channel Islands and the Isle of Man by Order in Council. However, the detention provision appears in Part 4 of the Bill and is achieved by reference to the United Kingdom Immigration and Asylum Act 1999. There is no equivalent law in Jersey although it has been in preparation for some time.

So far, Her Majesty's Government has not made a formal request to extend the provision. It is not yet clear whether such a request will be made, or how - in the absence of the relevant legislation - such a request might be complied with.

Therefore, although I can give the Deputy an assurance that the draft Terrorism (Jersey) Law and the draft Crime and Security (Jersey) Law will come to this Assembly for debate, I cannot give the same assurance in respect of the Immigration and Asylum provisions in the United Kingdom's Anti-Terrorism, Crime and Security Bill.”

Planning applications and letters of representation - statement

The President of the Planning and Environment Committee made a statement in the following terms -

“I agreed to make a statement to the States advising members of the procedures authorised by the Planning and Environment Committee in respect of letters of representation received by the Planning Department concerning applications under Article 6 of the Island Planning (Jersey) Law 1964.

The States will be aware that the present Law makes no specific statutory provision for publication of applications and the procedures for representations. The Department publicises applications using the services of the Jersey Evening Post. The plans received which accompany the application are deposited at South Hill and are available for a period of public inspection. Lists are provided to the Parishes, the Library and are also soon to be available on the Internet. Representations may be received by letter, fax, e-mail, or by note written personally at the Planning Office. These may be either in support or against applications. Letters of representation may be submitted by objectors personally, by the lawyers or agents acting on their behalf, pressure groups and interest groups, individual States members or Committees of the States or external bodies. Copies are provided to the applicant by direction of the Royal Court to ensure the applicant has an opportunity to be aware of and respond to what is said about applications. Anonymous representations are not accepted and potentially libellous material returned to the author. A period is allowed whilst consultation with both statutory and other interested parties takes place and the Planning Officer has an opportunity to assess the application and prepare the matter for the decision making process.

The protocols on delegation of decisions agreed and published in November 1996 in the States (revised in detail) are followed. In essence a representation by a States member will disable the Director of Planning’s delegation to make a decision, requiring the matter to be referred to the Applications Sub-Committee. This comprises three Committee members, chaired by the Vice-President, meets fortnightly, often meets architects, applicants and members acting on behalf of the public and on occasion the public directly.

The agenda for these meetings is published in advance. The papers for meetings include a written report and copies of all of the representations received in respect of the application being considered. All members of the Committee see the agenda papers and may request the Sub-Committee to refer any matter to the full Committee for determination. Occasionally the Sub-Committee itself decides that this procedure should be followed but this is an exceptional arrangement since there is no opportunity for the informal appeal process (to the full Committee) requiring a statutory appeal to the Royal Court if this is sought.

Most Planning matters are non-contentious and the decision is delegated to the Director of Planning. However, approximately 10 per cent of applications i.e. approximately 500 per annum are contentious. Some, less than 50, are very contentious. Contentious matters are also complex and it is frequently the case that the same application will be considered by either the Sub-Committee or Committee on several occasions and advice and guidance given to the applicant. This frequently results in the applicant submitting revisions to the drawings, sometimes multiple revisions, and possibly many times.

If these revisions to the plans are substantially different than those previously advertised the new drawings are deposited for re-inspection by the public and a further opportunity for public representation. If the changes are minor they would not be re-advertised and if they fall within the guidance and decision of the Applications Sub-Committee or main Committee would be delegated to the Director of Planning to deal with.

All representations are logged into the Department’s computer system recorded against the application, and are referred to in all reports to the Committee. The system generates letters to applicants, objectors and others automatically as the application moves through the cycle of processing. Co-ordination of these communications is done by the system.

The Committee’s Code of Practice requires the applicant to be notified of a decision of the Committee before all other interested parties. In view of media interest and prior publication of agendas, this is usually done on the day of the meeting by telephone. Frequently the decisions are qualified and require certain details to be cleared by the Department. In the case of approval, the permit would not be issued until these detail formalities are completed, usually within seven days of the Committee’s decision being made. This would then automatically trigger letters to objectors advising of the decision.

