



**THE STATES assembled on Tuesday,
14th July 1998 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache**

**His Excellency the Lieutenant Governor,
General Sir Michael Wilkes, K.C.B., C.B.E.,
was present**

All members were present with the exception of –

Harry Hallewell Baudains, Deputy of St. Clement – out of the Island
Ronald Winter Blampied, Deputy of St. Helier – excused.

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Banking Business (General Provisions) (Amendment No. 2) (Jersey) Order 1998. R & O 9255.

Banking Business (List of Registered Persons) (Amendment) (Jersey) Order 1998. R & O 9256.

Business Names (Jersey) Order 1998. R & O 9257.

Collective Investment Funds (Recognized Funds) (General Provisions) (Amendment No. 9) (Jersey) Order 1998. R & O 9258.

Collective Investment Funds (Recognized Funds) (Permit Conditions for Functionaries) (Amendment No. 3) (Jersey) Order 1998. R & O 9259.

Collective Investment Funds (Unclassified Funds) (Prospectuses) (Amendment No. 3) (Jersey) Order 1998. R & O 9260.

Companies (Fees) (Amendment No. 2) (Jersey) Order 1998. R & O 9261.

Companies (General Provisions) (Amendment No. 4) (Jersey) Order 1998. R & O 9262.

Companies (Qualifications of Auditor) (Amendment) (Jersey) Order 1998. R & O 9263.

Control of Borrowing (Amendment No. 9) (Jersey) Order 1998. R & O 9264.

Insurance Business (General Provisions) (Amendment) (Jersey) Order 1998. R & O 9265.

Insurance Business (Solvency Margin) (Amendment) (Jersey) Order 1998. R & O 9266.

Control of Borrowing (Amendment No. 10) (Jersey) Order 1998. R & O 9267.

Limited Liability Partnerships (Fees) (Jersey) Order 1998. R & O 9268.

Health Insurance (Pharmaceutical Benefit) (General Provisions) (Amendment No. 11) (Jersey) Order 1998 R & O 9269.

Motor Vehicle Registration (General Provisions) (Amendment No. 6) (Jersey) Order 1998. R & O 9270.

Battle of Flowers (Jersey) Order 1998. R & O 9271.

Road Traffic (Saint Ouen) (Amendment No. 10) (Jersey) Order 1998. R & O 9272.

Road Traffic (Public Parking Places) (Amendment No. 37) (Jersey) Order 1998. R & O 9273.

Establishment Committee – appointment of member

THE STATES appointed Deputy Jeremy Laurence Dorey of St. Helier as a member of the Establishment Committee.

Finance and Economics Committee – appointment of member

THE STATES appointed Deputy Paul Francis Routier of St. Helier as a member of the Finance and Economics Committee.

Matters presented

The following matter was presented to the States –

Strategic Policy Review 1998 – R.C.33/98.

Presented by the Policy and Resources Committee.

The following matters were presented to the States on 7th July 1998 –

Ecology Fund: report for 1997 – R.C.31/98.

Presented by the Planning and Environment Committee.

Residential land availability review: report – R.C.32/98.

Presented by the Planning and Environment Committee.

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

Matter noted – acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee, dated 6th July 1998, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Public Services Committee had accepted a revised tender, namely that submitted by S. and R. Pumps Limited in the sum of £648,781, in a contract period of 26 weeks, for Contract No. 721– West of Albert Marina

Pumping Station Mechanical/Electrical Contract.

Matters lodged

The following matters were lodged “au Greffe” –

Draft Probate (Jersey) Law 1998 (Appointed Day) Act 199 – P.158/98.
Presented by the Legislation Committee.

Draft Probate (General Provisions) (Jersey) Regulations 199 – P.159/98.
Presented by the Legislation Committee.

Draft Criminal Justice (Standard Scale of Fines) (Amendment) (Jersey) Law 199 – P.160/98.
Presented by the Legislation Committee.

Draft Criminal Justice (Evidence and Procedure) (Jersey) Law 199 – P.161/98.
Presented by the Legislation Committee.

