

**THE STATES assembled on Tuesday,  
11th December 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 -

Shirley Margaret Baudains, Deputy of St. Helier- out of the Island

Prayers

**Connétable of St. Clement - retirement**

The Bailiff referred to the impending retirement of Mr. Stanley John Le Cornu, Connétable of St. Clement, and thanked him for his services to the Island.

**Subordinate legislation tabled**

The following enactments were laid before the States, namely -

**Building Bye-laws (Jersey) 2001. R & O 174/2001.**

**Cremation (Fees) (Jersey) Order 2001. R & O 181/2001.**

**Food and Drugs (Ice-cream Stalls etc.) (Amendment No. 22) (Jersey) Order 2001. R & O 182/2001.**

**Ancillary Dental Workers (Registration) (Fees) (Jersey) Order 2001. R & O 183/2001.**

**Nursing Agencies (General Provisions) (Amendment No. 17) (Jersey) Order 2001. R & O 184/2001.**

**Residential Homes (General Provisions) (Amendment No. 7) (Jersey) Order 2001. R & O 185/2001.**

**Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 7) (Jersey) Order 2001  
R & O 186/2001.**

**Motor Vehicles (Driving Licences) (Jersey) Order 2001. R & O 187/2001.**

**Matters presented**

The following matters were presented to the States -

**Landslides: report - R.C.39/2001.**

Presented by the Planning and Environment Committee.

**Machinery of Government: composition and role of Privileges and Procedure and Scrutiny Committees (P.175/2001): comments - P.175/2001 Com.(2).**

Presented by the Human Resources Committee.

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

**P.179/2001 Com.**

Presented by the Human Resources Committee.

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

**Matters lodged**

The following matters were lodged “au Greffe” -

**Manual Workers’ Joint Council: Employers’ Side membership - 2002 P.197/2001.**

Presented by the Human Resources Committee.

**Field 1001, Le Mont de Ste. Marie, St. Mary: purchase of land P.198/2001.**

Presented by the Planning and Environment Committee.

**Draft Housing (General Provisions) (Amendment No. 16) (Jersey) Regulations 200 P.199/2001.**

Presented by the Housing Committee.

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

THE STATES acceded to the request of Deputy Alan Breckon that consideration of the proposition regarding the annulment of the Regulation of Undertakings and Development (Return of Employers) (Jersey) Order 2001 (P.186/2001 lodged “au Greffe” on 27th November 2001) be deferred from the present meeting to 15th January 2002.

**Arrangement of public business for the next meeting on 15th January 2002**

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 15th January 2002 -

States Members: part reimbursement of Class 2 social security contributions - P.169/2001.

Lodged: 13th November 2001.

*House Committee.*

Draft Public Finances (Administration) (Amendment No. 10) (Jersey) Law 200 P.181/2001.

Lodged: 20th November 2001.

*Finance and Economics 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 Act annulling the Regulation of Undertakings and Development (Return of Employers) (Jersey) Order 2001 (P.186/2001): comments - P.186/2001 Com.

Presented: 4th December 2001.

*Industries Committee.*

Draft Conservation of Wildlife (Amendment) (Jersey) Law 200- P.187/2001.

Lodged: 27th November 2001.

*Planning and Environment Committee.*

Fields 263 and 263A, Grouville, re-zoning and acquisition of land for school recreation facilities - P.188/2001 Reissue.

Lodged: 27th November 2001.

*Planning and Environment Committee.*

Rent Control Tribunal: appointment of member - P.195/2001.

Lodged: 4th December 2001.  
*Housing Committee.*

Draft Finance (Jersey) Law 200- third reading - P.196/2001.  
Lodged in second reading: 6th December 2001.  
*Finance and Economics Committee.*

**Use of human tissue for either research or genetic engineering - question and answer** (Tape No. 707)

Deputy Paul Francis Routier of St. Helier asked Senator Stuart Syvret, President of the Health and Social Services Committee, the following question -

“Will the President advise the Assembly of the Committee’s position on the use of human tissue for either research or genetic engineering and

- (a) outline what measures, if any, the Committee is taking to legislate against and/or regulate such use?
- (b) will the Committee ensure that an appropriate law is brought forward to preclude the possibility of our Island being used as a haven without appropriate legislation to prohibit human cloning?”