States members are permitted to attend upon the Sub-Committee or Committee to represent for or against

applications. Determination of the application would be deferred until a convenient date when members who have indicated a wish to attend can do so. If a States member requests a deferral to provide an opportunity to make representation, then this is granted, if the timescale proposed is not unreasonably detrimental to the applicant.

The full Committee considers letters of appeal from applicants against applications either rejected by the Sub-Committee, the Director of Planning or on important detail matters such as imposition of conditions imposed. If further consultations are required on new issues raised in the appeal, this is carried out before a decision is made. A new report is submitted to the Committee reassessing the facts put forward in support of the appeal. All new information, plus the letter of appeal and all original documentation, is considered afresh by the full Committee. Experience has shown that procedure to be successful. Frequently States members attend these appeal meetings, as do architects and applicants. Matters may be deferred at any time to seek new information, gain legal advice or enable further consultation. The outcome of the appeal is first notified to the applicant and procedures applicable to the original decision are followed.

Experience has shown that these procedures, developed in response to practical experience, work well in the absence of independent appeal arrangements such as that approved by the States in the new Planning and Building Law. The volume of applications being dealt with, the complexity of matters and the large number of people involved, and the use of a computer system, make it difficult to co-ordinate the timing of all communications perfectly. Members should also be aware that the Department aims to process applications within eight weeks; the period set in the Department's Code of Practice. Reliance is made on publication of the agendas for meetings, including appeals, and active involvement of persons interested in particular applications. The Department has already developed its systems to provide a printed list and, soon, Internet copies of applications on a twice-weekly and agendas on a weekly, basis. Enhanced web-enabled software is due to be delivered by our software supplier, which will make the same information available through the Internet. It is hoped that the States public information project, in which the Department is a leading contributor, will also enable Parish Halls to access this information and allow the public in future to remotely track the progress of applications in the computer system. The Department will continue to enhance its procedures, resources permitting, in preparation for the impact of the new Planning Law, including meetings which are open to the public, independent appeals including the opportunity for third parties. It is this to which our efforts are directed."

Bus Strategy - statement

The President of the Public Services Committee made a statement in the following terms -

"The quest for an improved bus service in Jersey to meet the needs of the 21st century is progressing according to plan.

In Stage 1, 30 organisations expressed interest in response to press advertisements detailing the proposals in the Bus Strategy.

Stage 2 required those wishing to tender to operate bus services in the Island to supply pre-qualifying information. 13 organisations have done so and will be invited to submit full tenders, in Stage 3, for the right to become the Island's sole provider of local bus services from the end of September 2002.

The 13 organisations include operators from Jersey, the United Kingdom, Ireland and France and range from large multi-national organisations to established independent operators. One English municipal company has also pre-qualified.

The Public Services Committee and the Bus Strategy Steering Group are very pleased with the tremendous level of interest being shown in Jersey's bus services. It confirms that the bus industry sees the Bus Strategy as a great opportunity and shows that the fears of those who said there would be no interest in running Jersey's buses were unfounded.

All 13 operators are considered capable of meeting the requirements of the Bus Strategy and will receive a detailed tender specification by the end of December 2001, following which they will have a month to submit their formal bids.

When the formal tenders are received, further discussions will take place with a number of the operators following which the Public Services Committee will then select the operator which best fulfils the tender specification. The Committee will seek the States' approval to sign a long-term contract with the selected operator by the beginning of March 2002 so that the operator can make the necessary preparations to commence services by October. It is expected that the necessary changes to legislation will be put before the States for approval in January 2002."

François Scornet: commemorative statue - P.116/2001
Comments - P.116/2001 Com

THE STATES commenced consideration of a proposition of Senator Paul Francis Le Claire regarding François Scornet: commemorative statue and, after discussion, adopted a proposition of Senator Pierre François Horsfall that the Assembly move to the consideration of the next item on the Order Paper.