Draft Police (Complaints and Discipline) (Jersey) Law 199 – P.162/98.
Presented by the Defence Committee.

Jersey Battle of Flowers Association: reduced interest loan – P.163/98.
Presented by the Tourism Committee.

Strategic and corporate management of the States – P.164/98.
Presented by the Policy and Resources Committee.

La Moye School, St. Brelade– extension and refurbishment: approval of drawings – P.165/98.
Presented by the Education Committee.

Grouville School, Grouville – extension and refurbishment: approval of drawings – P.166/98.
Presented by the Education Committee.

Opera House, Gloucester Street, St. Helier: guarantee of loan– P.167/98.
Presented by the Finance and Economics Committee.

Jersey New Waterworks Company Limited – appointment of director (P.157/98): amendment – P.168/98.
Presented by Deputy A. Breckon of St. Saviour.

The following matters were lodged on 7th July 1998 –

Police Authority: constitution – P.156/98.
Presented by the Defence Committee.

Jersey New Waterworks Company Limited: appointment of director – P.157/98.
Finance and Economics Committee.

Arrangement of public business for the next meeting on 28th July 1998

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 28th July 1998 –

Opera House, Gloucester Street, St. Helier: guarantee of loan– P.167/98.
Lodged: 14th July 1998.
Finance and Economics Committee.

Draft Court of Appeal (Amendment No. 7) (Jersey) Law 199 – P.113/98.
Lodged: 2nd June 1998.
Legislation Committee.

Draft Loi (199) concernant la police honorifique de St. Sauveur– P.114/98.
Lodged: 2nd June 1998.
Legislation Committee.

Draft Royal Court (Amendment No. 10) (Jersey) Law 199 – P.119/98.
Lodged: 2nd June 1998.
Legislation Committee.

Smoke detectors for senior citizens: financial assistance – P.137/98 Revised.
Lodged: 16th June 1998.
Deputy A. Breckon of St. Saviour.

Public Lotteries Board: appointment – P.148/98
Lodged: 30th June 1998.
Gambling Control Committee.

Police Authority: constitution – P.156/98.
Lodged: 7th July 1998.
Defence Committee.
Debate in camera

Jersey New Waterworks Company Limited: appointment of director – P.157/98.
Lodged: 7th July 1998.
Finance and Economics Committee.

Jersey New Waterworks Company Limited – appointment of director (P.157/98): amendment – P.168/98.
Lodged: 14th July 1998.
Deputy A. Breckon of St. Saviour.

Draft Criminal Justice (Evidence and Procedure) (Jersey) Law 199 – P.161/98.
Lodged: 14th July 1998.
Legislation Committee.

Battle of Flowers Association: reduced interest loan – P.163/98.
Lodged: 14th July 1998.
Tourism Committee.

La Moye School, St. Brelade– extension and refurbishment: approval of drawings – P.165/98.
Lodged: 14th July 1998.
Education Committee.

Grouville School, Grouville – extension and refurbishment: approval of drawings – P.166/98.
Lodged: 14th July 1998.
Education Committee.

Extraordinary Meeting – 1st September 1998

THE STATES agreed that the proposition of the Policy and Resources Committee regarding the Strategic and corporate management of the States (P.164/98 – lodged today) should be considered at an Extraordinary Meeting to be held on Tuesday, 1st September 1998.

Members present voted as follows –

“Pour” (29)

Senators

Shenton, Stein, Bailhache, Syvret, Tomes, Kinnard.

Connétables

St. Mary, St. Brelade, St. Peter, Grouville, St. Helier, St. Ouen.

Deputies

Coutanche(L), S. Baudains(H), Le Geyt(S), Johns(H), Duhamel(S), Routier(H), Dorey(H), Breckon(S), Grouville, St. Martin, St. John, Le Main(H), Rabet(H), Crowcroft(H), Vibert(B), Dubras(L), St. Ouen.

“Contre” (22)

Senators

Horsfall, Rothwell, Le Maistre, Quérée, Norman, Walker.

