

**THE STATES assembled on Tuesday,  
24th October 2000 at 9.30 a.m. under  
the Presidency of the Greffier of the States,  
Miss Catherine Mary Newcombe.**

All members were present with the exception of -

Senator Frank Harrison Walker - ill  
Jennifer-Anne Bridge, Deputy of St. Helier - out of the Island  
Judith Ann Martin, Deputy of St. Helier - out of the Island.

Prayers

**Tribute to the late Mr. L.G. Downer, former member of the States**

The Greffier of the States paid tribute to the late Mr. Leonard Geoffrey Downer, former Connétable of St. Brelade.

THE STATES observed one minute's silence as a mark of respect.

**Mr. G.H.C. Coppock, former Greffier of the States - letter of thanks**

The Greffier of the States informed the Assembly that the Bailiff had received a letter from Mr. G.H.C. Coppock, expressing appreciation of the gifts that he and his wife received from members at the farewell dinner held to mark his retirement from the office of Greffier of the States.

**Subordinate legislation tabled**

The following enactments were laid before the States, namely -

**Community Customs (Wine and Spirits) (Jersey) Order 2000. R & O 94/2000.**

**Excise Duty (Relief and Drawback) (Jersey) Order 2000. R & O 95/2000.**

**Import and Export (Ports and Airport) (Jersey) Order 2000. R & O 96/2000.**

**Road Traffic (Saint Saviour) (Jersey) Order 2000. R & O 97/2000.**

**Community Provisions (Prohibiting the sale and supply of petroleum and certain petroleum products to the Federal Republic of Yugoslavia) (No. 2) (Jersey) Regulations 1999 (Repeal) (Jersey) Order 2000. R & O 98/2000.**

**Community Provisions (Prohibition on Flights of Yugoslav Carriers) (Jersey) Regulations 1999 (Repeal) (Jersey) Order 2000. R & O 99/2000.**

**Community Provisions (Prohibiting the Sale, Supply and Export of Certain Equipment to, and Freezing of Funds of Certain Officials of, Burma-Myanmar) (Jersey) Order 2000. R & O 100/2000.**

## **Matters presented**

The following matters were presented to the States -

**Compensation of Victims of Uninsured Drivers of Motor Vehicles: Agreement between the Home Affairs Committee and the Motor Insurers' Bureau - R.C. 36/2000.**

Presented by the Home Affairs Committee.

**Manpower Report for the period 1st January to 30th June 2000 - R.C. 37/2000.**

Presented by the Human Resources Committee.

**States of Jersey Law 1966, as amended: delegation of functions - statutory nuisances - R.C. 38/2000.**

Presented by the Health and Social Services Committee.

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

## **Matters lodged**

The following matters were lodged "au Greffe" -

**Draft Bankruptcy (Désastre) (Amendment No. 5) (Jersey) Law 200- P.179/2000.**

Presented by the Finance and Economics Committee.

**Poplars Day Centre extension: approval of drawings - P.180/2000.**

Presented by the Health and Social Services Committee.

**Astoria Guest House, 93 Rouge Bouillon, St. Helier: acquisition - P.181/2000.**

Presented by the Health and Social Services Committee.

**Draft Census (Jersey) Regulations 200- (P.177/2000): amendments - P.182/2000.**

Presented by Deputy J.L. Dorey of St. Helier.

**Employment legislation (P.99/2000): amendments - P.183/2000.**

Presented by the Industries Committee.

The following matters were lodged on 17th October 2000 -

**Draft Census (Jersey) Regulations 200- P.177/2000.**

Presented by the Etat Civil Committee

**Draft States of Jersey (Amendment No. 7) Law 2000 (Appointed Day) Act 200- P.178/2000.**

Presented by the Legislation Committee.

## **Tourism Strategy for Jersey**

THE STATES acceded to a request of the President of the Tourism Committee that the Tourism Strategy for Jersey, to be discussed by Committee of the Whole House in accordance with Standing Order 38A, be taken as the first item of public business at the present meeting.