Members present voted as follows -

"Pour" (26)

Senators

Horsfall, Le Maistre, Stein, Bailhache, Kinnard, Le Sueur.

Connétables

Grouville, St. Martin, St. Ouen, Trinity, St. Clement, St. Brelade, St. Peter.

Deputies

H. Baudains(C), St. Mary, Duhamel(S), Routier(H), Layzell(B), St. Martin, St. Peter, St. Ou G. Baudains(C), Dorey(H), Le Hérissier(S), Fox(H), Bridge(H).

"Contre" (10)

Senators

Le Claire.

Connétables

St. Helier, St. Mary.

Deputies

St. John, Le Main(H), Vibert(B), Dubras(L), Troy(B), Voisin(L), Martin(H).

Draft Fishing Vessels (Safety Training) (Jersey) Regulations 200- P.140/2001

THE STATES, by virtue and in exercise of the powers conferred on them by the Order in Council of the twenty-eighth day of March 1771, made Regulations entitled the Fishing Vessels (Safety Training) (Jersey) Regulations 2001.

Machinery of Government Implementation Plan: Special Committee - P.146/2001. Comments - P.146/2001 Com. and Comments - P.146/2001 Com(2)

THE STATES rejected a proposition of Senator Jean Amy Le Maistre that -

- (a) a Special Committee be established, comprising five elected members of the States (not being members of either the Policy and Resources, Finance and Economics or Human Resources Committees) to scrutinise all aspects of the implementation plan of the Machinery of Government

being presented to the States by the Policy and Resources Committee;

- (b) the Finance and Economics and Human Resources Committees be requested to provide to the Special Committee adequate resources (both financial and manpower), and that all Committees of the States be requested to co-operate as required with the Special Committee, to enable it to undertake its task.

Members present voted as follows -

“Pour” (22)

Senators

Le Maistre, Syvret, Kinnard, Le Claire.

Connétables

Grouville, St. Helier, St. Martin, St. Ouen, St. Saviour, St. Clement, St. Mary.

Deputies

Duhamel(S), Routier(H), Breckon(S), St. Martin, St. John, Vibert(B), St. Ouen, G. Baudains(C), Tr (B), Le Hérisssier(S), Martin(H).

“Contre” (27)

Senators

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

Connétables

Trinity, St. Brelade, St. Peter.

Deputies

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Layzell(B), Grouville, Le Main(H), Crowcroft(I), St. Peter, Dubras(L), Dorey(H), Voisin(L), Farnham(S), Ozouf(H), Fox(H), Bridge(H).

Senator Christopher Gerard Pellow Lakeman - attendance

Senator Christopher Gerard Pellow Lakeman, having returned to the Island, arrived in the Chamber during consideration of the proposition of Senator Jean Amy Le Maistre concerning the Machinery of Government Implementation Plan: Special Committee, and was present for the remainder of the meeting.

Deputy Philip Francis Cyril Ozouf of St. Helier - attendance

Deputy Philip Francis Cyril Ozouf of St. Helier, having returned to the Island, arrived in the Chamber during consideration of the proposition of Senator Jean Amy Le Maistre concerning the Machinery of Government Implementation Plan: Special Committee, and was present for the remainder of the meeting.

Committee of Inquiry: procedures for recruitment of Honorary Police Officers - appointment of members - P.148/2001. Comments - P.148/2001 Com. and Comments - P.148/2001 Com(2)

Senator Christopher Gerard Pellow Lakeman, having declared a non-pecuniary interest in the matter, withdrew from the Chamber prior to the debate.

THE STATES, adopting a proposition of Deputy Roy George Le Hérisssier, referred to their Act dated 3rd July 2001 in which they agreed, in accordance with Article 36B of the States of Jersey Law 1966, as amended, that a Committee of Inquiry should be appointed to investigate fully the circumstances through

which Mr. Roger Holland was elected and remained a member of the Honorary Police of St. Helier and the current procedures that were in place for the election of persons as members of the Honorary Police, and -

(a) appointed the following persons as members of the Committee of Inquiry -

- (i) Mr. Richard Povey (President)
- (ii) Mr. Geoffrey Henry Charles Coppock
- (iii) Mrs. Marie-Louise Backhurst.