Connétables

St. Clement, St. Lawrence, St. Martin, St. John, Trinity, St. Saviour.

Deputies

Wavell(S), Le Sueur(H), St. Mary, Trinity, Pullin(S), Layzell(B), Huet(H), de la Haye(B), Le Cornu(St. Peter.

Two members abstained from voting.

Year 2000 compliance – cost to the police department – question and answer (Tape No. 457)

Deputy Jeremy Laurence Dorey of St. Helier asked Deputy Michael Adam Wavell of St. Saviour, President of the Defence Committee, the following question –

“According to the Year 2000 Date Change – Computer Compliance Progress Report (R.C.29/98) presented to the States on 30th June 1998 by the Establishment Committee, compliance by the police will entail a manpower budget of 2,417 man days, and cost £799,000. Would the President explain why Year 2000 compliance for this one Department is expected to be twice as demanding in manpower and cash terms, as for any other single service area of the States?”

The President of the Defence Committee replied in the following terms –

“The Year 2000 Date Change – Computer Compliance Progress Report as presented to the States on 30th June 1998 by the Establishment Committee provides a summary as at 30th April 1998. This table shows that the police require 2,417 manpower days in order to achieve Year 2000 compliance. The Year 2000 budget requirement is shown as £799,000 to achieve year 2000 compliance. The table in the Establishment Committee report does not provide a breakdown of which areas of the organisation will need to have work completed in order to make their computer systems Year 2000 compliant. However, this information is detailed within the Police Year 2000 Action Plan, a copy of which has been provided to the Establishment Committee. The Action Plan has also been ratified by the Computer Services Department.

The reasons for the manpower and budget requirements can be broken down into several areas and full details have been put on members' desks today for information. My Committee has been assured that these resources are essential to maintain the national and international links for the States of Jersey Police and to maintain a quality service to the public of the Island.

If, after studying the information supplied, any member requires further details I would be more than happy to elaborate.”

Fire engines: replacement – questions and answers (Tape No. 457)

Deputy Philip John Rondel of St. John asked Deputy Michael Adam Wavell of St. Saviour, President of the Defence Committee, the following questions –

- “1. Would the President confirm that the Defence Committee has purchased, as a replacement vehicle, a 13 year old fire engine for £3,000?”
2. If the answer to question 1 is affirmative, would the President explain to members the Committee’s policy on replacing fire engines?”

The President of the Defence Committee replied in the following terms –

- “1. Yes, in April of this year the Committee purchased a 13 year old Dennis pumping appliance for the sum of £3,500 from Devon Fire and Rescue Service. This is a temporary replacement for a vehicle declared a constructive loss after being involved in an accident while responding to an emergency call earlier in the month.
2. The Committee's policy has been to replace pumping appliances after ten years' service. After considering recommendations in the recent service review of the Brigade and proposals made at this year's capital decision conference, the Committee is reviewing its present policy with a view to extending the replacement period to 12 years. The mechanical reliability of vehicles of this type is paramount, however, and it is the Committee's intention that each appliance be thoroughly inspected before the end of the 12 year period to ensure that it is still capable of functioning to its design specification.”

Strategic Policy Review 1998 – statement

The President of the Policy and Resources Committee made a statement in the following terms –

“Members will find on their desks a copy of the Strategic Policy Review 1998 and will note that on this occasion the review is not accompanied by a proposition.

Only just over six months ago the States debated and approved the recommendations on population and immigration policy and endorsed the action being taken to minimise material and social deprivation. The Committee therefore has set out in the Strategic Policy Review 1998 the steps that have been taken by the Committee and by other Committees of the States in progressing those decisions. This year’s report is therefore in the form of a progress report.