## **Arrangement of public business for the present meeting**

THE STATES rejected a proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement that consideration of Projet de Loi (200 ) (Amendement No. 8) réglant la procédure criminelle (P.89/2000- lodged au

Greffe on 6th June 2000), and Projet de Loi (200 ) (Amendement No. 8) réglant la procédure criminelle (P.89/2000): amendement (P.111/2000 - lodged au Greffe: on 4th July 2000) be deferred from the present meeting to 7th November 2000.

### **Arrangement of public business for the next meeting on 7th November 2000**

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 7th November 2000 -

Jersey Law Commission: appointment of Chairman - P.185/2000.  
Lodged: 24th October 2000 by Senator S. Syvret.  
*Legislation Committee*

Draft Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 200 - P.159/2000.  
Lodged: 19th September 2000.  
*Home Affairs Committee.*

Draft Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 200 (P.159/2000): amendments - P.169/2000.  
Lodged: 26th September 2000.  
*Deputy G.C.L. Baudains of St. Clement.*

Draft Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 200- (P.159/2000): second amendments - P.171/2000.  
Lodged: 3rd October 2000.  
*Deputy of St. Martin.*

Jersey Police Complaints Authority: appointment of Chairman and members - P.160/2000.  
Lodged: 19th September 2000.  
*Home Affairs Committee.*

Draft Police (Complaints and Discipline) (Jersey) Law 1999 (Appointed Day) Act 200 - P.158/2000.  
Lodged: 19th September 2000.  
*Home Affairs Committee.*

Draft Rehabilitation of Offenders (Jersey) Law 200 - P.130/2000.  
Lodged: 11th July 2000.  
*Legislation Committee.*

Draft Rehabilitation of Offenders (Jersey) Law 200 . Appendix [to report]- P.130/2000.  
Addendum to P.130/2000.  
*Legislation Committee.*

Draft Criminal Justice (Community Service Orders) (Jersey) Law 200 - P.141/2000.  
Lodged: 22nd August 2000.  
*Legislation Committee.*

Equalisation of welfare - P.164/2000.  
Lodged: 26th September 2000.  
*Connétable of St. Peter.*

Control of public entertainment - P.168/2000.  
Lodged: 26th September 2000.  
*Senator C.G.P. Lakeman.*

Draft Census (Jersey) Regulations 200- - P.177/2000.  
Lodged on 17th October 2000.  
*Etat Civil Committee.*

Draft Census (Jersey) Regulations 200- (P.177/2000): amendments - P.182/2000.  
Lodged: 24th October 2000.  
*Deputy J.L. Dorey of St. Helier.*

Poplars Day Centre extension: approval of drawings -P.180/2000.  
Lodged: 24th October 2000.  
*Health and Social Services Committee.*

Astoria Guest House, 93 Rouge Bouillon, St. Helier: acquisition - P.181/2000.  
Lodged: 24th October 2000.  
*Health and Social Services Committee.*

Draft Bankruptcy (Désastre) (Amendment No. 5) (Jersey) Law 200- - P.179/2000.  
Lodged 24th October 2000.  
*Finance and Economics Committee.*

#### **Projet withdrawn under Standing Order 17(6)**

THE STATES noted that, in accordance with Standing Order 17(6), the following matter had been withdrawn-

Jersey Harbours: incorporation P.162/1999.  
Lodged: 19th October 1999.  
*Harbours and Airport Committee.*

#### **Proposal that the Island will join the United Kingdom lottery - question and answer (Tape No. 613)**

The Deputy of St. John asked Deputy Alan Breckon of St. Saviour, President of the Gambling Control Committee the following question -

“It has recently been reported that the Channel Islands could possibly participate in the United Kingdom National Lottery. Will the President -

- (a) advise members of the stage reached in negotiations with the United Kingdom Government; and
- (b) if the negotiations are advanced, inform members of the proposed date of the Islands’ joining in with the United Kingdom National Lottery?”

The President of the Gambling Control Committee replied as follows -

“I can confirm that no negotiations are currently taking place with United Kingdom Government and therefore part (b) is not applicable.”