(b) agreed, in accordance with Article 36B(2) of the States of Jersey Law 1966, as amended -

- (i) that Mr. Geoffrey Henry Charles Coppock should, if required, preside in the absence of the President; and
- (ii) that the quorum of the Committee should be two.

Members present voted as follows -

“Pour” (42)

Senators

Horsfall, Le Maistre, Stein, Quérée, Bailhache, Syvret, Walker, Kinnard, Le Sueur, Le Claire.

Connétables

Grouville, St. Helier, St. Martin, St. Ouen, Trinity, St. Saviour, St. Clement, St. Brelade, St. M. St. Peter.

Deputies

H. Baudains(C), S. Baudains(H), Trinity, Duhamel(S), Layzell(B), Breckon(S), St. Martin, St. Jol Le Main(H), St. Peter, Dubras(L), St. Ouen, G. Baudains(C), Dorey(H), Troy(B), Voisin(L), Farnh (S), Le Hérissier(S), Ozouf(H), Fox(H), Bridge(H), Martin(H).

States members’ income support and expense allowance: annual increases - P.160/2001. Comments - P.160/2001 Com. Amendment - P.160/2001 Amd; Amendment- Comments - P.160/2001 Amd. Com. Amendment P.160/2001 Amd

THE STATES commenced consideration of the States members’ income support and expense allowance: annual increase proposed by the House Committee, and agreed to suspend Standing Order No. 44(1).

THE STATES commenced consideration of paragraph (b) of the proposition, and adopted an amendment of the Human Resources Committee that in paragraph (b), subparagraph (i) be deleted and the following subparagraph be substituted in its place -

“(i) income support and allowable income by a figure 0.5% below the percentage rise in the Jersey Retail Price Index at the end of the previous year;”

Members present voted on the amendment of the Human Resources Committee as follows -

“Pour” (37)

Senators

Horsfall, Quérée, Bailhache, Norman, Walker, Kinnard, Le Sueur, Le Claire.

Connétables

St. Helier, St. Ouen, Trinity, St. Saviour, St. Clement, St. Brelade, St. Mary, St. Peter.

Deputies

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Duhamel(S), Routier(H), Layzell(B), St. Mart Le Main(H), Crowcroft(H), Vibert(B), St. Peter, Dubras(L), Dorey(H), Troy(B), Voisin(L), Farnhar (S), Le Hérisier(S), Ozouf(H), Fox(H), Bridge(H).

“Contre” (10)

Senators

Le Maistre, Stein, Syvret, Lakeman.

Connétables

St. Martin.

Deputies

Breckon(S), St. John, St. Ouen, G. Baudains(C), Martin(H).

THE STATES commenced consideration of an amendment of the Human Resources Committee that at the end of paragraph (b), after the words “annually to the States” there be inserted the following paragraph -

“The rates of income support and allowable income shall be subject to triennial review by the House Committee to ensure that they do not fall significantly out of step with public sector pay settlements.”

and rejected an amendment of the Deputy of St. Peter to the amendment that-

there be deleted all the words after “triennial review” and there be substituted the words “by an independent States Members’ Remuneration Board, established by the States on the recommendation of the House Committee, representing the interests of the public and charged with making recommendations on the appropriate rates of income support and allowable income.

Members present voted as follows on the Deputy of St. Peter’s amendment to the amendment -

“Pour” (5)

Deputies

St. John, St. Peter, Dubras(L), G. Baudains(C), Ozouf(H).

“Contre” (38)

Senators

Horsfall, Le Maistre, Stein, Quérée, Bailhache, Syvret, Norman, Walker, Kinnard, Le Sueur, Le Claire.