The President of the Health and Social Services Committee replied as follows -

“Taking first the question of research, my Committee recognises that the use of human tissue is a sensitive matter. However, some medical research is essential if medical science is to make progress towards treating and possibly curing many of the diseases that affect human beings.

The question is extremely broad since ‘human tissues’ may be obtained from living or dead human beings, and may include the full range of human biological samples, including whole organs, small biopsies, cytological specimens, serum and blood samples. The Committee requires that if any of these human tissues are to be used in research, this is done in a way that protects the rights of individuals and ensures that the tissues are used in a respectful manner.

The Committee is obviously aware of the high-profile investigations into the use of human organs at the Royal Liverpool Children’s Hospital and United Bristol Hospital Trust. In March 2000, the Royal College of Pathologists published guidelines on tissue and organ retention at post-mortem examination. These guidelines were commended to NHS trusts by the United Kingdom Chief Medical Officer, and my Committee also regarded this advice as best practice and it is being followed in Jersey.

The Committee has not to date needed to consider in detail the use of human tissue for genetic engineering. One should recognise the contribution made by some treatments derived by genetic engineering, for example human blood clotting proteins produced from animals for treating haemophilia without the risk of hepatitis or HIV infection, or human insulin for diabetics produced from micro-organisms. However, as with any innovative type of therapy, I believe it should be regarded with due caution.

- (a) Authorisation for the use of human tissues after death for research is currently regulated under provisions of the Anatomy and Human Tissue (Jersey) Law 1984.

The Committee also has relevant written policies, for example: on consent, which includes consent to participation in research and consent to the use of human tissues; and a post-mortem policy, including ethical and legal standards for the retention and use of any organs and tissues obtained after death. These policies take into account the published guidance of the United Kingdom Royal Colleges and Department of Health.

The Committee will soon be considering proposals to bring forward a Human Fertilisation and Embryology (Jersey) Law which will, amongst other provisions, regulate the use of human gametes, embryos and embryonic tissue for reproductive purposes and research.

- (b) As I mentioned before, my Committee is soon to consider a draft Human Fertilisation and

Embryology (Jersey) Law which will include provisions on cloning.

Whilst my Committee has received early drafts of the legislation, given the extremely rapid pace of scientific developments and consequently the highly fluid state of national and international legislation on cloning, my Committee has yet to consider further instructions relating to the specific issue of human cloning.

However, I can assure members that before the draft Law is finalised, the Committee's proposals will be made available to all States members and the public and their views will be sought."

**Alterations to the traffic flow or control within the St. Helier ring road- question and answer** (Tape No. 707)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Deputy Alan Simon Crowcroft of St. Helie: President of the Public Services Committee, the following question -

"When the President presents (in conjunction with the Planning and Environment Committee as necessary) his Committee's future plans for traffic alterations within St. Helier's ring road, will he undertake to include also those road and pavement alterations recently carried out so that Members may have the ability to debate these as well or, if the answer is in the negative, would he explain the reasons?"

The President of the Public Services Committee replied as follows -

"Yes."

**Charges for security at the Airport - question and answer** (Tape No. 707)

Senator Paul Vincent Francis Le Claire asked the Deputy of St. Mary, President of the Harbours and Airport Committee, the following question -

"Would the President advise members -

- (a) how much has been raised in extra charges for security since 11th September 2001?
- (b) how this money is being allocated by supplying a breakdown on security costs?
- (c) how many air side passes have been revoked in relation to the Alpha Taxiway?
- (d) whether or not it is the case that once air side, persons are able to access areas where aircraft are parked?"

The President of the Harbours and Airport Committee replied as follows -

"(a) None.

(b) Consequently this question does not arise.

(c) Three.