#### **Professionally qualified planning and inspectorate staff - question and answer (Tape No. 613)**

The Deputy of St. John asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following question -

“The States will recall that on 2nd November 1999 they were notified of the Island Planning (Fees)

(Amendment No. 3) (Jersey) Order 1999 made by the Planning and Environment Committee introducing planning charges with effect from 1st January 2000.

- (a) Can the President confirm that since the introduction of planning fees only professionally qualified staff and inspectors have dealt with matters where planning charges are levied? and
- (b) where the Committee's inspectors are not professionally trained and do not hold the relevant qualifications in the area of inspection, has the Committee considered what liability will fall to the Committee if a claim is made against the department?"

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

- “(a) In a recent letter to the Deputy I explained that the majority Planning and Building Services staff whose duties require them to make professional and technical judgements, hold appropriate professional qualifications. I confirm that all of the department's principal and senior Planning and Building Control officers are so qualified. The department also enjoys the valued services of several Planning and Building Control assistants who work entirely under the supervision of qualified officers as do professional trainees who are preparing for qualification.
- (b) The Deputy's particular question does not arise. However he does raise an interesting general point whether the introduction of fees for applications involves any additional risk of a claim. The Committee's experience with fees since they were introduced nearly four years ago causes no concern, however, I will request the Attorney General's confirmation that there are no implications.”

**Draft report of the European Parliament from the Committee on Economic and Monetary Affairs - question and answer (Tape No. 613)**

Senator Paul Vincent Francis Le Claire asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following question -

“Reference has recently been made to the Draft Report of the European Parliament from the Committee on Economic and Monetary Affairs dated 4th October 2000 which contains comments such as-

‘Without the eradication of integral tax havens (like the Channel Islands) and tax havens for certain businesses (like corporate headquarters in Belgium), progress towards fairer corporate taxation in the Member States will be nearly impossible.’

- (a) what is the Committee's analysis of such a reference to the Channel Islands? and;
- (b) what is being done to convey the Committee's position to the Home Office on this document?"

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

“The draft report from which this quote is taken was, I understand, prepared by a Belgian MEP. It does not represent official EU policy, by a long way, and is not binding on anyone and it must be emphasised that it is only a draft. It is, however, a wide ranging document, only one section of which, from which the quote is taken, deals with what is described as ‘fair taxation’ of companies. The immediate context for this is the work of the EU Code of Conduct Group on business taxation (the so called Primarolo Group) which identified some 280 special corporate tax regimes throughout EU Member States and their dependent and associated territories, some 60 of which were deemed according to the report to be ‘harmful’.

I have circulated a copy of the draft report to each Member so that everyone can see the context for themselves. I have also circulated a recent speech on similar themes by the European Commissioner in

charge of taxation issues, so that Members can see for themselves the complexities and subtleties of the debate in Europe to which this question refers. The Policy and Resources Department keeps a careful watch on the key EU initiatives that may have relevance to the Island. But we would never do anything else if we had to comment in detail on every document that emerges from Brussels.

My reading of the current position is as follows -

there is certainly pressure for tax harmonisation in Europe, from several influential quarters. The documents I have circulated make this abundantly clear. The pressure is not new, but it is clearly seen by some people as a necessary consequence of monetary union. The EU is, after all, committed to economic and monetary union; the second part of this is now well on the way and the difficulties it is facing are focusing greater attention on the first part. They were always seen as complementary, of course, by those who believe in the European ideal. That said, the immediate focus does however seem to be more on indirect rather than direct taxation and this is fortunately of less immediate concern to us;

much of this pressure seems to be directed against the United Kingdom, which seems to have clearly set its face against the concept of harmonisation;

the relationship between the United Kingdom and the Crown Dependencies is not generally understood in Europe and we seem to be being targeted in the debate because we are seen, wrongly, as an extension of the United Kingdom. We work in Brussels at trying to counter this view, but it is not easy. There are obviously some for whom it is very convenient to have an extra target to aim at in their potshots against the United Kingdom, regardless of the facts;

the actual position is that Jersey has fiscal autonomy, exercised through this Assembly, and United Kingdom Ministers, to their credit, have continually repeated this, notably in the context of the Primarolo Group's report. The Home Office is very well aware of this though we do nevertheless, take every opportunity to repeat the point.