In reviewing progress on other policy matters referred to in the Strategic Policy Review 1995 Part I (‘2000 and Beyond’), approved by the States in 1995, the Policy and Resources Committee has decided that, rather than cover a number of matters in a general report and proposition (an approach that some members have been critical of in the past), it is better to present separate reports and propositions covering key areas as and when it is appropriate to do so. Accordingly at their last meeting the States considered the Resource Plan and at today’s meeting and on 28th July the States are being asked to consider three reports and propositions presented by the Policy and Resources Committee, and one report and proposition presented by the Establishment Committee which relate directly to the previously agreed strategic policy objectives.

As is indicated in the introduction to the Strategic Policy Review 1998, there are also other major exercises underway such as the sustainable development strategy being prepared by the Environmental Adviser, the review of the Island Plan being undertaken by the Planning and Environment Committee and the Crime Strategy being prepared by the Defence Committee which will be brought to the States in due course and which relate to the policy objectives and action plans laid down in the “2000 and Beyond” document.

The Policy and Resources Committee believes that the approach adopted this year is the best one in the circumstances.”

Social Security Convention with the Republic of Turkey

THE STATES, adopting a proposition of the Employment and Social Security Committee, requested the Bailiff to inform the Secretary of State that it was the wish of the Assembly that the Convention on Social Security between the Government of the United Kingdom and the Government of the Republic of Turkey should apply to Jersey.

States Members’ Income Support and Expense Allowance – P.207/97, R.C.42/97, P.58/98, P.64/98, P.71,98, P.72/98 (Revised), P.134/98, P.141/98

THE STATES resumed consideration of paragraph 2 of the proposition of the House Committee concerning States members’ income support and expense allowance which had been discontinued at the meeting on 9th June 1998.

THE STATES adopted an amendment of Senator Frank Harrison Walker that for the words “1st January 2000” there should be substituted the words “1st January 1998”.

Members present voted as follows –

“Pour” (35)

Senators

Shenton, Horsfall, Rothwell, Le Maistre, Stein, Quérée, Bailhache, Syvret, Tomes, Norman, Walker, Kinnard.

Connétables

St. Mary, St. Helier, St. Ouen.

Deputies

Wavell(S), Coutanche(L), St. Mary, S. Baudains(H), Le Geyt(S), Trinity, Pullin(S), Johns(H), Duham (S), Routier(H), Dorey(H), Layzell(B), Breckon(S), Grouville, St. Martin, Le Main(H), Crowcroft(H), Vibert(B), Dubras(L), St. Ouen.

“Contre” (15)

Connétables

St. Clement, St. Lawrence, St. Brelade, St. Peter, Grouville, St. Martin, St. John, Trinity, St. Saviour.

Deputies

Huet(H), St. John, Rabet(H), de la Haye(B), Le Cornu(C), St. Peter.

THE STATES adopted an amendment of Senator Jean Amy Le Maistre that in paragraph 2 for subparagraph (b) there should be substituted the following –

“(b) the annual allowance paid to States members to cover expenses such as telephone, postage and transport costs, incurred in consequence of States membership, shall remain at £8,000 and shall be payable quarterly in advance on application to the Treasurer of the States;”

Members present voted as follows –

“Pour” (43)

Senators

Shenton, Horsfall, Le Maistre, Stein, Quérée, Bailhache, Syvret, Tomes, Walker, Kinnard.

Connétables

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

Deputies

Wavell(S), Coutanche(L), S. Baudains(H), Le Geyt(S), Trinity, Pullin(S), Johns(H), Duhamel(S), Routie (H), Dorey(H), Layzell(B), Breckon(S), Grouville, St. Martin, Le Main(H), Rabet(H), Crowcroft(H), Vibert(B), de la Haye(B), Le Cornu(C) St. Peter, St. Ouen.

“Contre” (3)

Deputies

St. Mary, St. John, Dubras(L).

THE STATES rejected an amendment of Senator Richard Joseph Shenton that in paragraph 2 sub-paragraph (c)

should be deleted.

Members present voted as follows –

“Pour” (20)

Senators

Shenton, Horsfall, Le Maistre, Stein, Quérée, Bailhache, Syvret, Kinnard.

Connétables

St. Helier.