(d) Yes. All crew, passengers, groundstaff, caterers, cleaners, loaders and refuellers have access to areas where aircraft are parked. However, I believe that the Senator is referring to the employees of the contractors and sub-contractors working on the Alpha Taxiway. These people are working in a construction compound well away from the Restricted Zone where planes are parked. There are a number of security measures in place that would ensure that any such employee, who left the compound, would be spotted and picked up well before he could reach the Restricted Zone."

**Illegal immigrants - questions and answers** (Tape No. 707)

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

- “1. Given the recent publicity accorded to the detention of illegal immigrants working on the Alpha Taxiway project at the airport, is the President satisfied that arrangements for preventing the entry into the Island of illegal immigrants are adequate?”
2. Since the new charges have been introduced for increased security following 11th September 2001, how much the Committee has spent on overtime for -
  - (a) the States of Jersey Police;
  - (b) the immigration department at the Airport and St. Helier harbour?”

The President of the Home Affairs Committee replied as follows -

- “1. Yes Immigration Officers carry out controls on passengers arriving from outside the common travel area. They are, in that respect, ultimately responsible to the Lieutenant-Governor for the standard of that control. However, as President of the Committee administering the Immigration and Nationality Department, I am to say on his behalf that His Excellency is satisfied with the standard of control carried out under the Immigration Act.

By definition, illegal entrants are persons who have entered the country in breach of the Immigration Act. They may have entered clandestinely or used deception on arrival, for example by travelling on forged documents. Having gained entry, they will generally find employment, often using false identities and papers. There is no obligation on employers to ensure that their employees are legally in the country.

There are no immigration controls between Jersey and other parts of the common travel area. Therefore a person illegally in the United Kingdom is able to enter the Island without being checked by Immigration. Nonetheless, Police officers and Customs officers do check passengers arriving from the United Kingdom and, if they have suspicions about a person’s immigration status, an Immigration Officer is informed as a matter of routine. There is excellent co-operation between the three enforcement agencies. Indeed, credit must be given to the Police for initially alerting Immigration about the recent arrival of a group of eight fellow workers, five of whom were subsequently identified as illegal entrants. Four are detained locally and one was detained on returning to the United Kingdom. Further enquiries made with the full co-operation of the employer resulted in the detention of three more illegal entrants.

- 2 (a) The additional cost of overtime for security and investigative effort relating to the events of 11th September 2001 incurred by the States of Jersey Police for the period up to the 30th November was £36,000. The notional cost of management and officers’ time, including the redeployment of staff from normal duties, is £123,000. However, I must stress that a notional cost is not actual expenditure so this cost does not constitute additional expenditure.
- (b) The new (Airport) charges have no relevance to the amount of overtime spent by the Immigration Department. The Department has incurred no overtime due to the incidents of 11th September. The recent operation concerning the people working on the Alpha Taxiway incurred overtime costs of approximately £1140 for the Department. It is anticipated that some of this will be taken as time off in lieu and that the net cash cost will be about £640.”

**Field 126, St. Clement - question and answer** (Tape No. 707)

The Connétable of St. Clement asked Senator Nigel Lewis Quéérée, President of the Planning and Environment Committee, the following question -

“On 22nd November 2001, I headed a delegation comprising Senator Christopher Gerard Pellow Lakeman, Deputy Gerard Baudains of St. Clement and one of the many objectors to the development o

Field 126, St. Clement, to meet the Planning and Environment Committee. I concluded our presentation with request that the Committee reconsider the matter with a view to revoking their decision to approve the development of Field 126. Would the President advise members-

- (a) what progress has been made concerning my request for revocation of the planning permission granted by the Committee on 28th November 2001 in respect of this site?
- (b) whether the Committee has corresponded further with the applicant and whether he has been further encouraged in relation to the development of this field?"