We have always said that we are prepared and willing to be involved in discussions about potential new international taxation standards. We have, of course, said exactly the same with good effect on the regulatory side. But equally we have signalled loud and clear that any change in the future must be on a clear international level playing field basis. Some of the EU countries don't like being reminded that they, too, have been listed by the Primarolo group as having so-called 'harmful' tax measures. I can certainly assure the Senator that we are not going to allow Jersey to be pushed around while others talk of change but in practice do nothing. But I think it helps our cause if we are upfront about being prepared to talk. The political pressures in the EU for tax harmonisation will not go away and it is essential in my view that we seek to play our part in the dialogue. At the end of the day we can and must take our own decisions based on what is in Jersey's best interests but this cannot, these days, be done without taking into the most careful account, in a realistic manner, the international context in which we live and work."

### **The appointment of a senior police officer - question and answer (Tape No. 613)**

Senator Paul Vincent Francis Le Claire asked Deputy Alastair John Layzell of St. Brelade, President of the Home Affairs Committee, the following question -

"Will the President -

- (a) confirm that a senior officer from the United Kingdom has recently been appointed as a member of the States of Jersey Police, and if so, at what rank?
- (b) explain what opportunities are currently available for officers to advance through the ranks of the States of Jersey Police?"

The President of the Home Affairs Committee replied as follows -

- “(a) In September 2000 an officer who was serving with the British Transport Police in England, attended a Chief Officer’s Promotion Board following which he was appointed to the rank of Sergeant in the States of Jersey Police and commenced employment the following month. The officer held the necessary promotion and housing qualifications;
- (b) the States of Jersey Police operate an equal opportunities policy. All officers are eligible to take the necessary examinations. If and when qualified, candidates are able to compete on an equal opportunities basis for selection by a promotion board. Comprehensive training is afforded to officers of all ranks.”

**Review of the agricultural industry - question and answer (Tape No. 613)**

Deputy Philip Francis Cyril Ozouf of St. Helier asked Senator John Amy Le Maistre, President of the Agriculture and Fisheries Committee, the following question -

“Would the President update the Assembly on progress made for a review of the Agricultural Industry. Could he give details of the scope, terms of reference, and timescale of the review and, especially, when the work will be complete?”

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

“I am pleased to have the opportunity to update the Assembly about progress with the review of the agriculture and fisheries industries which has been commissioned jointly by the Policy and Resources Committee and the Agriculture and Fisheries Committee.

The scope of the Industry Review is wide-ranging, as indicated by the terms of reference for the consultants. The full terms of reference are available from the Department, but may be briefly summarised as follows -

- (a) analysing the current efficiency, competitiveness and profitability of the various sectors of the industry and the underlying trends;
- (b) identifying the main factors that will determine the future prospects for the sectors, taking into account all relevant matters including market requirements and trends both in the Island, in Britain and in Europe generally;
- (c) identifying the broad strategies that each sector will need to pursue to secure its future viability and any support that may be needed from the States to ensure success;
- (d) assessing the likely environmental impact of the recommended strategies.

The Review is therefore of fundamental importance not only to the industry but to the economy and environment of the Island as a whole. The conclusions and recommendations will provide a sound basis for determining the future development of the industry in the medium term. All sectors of the industry will be included in the Review and there will be in-depth consultation with those directly involved in the industry and with other stakeholders. The Review will be facilitated throughout by the Department.

The consultants engaged to undertake the Review are a consortium of United Kingdom-based consultancy organisations led by the consultancy Oxford Policy Management. The consortium also includes ADAS Consulting Limited (ADAS), who will be providing agricultural and horticultural expertise in particular, and the Centre for the Economics and Management of Aquatic Resources (CEMARE), University of Portsmouth, who will be providing fisheries expertise.

The review itself began yesterday, with the arrival in the Island of the first of the consultants and it is scheduled to be completed by the end of January. Further work will then be needed to clarify the means

of implementation and it is intended that proposals for the future development of the industry will be brought to the Assembly, as a Policy Report, in the late spring or early summer of next year.”