Deputies

S. Baudains(H), Le Geyt(S), Trinity, Johns(H), Layzell(B), Breckon(S), Grouville, St. Martin, Crowcro (H), Vibert(B), St. Ouen.

“Contre” (25)

Senators

Tomes, Norman, Walker.

Connétables

St. Mary, St. Brelade, St. Peter, St. Martin, St. Ouen, St. John, Trinity, St. Saviour.

Deputies

Coutanche(L), St. Mary, Pullin(S), Duhamel(S), Routier(H), Dorey(H), Huet(H), St. John, Le Main(H) Rabet(H), de la Haye(B), Le Cornu(C), St. Peter, Dubras(L).

THE STATES accepted an amendment of Senator Jean Amy Le Maistre that in paragraph 2 for subparagraph (d) (ii) there should be substituted the following –

“expense allowance – in accordance with the Retail Prices Index figure as at the end of each year;”.

THE STATES then adopted paragraph 2 as amended.

THE STATES adopted paragraph 3, having adopted an amendment of Senator Jean Amy Le Maistre that in clause (i) after the word “support” there should be inserted the words “and those in receipt of the annual allowance” and an amendment of Senator Richard Joseph Shenton that clause (ii) be deleted.

THE STATES then adopted paragraph 4.

THE STATES, having adopted the proposition of the House Committee, as amended –

1. agreed to suspend Standing Order No. 44(1);
2. referred to their Act dated 24th September 1991, regarding the provision of an annual allowance and income support for States members and their Act dated 14th May 1996 amending that Act, their Act dated 12th December 1995, regarding the part reimbursement of Class 2 social security contributions, and the report dated May 1997 of the States Members' Remuneration Board and agreed that –

- (a) with effect from 1st January 1998 –
 - (i) the maximum level of income support shall be increased from £14,500 to £24,000 a year;
and
 - (ii) the allowable income from all other sources shall be increased from £6,250 to £8,000 a year;
 - (b) the annual allowance paid to States members to cover expenses such as telephone, postage and transport costs, incurred in consequence of States membership, shall remain at £8,000 and shall be payable quarterly in advance on application to the Treasurer of the States;
 - (c) that their Act dated 12th December 1995, regarding the reimbursement of Class 2 Social Security contributions shall cease to have effect at the end of the current term of office of States members;
 - (d) to agree that the amounts of income support, allowable income and expense allowances shall be dynamised with effect from 1st January each year on the following terms –
 - (i) income support and allowable income – in accordance with the index applied annually by the Employment and Social Security Committee to the States Old Age Pension;
 - (ii) expense allowance – in accordance with the Retail Prices Index figure as at the end of each year;and that the Finance and Economics Committee shall report the amounts annually to the States;
 - (e) that, in the event of a member commencing or terminating a term of office so that the period in office in a particular year is less than nine months, payments would be calculated on a pro-rata basis with no payment for periods of office of less than one month;
3. charged the Treasurer of the States to maintain a register open to inspection by the public at the States Bookshop recording the names of members claiming income support and those in receipt of the annual allowance.

THE STATES then approved the Act dated 14th July 1998 with regard to the provision of an expense allowance and a minimum income for elected members of the States.

Rent Officer: appointment – P.45/98 and P.110/98

THE STATES, having accepted an amendment of the Housing Committee that at the end of sub-paragraph 1(b) there should be inserted the following –

“(v) where service charges exist, which are not included in the assessed rent, have the right to control these charges; and”

adopted a proposition of the Housing Committee and –

agreed, in principle, that the Dwelling Houses (Rent Control) (Jersey) Law 1946, as amended, be repealed