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

"The Connétable will recall that at the conclusion of the meeting on 22nd November it was agreed that Senator Lakeman would be afforded the opportunity to review the Committee's file on this development proposal and subsequently reply to the Committee. I received a letter from Senator Lakeman during the States meeting last Wednesday 5th December, requesting that the Committee reconsider its decision with a view to rescinding the permission. The Committee will consider the request from the Senator and the reasons for it, at its next scheduled meeting on 20th December. At that meeting, it will have before it all the relevant papers and the views of its advisers.

Since the Committee met the delegation it has written to the applicant and those who made representations, informing them of its decision of 8th November. There has been no further encouragement of the applicant."

#### **Proposed speed limits policy - question and answer (Tape No. 707)**

Deputy Lyndon John Farnham of St. Saviour asked Deputy Alan Simon Crowcroft of St. Helier, President of the Public Services Committee, the following question -

"I asked the President of the Public Services Committee questions on 19th June 2001 regarding the Island's overall speed limits policy, and the States were advised that the Committee 'will produce a document for consultation, to be made public in the autumn'. Would the President advise members -

- (a) whether a consultation document has been prepared?
- (b) as the target of the autumn has been missed, when will he make public the consultation document, and when is it now intended to bring a firm policy to the States for debate?"

The President of the Public Services Committee replied as follows -

"(a) No. I regret that with the many other difficult issues to resolve this year, the Public Services Committee has not been able to find enough time to adhere to the time-scale I put to the States in June 2001.

- (b) My Committee has considered the issue of speed limits on a number of occasions. It has also had a joint meeting with the Home Affairs Committee, as it is that Committee which has the responsibility of enforcing them, but it has been unable to agree upon a firm policy, to date. In order to make progress on the issue, I have recently set up a sub group which I will chair, with Deputy Jennifer-Anne Bridge from the Home Affairs Committee, the Connétables of St. Brelade and St. Lawrence the Road Safety Officer, and States Police. The group will meet in December to formulate a proposed policy which, when approved by my Committee, will be put out to public consultation, early next year.

Arrangements are being made for the Public Services Committee to attend a meeting of the Home Affairs Committee in January 2002 to discuss the enforcement of speed limits.

I would therefore anticipate taking a policy to the States in the Spring of next year, following consideration of the results of the consultation process."

**Consultation on the Implementation Plan on the Review of the Machinery of Government - question and answer (Tape No. 707)**

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following question -

“With regard to the Implementation Plan for proposed reforms of our government, will the President -

- (a) undertake to publish a list of those who responded to the document in the same way that the Clothier responses were recorded, so that Members and the public can get a measure of how much input has been made, and
- (b) advise members of the cut-off date after which representations will not be considered?”

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

- “(a) Yes, it is intended to make available on the web site a list of those who have responded and have indicated that they have no objection to their names being published.
- (b) In response to part (b) of the question, I would refer to the section in the Implementation Plan headed ‘States Debates’. In this section of the report the Committee notes that the States will be asked to approve the Plan through a number of debates which will be prompted by reports and propositions to be lodged by the Policy and Resources Committee. Any representations on a particular aspect of government reform will therefore need to be received before the Committee finalises its proposals in this particular respect. The Committee’s current view on the sequence and timing of debates is given in the ‘States Debates’ section of the Plan.

Given that the States will be asked to consider a series of reports and propositions, there will not be a single cut-off date for the receipt of representations. The actual closing dates will depend upon the matter under consideration, and during the next few weeks the Committee will be giving further thought to the programme for government reform, including the closing dates for the receipt of representations. These dates will be publicised as soon as they have been agreed.

It should also be borne in mind that the public will have the opportunity to comment in the interval between the lodging of a report and proposition and the time when it is actually considered by the States.”

**Divulging of personal information relating to a States’ tenant - question and answer (Tape No. 707)**

Senator Corrie Stein, with the leave of the Bailiff in accordance with Standing Order 12(2), asked Deputy Terence John Le Main of St. Helier, President of the Housing Committee, the following question without notice -

“Does the President agree that it was quite inappropriate for him to divulge particulars of rent paid by an individual States tenant in a recent letter to the local newspaper and is he prepared, on mature reflection, to express regret for his actions?”