### **Agricultural loans and grants - questions and answers (Tape No. 613)**

Senator Christopher Gerard Pellow Lakeman asked Senator John Amy Le Maistre, President of the Agriculture and Fisheries Committee, the following questions -

- “1. Will the President indicate to the Assembly loans or grants made since 1997 which fall outside the scope of Committee policy, the Agricultural Loans Scheme or which were discretionary in nature, in each case specifying -
  - (a) the amount of the loan/grant;
  - (b) whether any loan repayments (including interest) have been made?
  - (c) what security is in place for any sum loaned?
  - (d) who authorised the payment of any loan/grant?
2. Will the President indicate in each case the date when the fact of the loan or grant aid was revealed to the Committee or to a previous Committee?
3. Will the President confirm to the Assembly what action has been taken in respect of the above matters and will any report thereon be made public?”

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

- “1. The details concerning loans or grants since 1997 that fall outside the scope of Committee policies for the provision of financial assistance to agricultural businesses are as follows -

#### **1997**

- Loan 1 £25,000, repayable over five years.  
No repayments have been made.  
The security is an unregistered bond.  
Authorised by the Committee.
- Loan 2 £15,000, repayable over five years.  
£5,000 has been repaid to date.  
The security is an unregistered bond.  
Authorised by the Committee.
- Loan 3 £50,000, repayable over five years.  
No repayments have been made.  
The security is an unregistered bond, with machinery identified as security.  
Authorised by the Committee.
- Loan 4 £25,000, repayable over five years.  
No repayments have been made.  
The security is an unregistered bond, with machinery identified as security.  
Authorised by the Committee.

(Loans 3 and 4 were made to the same business)

#### **2000**



Loan 5 Up to £75,900, repayable by September 2001.  
No repayments have been made.  
There is no security.  
Authorised by the Acting Finance Director.

Grant 1 £16,900.  
No repayment required.  
No security required.  
Authorised by the Acting Finance Director.

(Loan 5 and Grant 1 were made to the same business)

2. The dates when the fact of the loan or grant was revealed to the present Committee or to a previous Committee are as follows -

Loan 1 The Committee at the time approved the loan on 22nd October 1997.  
The present Committee was notified on 24th August 2000.

Loan 2 The Committee at the time approved the loan on 22nd October 1997.  
The present Committee was notified on 24th August 2000.

Loan 3 The Committee at the time was notified on 30th April 1997.  
The present Committee was notified on 24th August 2000.

Loan 4 The Committee at the time approved the loan on 27th August 1997.  
The present Committee was notified on 24th August 2000.

Loan 5 The present Committee was notified on 20th July 2000.

Grant 1 The present Committee was notified on 20th July 2000.

3. When the Committee was notified about the existence of Loan 5 and Grant 1 (20th July) it decided not to renege on the agreement made by the Acting Finance Director because the farmers involved had entered into the agreement in good faith and had themselves entered into financial commitments. Concerning Loan 5 the Committee instructed the Chief Executive Officer to investigate whether the loan could be brought within the scope of current policies. This matter has not yet been resolved.

The Chief Executive Officer has sought advice from the Treasurer of the States as to the actions that should be taken concerning these loans and the grant. This advice is being followed and as a first step an audit of all the Department's loans and grants is currently being undertaken to verify the facts in each case. The report will contain information about farming businesses of a highly confidential nature and this information will not be made public.

The Chief Executive Officer has notified the Law Officers Department that, when the audit is complete, he will be seeking their advice concerning actions that could be taken with regard to the loans and grant that fall outside the scope of Committee policies."

### **Tendering process for school bus contracts - question and answer (Tape No. 613)**

Deputy Roy George Le Hérisier of St. Saviour asked Deputy Alan Simon Crowcroft of St. Helier, President of the Public Services Committee, the following question -

"Would the President outline the tendering procedure in place for school bus contracts, and confirm whether or not the procedures are structured so that -

- (a) all routes are open to tender, and if not, could he indicate why certain routes are exempted?
- (b) the tendering procedures are such that opportunities to be awarded contracts are available to both small- and large- scale operators?"