Connétables

Grouville, St. Helier, St. Martin, St. Ouen, Trinity, St. Saviour, St. Brelade, St. Mary, St. Peter.

Deputies

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Duhamel(S), Routier(H), Layzell(B), St. Mart Le Main(H), Crowcroft(H), Vibert(B), St. Ouen, Dorey(H), Troy(B), Farnham(S), Le Hérisier(S) Bridge(H), Martin(H).

THE STATES, having adopted the amendment of the Human Resources Committee, adopted the proposition as amended, and

(b) agreed that for paragraph 3 of their Act dated 14th July 1998, as amended by Acts dated 8th

December 1998 and 6th June 2000, with regard to the provision of an expense allowance and a minimum income for elected members of the States there should be substituted the following paragraph -

“3. The amounts of income support, allowable income and expenses allowance shall be adjusted with effect from 1st January 2002, and on 1st January in each year thereafter on the following terms -

- (i) income support and allowable income by a figure 0.5% below the percentage rise in the Jersey Retail Price Index at the end of the previous year;
- (ii) expenses allowance - in accordance with the Jersey Retail Price Index figure as at the end of the previous year;

and the Finance and Economics Committee shall report the amounts annually to the States.

The rates of income support and allowable income shall be subject to triennial review by the House Committee to ensure that they do not fall significantly out of step with public sector pay settlements”.

Members present voted as follows on the amended proposition -

“Pour” (37)

Senators

Horsfall, Le Maistre, Stein, Quérée, Bailhache, Syvret, Walker, Kinnard, Le Sueur, Le Claire.

Connétables

Grouville, St. Helier, St. Martin, St. Ouen, Trinity, St. Saviour, St. Brelade, St. Peter.

Deputies

H. Baudains(C), St. Mary, Trinity, Routier(H), Layzell(B), St. Martin, Le Main(H), Vibert(B), St. Peter, St. Ouen, G. Baudains(C), Dorey(H), Troy(B), Farnham(S), Le Hérissier(S), Ozouf(H), F (H), Bridge(H), Martin(H).

“Contre” (3)

Senators

Norman.

Deputies

St. John, Dubras(L).

Draft Summer Time (Jersey) Act 200- P.168/2001

THE STATES, in pursuance of Article 2 of the Summer Time (Jersey) Law 1972, made an Act entitled the Summer Time (Jersey) Act 2001.

Arrangement of public business for the next meeting on 4th and 5th December 2001

THE STATES agreed to defer consideration of the following matters from the present meeting to 4th and 5th December 2001 when they would be considered immediately after consideration of the Budget 2002 -

Draft Shipping (Jersey) Law 200-.
Lodged: 23rd October 2001 - P.162/2001.
Harbours and Airport Committee.

States members: part reimbursement of Class 2 social security contributions- P.169/2001.
Lodged: 13th November 2001.
House Committee.

Draft Amendment (No. 26) to the Tariff of Harbour and Light Dues- P.171/2001.
Lodged: 13th November 2001.
Harbours and Airport Committee.

Draft Amendment (No. 27) to the Tariff of Harbour and Light Dues- P.172/2001.
Lodged: 13th November 2001.
Harbours and Airport Committee.

Draft Boats and Surf-Riding (Control) (Amendment No. 21) (Jersey) Regulations 200 P.173/2001.
Lodged: 13th November 2001.
Harbours and Airport Committee.

Draft Harbours (Amendment No. 33) (Jersey) Regulations 200 P.174/2001.
Lodged: 13th November 2001.
Harbours and Airport Committee.

Changes in Presidency

The Bailiff retired from the Chair during consideration of the proposition of Senator Jean Amy Le Maistre on the Machinery of Government Implementation Plan: Special Committee and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Deputy Greffier of the States until the lunch adjournment. The States re-assembled after the lunch adjournment under the Presidency of Miss Catherine Mary Newcombe, Greffier of the States.

THE STATES rose at 6.32 p.m.

M.N. DE LA HAYE

Deputy Greffier of the States.