The President of the Housing Committee gave an oral answer as follows -

“In this particular one-off case, no Sir, and I consider the matter now closed.”

**Investing in Tourism’s future - P.170/2001  
Amendment - P.170/2001 Amd.  
Second Amendments - P.170/2001 Amd.(2).**

THE STATES commenced consideration of a proposition of the Tourism Committee concerning Investing in Tourism’s Future and rejected an amendment of Deputy Alan Breckon of St. Saviour that-

*In paragraph (b) there be deleted all the words after “used to implement” (including sub-paragraphs (i) and (ii)) and there be substituted the following words -*

“a programme with an operator or operators of air travel to stimulate and support lower cost air travel in and out of the Island from a variety of new and existing destinations;”

Members present voted as follows on the amendment -

**“Pour” (4)**

**Senators**

Le Claire.

**Deputies**

Breckon(S), Troy(B), Scott Warren(S).

**“Contre” (42)**

**Senators**

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

**Connétables**

Grouville, St. Martin, St. Ouen, Trinity, St. Clement, St. Brelade, St. Lawrence, St. Mary, St. J St. Peter.

**Deputies**

H. Baudains(C), St. Mary, Duhamel(S), Routier(H), Layzell(B), Grouville, Huet(H), St. Marti St. John, Le Main(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, G. Baudains(C), Dorey(H), Voisin(Farnham(S), Le Hérisier(S), Ozouf(H), Fox(H), Martin(H).

The Deputy of Trinity declared an interest in the matter raised by the amendment of Deputy Alan Breckon of St. Saviour, and withdrew from the Chamber during its consideration.

THE STATES rejected an amendment of the Deputy of Trinity that -

*In paragraph (b), for the word “two”, there be substituted the word “three”.*

*After sub-paragraph (i) of paragraph (b), there be inserted the following sub-paragraph -*

“(ii) financial incentives to promote private sector investment, such incentives not to exceed one pound for each pound privately invested and to be controlled in accordance with guidelines to be agreed between the Tourism and the Finance and Economics Committees.”

*Sub-paragraph (ii) be re-lettered as sub-paragraph (iii).*

Members present voted as follows -

**“Pour” (18)**

**Senators**

Bailhache, Syvret, Le Claire.

**Connétables**

St. Helier, Trinity, St. Peter.

**Deputies**

H. Baudains(C), Trinity, Breckon(S), Huet(H), St. Martin, Crowcroft(H), G. Baudains(C), Dorey(H)



Scott Warren(S), Le Hérisier(S), Fox(H), Martin(H).

**“Contre” (25)**

**Senators**

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

**Connétables**

Grouville, St. Ouen, St. Clement, St. Brelade, St. Lawrence, St. Mary, St. John.

**Deputies**

St. Mary, Duhamel(S), Routier(H), Layzell(B), Grouville, Le Main(H), Vibert(B), St. Peter, Dubr. (L), St. Ouen, Voisin(L), Ozouf(H).

Senator Pierre François Horsfall, Senator Jean Amy Le Maistre, the Connétable of St. Martin, the Deputy of St. John and Deputy Lyndon John Farnham of St. Saviour declared an interest in the matter raised by the Deputy of Trinity’s amendment, and withdrew from the Chamber during its consideration.

**Changes in Presidency**

The Bailiff retired from the Chair during the consideration of the amendment of the Deputy of Trinity (P.170/2001 Amd. lodged “au Greffe” on 27th November 2001) to the proposition of the Tourism Committee concerning Investing in Tourism’s Future and the meeting continued under the Presidency of Miss Catherine Mary Newcombe, Greffier of the States.

**Adjournment**

THE STATES adjourned, having agreed that further consideration of the Tourism Committee’s proposition concerning Investing in Tourism’s Future (P.170/2001 lodged “au Greffe” on 13th November 2001) and other items of public business should stand over until Tuesday 18th December 2001.

THE STATES rose at 5.46 p.m.

**C.M. NEWCOMBE**

*Greffier of the States.*