The President of the Public Services Committee replied as follows -

“When responsibility for the administration of the School Bus Transport Network was transferred from the Education Committee to the Public Services Committee in January 1998, a comprehensive review was undertaken in order to improve the efficiency and level of service of the operation.

The routes for Haute Vallee and Grainville schools were put out to tender for the Spring and Summer terms, 1999, which process resulted in considerable savings being made.

The overall network was redesigned to make provision for Victoria College and Jersey College for Girls following the relocation of the latter to Mont Millais in September 1999, and the entire School Bus network was then offered for tender in May 1999 for a contract period commencing in September 1999 and terminating in July 2003. Tenderers were invited to submit tenders based on individual schools, or the entire contract if they had sufficient capacity. The benefit to this form of tender was that it allowed the smaller operators to tender for the smaller schools, and kept one operator per school. There were also a number of opportunities for the larger operator to take advantage of the routes and link services in order to reduce the total number of vehicles required and demonstrate savings to the Committee.

The evaluation of tenders received was disappointing in that the largest contractor had only made two links, and the lowest tender was higher than the Committee’s budgeted figure for the service. In June 1999 revised tender documents were issued in which linked services were identified by the consultants engaged by the Public Services Department to review the School Bus network, allowing a reduction in the number of vehicles required. Diamond Jersey Limited, the holding company for Jersey Bus and Tantivy Blue Coach Limited, offered to provide the entire service at a substantial discount as long as all the contracts were awarded to it.

The Public Services Committee of the day considered the option of maintaining its wish to accept the lowest tender per route which would have allowed one of the smaller operators which tendered to run 16 of the routes. However, this would have involved the expenditure of an additional £136,325 per annum, and as the tender figure offered by Diamond Jersey Limited for the entire network was still higher than the budgeted figure, it was not considered feasible to request considerably more extra funding from the Finance and Economics Committee on this basis.

Accordingly the Committee awarded the contract for the entire School Bus Transport Network to Diamond Jersey Limited, although it decided to do so for one year only, in order that discussions could be carried out with the company in pursuit of open book accounts. This contract terminates on 31st December 2000.

Tender documents for half of the available School Bus Transport Network routes have been produced in the Department for the period January 2001 to 31st December 2003.

In response to the specific points raised, I can advise members as follows -

- (a) Those routes currently operated by Jersey Bus will not be put out to tender as their retention by Jersey Bus forms part of the agreement reached between the Public Services Committee as previously constituted, and Jersey Bus for the settlement of the Hoppa bus dispute in August of this year. Under the terms of that agreement, Jersey Bus are to provide the same number of vehicles that they currently operate on the school bus network on an ‘Open book principle’. This allows nominated persons access to the company’s accounts so that it can be established that a fair rate of return is being obtained by Jersey Bus. The number of vehicles provided by Jersey

Bus amounts to approximately 50 per cent of the total number being used on the School network on a daily basis. The routes currently operated by one of their associated companies, Tantivy Blue Coach will be put out to tender. Part of the agreement with Jersey Bus will be to ensure that the vehicles retained by Jersey Bus are operated by that company and not by one of their associated companies.

Discussions are currently being held with Jersey Bus by the Public Services Department in order to reach agreement on the agreed level of costs of those services which will not be put out to tender. If agreement cannot be reached the Committee will need to take a view on the best way forward to achieve value for money services from the School Bus network.

- (b) Tender documents have been produced that allow smaller operators to tender for part of the service. Members should however be aware that the aim of the Committee is to obtain best value for the service and this could mean that one operator is awarded all available contracts. Until tenders have been received and evaluated, I am not in a position to advise members on the allocation of routes to small- or large-scale operators.

It should be emphasised that the new Public Services Committee has not yet had an opportunity to express its view on these arrangements, and that an investigation into the outcome of the Hoppa bus dispute will be carried out, whether by a Committee of Inquiry or some other means.”

### **Benefit upratings - statement**

Senator Terence Augustine Le Sueur, President of the Employment and Social Security Committee, made a statement in the following terms -

“There appears to be confusion in the minds of some members of the public concerning increases in benefit rates for this year and last year. My Committee believes that a re-statement of its policies and an opportunity to describe how benefits have been increased over the past two years will help the public and indeed States’ members answer any concerns.

Firstly, I wish to restate our policy on benefit increases. This issue has been the subject of United Kingdom media debate recently, where pensioners are demanding a restoration of the link between pension increases and earnings increases. I am pleased to say that in Jersey not only is there a direct link to earnings increases, but that link is automatic and inscribed in the Social Security Law, and does not need to be debated like a ‘political football’ every year. Benefits and pensions under the Jersey Social Security System represent a compensation for loss of earnings and are quite correctly linked to annual increases in earnings. The system is monitored externally by consulting actuaries, currently the Government Actuary’s Department, who confirm that this indexation policy is sustainable under existing parameters. Indeed, changes agreed by the States over recent years have been part of a programme to maintain benefits for existing and future pensioners for the next thirty years. I would suggest that there are few places in the world that can match this.

Secondly, I would like to explain the position of benefit increases over the past two years. Members should remember that because some benefits are paid in advance, and that some pensioners still wish to be paid using Order Books, the process of benefit increases does not start on 1st October each year but must in fact start some weeks earlier. The Earnings Index has traditionally been published at the end of August each year, but in 1999 there was some delay. At the beginning of September 1999, an official earnings increase figure of 8.5 per cent was used when printing Order Books and processing advance payments, but towards the end of September 1999 that figure was found to be incorrect and a corrected figure of 7.6 per cent was published. In legal terms the figure of 7.6 per cent should thereupon have been applied, but the problems and costs of recovering the resultant relatively small overpayment would have been disproportionately large. Accordingly, and with the agreement of the Policy and Resources Committee and the Finance and Economics Committee, no correction or recovery of the overpayment was made. This year, the earnings index was compiled and published as 5.5 per cent and this percentage has been applied to the sum that should strictly have been paid last year. Legal opinion has been sought

on the application of this figure and the fact that there was an overpayment last year does not alter what actually was the true figure when calculated properly in accordance with Article 13 of the Law. In other words, when it comes to calculating the figure this year the Committee is required to calculate the figure as though there had been no overpayment last year. In cash terms the standard rate of benefit last year should have been £113.25 rather than £114.17; that figure of £113.25 has been increased by 5.5 per cent to give the present rate of benefit of £119.49. I would wish to emphasise that the rates now being paid are those that would have been in payment had no error been made last year, and that far from seeking to 'clawback' any overpayment, we have actually chosen not to clawback over the last twelve months any overpayments which have been made.

Finally, I should like to apologise to any beneficiaries who may have been misled or gained the wrong impression from media headlines, and assure the public that my Department, my Committee and indeed members of this Assembly all take their duty of care to beneficiaries, and their responsibility towards a successful benefit system, seriously."

### **Health care for the elderly - statement**

The Deputy of St. Mary, Vice-President of the Finance and Economics Committee, made a statement in the following terms -

"In a statement the President, Senator F.H. Walker, made to the Assembly at the beginning of this year, he gave an assurance that the situation regarding the provision of concessionary television licences for the over 75's would be investigated and proposals brought forward as soon as practicable.

The Finance and Economics Committee has always remained of the view that the funding required to support the provision of free television licences for the elderly, some £530,000 per annum, would be better targeted at the poorer and more needy elderly citizens and not provided as a blanket payment to all over 75's. Despite this the Committee drafted a report and proposition proposing concessionary television licences for the over 75's in order to comply with the assurance that Senator Walker gave to the States.

Senator Walker informed the Senior Citizens' Association of the existence of this proposition at their meeting of 28th September 2000. On their own initiative the members of the Senior Citizens' Association in attendance decided to take a vote on whether the funds earmarked for the provision of free television licenses to the over 75's would be better directed to provide improved chiropody, dental and eye test services. A clear majority was in favour of this proposal.

Consequent discussions between the Health and Social Services, Employment and Social Security, and Finance and Economics Committees have led to the agreement that these funds should be put towards improving basic health care in this way for all our senior citizens - not just those over the age of 75.

To this end the Finance and Economics Committee will reallocate the provision of £530,000 to substantially enhance the £150,000 already allocated to the Health and Social Services Committee 2001 budget for this purpose. This decision has the full support of the Senior Citizens' Association."

### **Tourism Strategy for Jersey**

THE STATES, on the proposition of the President of the Tourism Committee, resolved into a Committee of the Whole House in order to discuss the Tourism Strategy for Jersey, presented by the Tourism Committee on 3rd October 2000.

The Deputy of Trinity declared an interest and withdrew from the Chamber during this discussion.

### **Changes in Presidency**

The Greffier of the States retired from the Chair prior to the discussion of the Tourism Strategy for Jersey.

The meeting resumed under the Presidency of the Deputy Bailiff, Michael Cameron St. John Birt, Esquire.

### **Arrangement of public business for the present meeting**

THE STATES acceded to the request of Deputy Alastair John Layzell of St. Brelade, President of the Home Affairs Committee, that consideration of the following matters be deferred from the present meeting to 7th November 2000 when they would be considered immediately after the first item of business -

Draft Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 200 - P.159/2000.

Lodged: 19th September 2000.

*Home Affairs Committee.*

Draft Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 200 (P.159/2000): amendments - P.169/2000.

Lodged: 26th September 2000.

*Deputy G.C.L. Baudains of St. Clement.*

Draft Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 200- (P.159/2000): second amendments - P.171/2000.

Lodged: 3rd October 2000.

*Deputy of St. Martin.*

Jersey Police Complaints Authority: appointment of Chairman and members - P.160/2000.

Lodged: 19th September 2000.

*Home Affairs Committee.*

Draft Police (Complaints and Discipline) (Jersey) Law 1999 (Appointed Day) Act 200 - P.158/2000.

Lodged: 19th September 2000.

*Home Affairs Committee.*

### **Jersey Law Commission: appointment of chairman**

THE STATES commenced consideration of a proposition of the Legislation Committee concerning the Jersey Law Commission: appointment of chairman. After discussion, and on the proposition of Senator Stuart Syvret, the proposition was lodged "au Greffe".

THE STATES acceded to the request of the President of the Legislation Committee that this matter be considered as the first item of public business at the next meeting on 7th November 2000.

**Projet de Loi (200 ) (Amendement No. 8) réglant la procédure criminelle P.89/2000; amendement - P.111/2000; amendement (P.111/2000) - report. P.111/2000 Rpt.**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Projet de Loi (200 ) (Amendement No. 8) réglant la procédure criminelle, granted leave to Deputy Gerard Clifford Lemmens Baudains of St. Clement to withdraw his amendments to the Projet de Loi (P.111/2000 lodged "au Greffe" on 4th July 2000).

### **Draft Criminal Justice (Forfeiture Orders) (Jersey) Law 200 - P.135/2000**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Draft Criminal Justice (Forfeiture Orders) (Jersey) Law 200 .

**Jersey Council for Safety and Health at Work: appointment of Chairman - P.173/2000**

THE STATES, adopting a proposition of the Employment and Social Security Committee, approved the appointment of Mr. Robert Staddon as Chairman of the Jersey Council for Safety and Health at Work for a period of six months with effect from 1st November 2000.

**Meetings of the States Assembly in 2001: suspension of Standing Order 4(1) - P.174/2000**

THE STATES, adopting a proposition of the House Committee, agreed to suspend Standing Order No. 4(1) to enable the States to meet on the days fixed for the holding of meetings in ordinary session in 2001.

**Matter lodged**

The following matter was lodged “au Greffe” -

**Draft Amendment (No. 21) of the Standing Orders of the States of Jersey - P.184/2000.**  
Presented by the House Committee.

**Draft Amendment (No. 18) of the Standing Orders of the States of Jersey - P.145/99**

THE STATES granted leave to the President of the House Committee to withdraw the draft Amendment (No. 18) of the Standing Orders of the States of Jersey (P.145/99 lodged “au Greffe” on 28th September 1999).

THE STATES rose at 5.45 p.m.

**M.N. DE LA HAYE**

*Deputy Greffier of the States.*