and replaced by a new Law which inter alia would provide –

- (a) for the establishment of the post of Rent Officer, whose role would be to determine the fair rent for a residential property in the private sector should either the landlord or the tenant make application for an assessment; and
- (b) that in assessing a fair rent the Rent Officer would –
 - (i) take due note of the annual rent at which the dwelling might reasonably be expected to be let, with vacant possession and without premium, in the open market between a willing lessor and a willing lessee;
 - (ii) have due regard to the age and condition of the property;
 - (iii) have due regard to the right of the landlord to a reasonable economic return on his property; both in terms of the current value of the property and the cost of improvements, routine maintenance and repairs;
 - (iv) have regard to any scarcity factor which might unreasonably inflate the rent of the property; and
 - (v) where service charges exist, which are not included in the assessed rent, have the right to control these charges; and
- (c) that the Rent Officer would be suitably qualified and experienced and appointed by the Housing Committee; and
- (d) that rents set by the Rent Officer would be fixed for a minimum period of one year, and if longer only by agreement between landlord and tenant; and
- (e) that either the landlord or the tenant would have a right of appeal against the decision of the Rent Officer to an Appeals Board, comprising at least three persons, appointed by the States for a period of time to be agreed; and
- (f) that either the landlord or the tenant would have a right of appeal on a point of law to the Royal Court; and
- (g) that a register of assessed fair rents would be maintained by the Rent Officer and be available for inspection by the public; and
- (h) that any landlord failing to comply with the terms of the Law would be subject to a fine.

IS/IT Strategy for Jersey – P.87/98

THE STATES, adopting a proposition of the Policy and Resources Committee –

- (i) approved in principle the establishment of an IS/IT Investment Fund to be managed by the Finance

and Economics Committee with an initial capital of £10 million;

- (ii) approved the appointment on not less than a three year contract of an IS/IT Adviser to advise on the development of an IS/IT strategy for the Island as a whole and on the funding of that strategy.

Strategic Reserve: allocation of funds – P.89/98

THE STATES, in accordance with paragraph (2) of Article 13A of the Public Finances (Administration) (Jersey Law 1967, as amended, and having received an assurance from the President of the Committee that proposals would be brought to the States for approval prior to any expenditure, authorised the use of monies from the strategic reserve as follows –

- (a) the sum of £5 million in each of the years 1998 and 1999 for the purposes of the Information Strategy/Information Technology Investment Fund;
- (b) the sum of £2.5 million in 1998 for the purposes of the Tourism Investment Fund.

Members present voted as follows –

“Pour” (43)

Senators

Shenton, Horsfall, Rothwell, Le Maistre, Stein, Bailhache, Syvret, Tomes, Norman, Walker, Kinnard.

Connétables

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

Deputies

Wavell(S), Coutanche(L), St. Mary, S. Baudains(H), Le Geyt(S), Trinity, Pullin(S), Johns(H), Routier(H Dorey(H), Grouville, St. Martin, St. John, Rabet(H), Crowcroft(H), Vibert(B), de la Haye(B), Le Cornu (C), St. Peter, Dubras(L), St. Ouen.

“Contre” (4)

Deputies

Le Sueur(H), Duhamel(S), Breckon(S), Huet(H).

Parish Rate (Administration) (Amendment No. 7) (Jersey) Law 1998 (Appointed Day) Act 1998– P.155/98

THE STATES, in pursuance of Article 2 of the Parish Rate (Administration) (Amendment No. 7) (Jersey) Law 1998, made an Act entitled the Parish Rate (Administration) (Amendment No. 7) (Jersey) Law 1998 (Appointed Day) Act 1998.

Adjournment

THE STATES then adjourned, having agreed that the following outstanding items of public business should be taken on Tuesday 28th July 1998 –

Limited Liability Partnerships (Insolvent Partnerships) (No. 2) (Jersey) Regulations 199– P.149/98

Lodged: 30th June 1998
Finance and Economics Committee.

Financial Services Commission (Jersey) Law 1998 (Appointed Day) Act (No. 2) 199– P.150/98
Lodged: 30th June 1998
Finance and Economics Committee.

Draft Borrowing (Control) (Amendment No. 4) (Jersey) Law 199– P.152/98
Lodged: 30th June 1998
Finance and Economics Committee.

THE STATES agreed that the proposition of the Policy and Resources Committee regarding the reorganisation of the Committees of the States (P.151/98 (Revised) – lodged “au Greffe” on 30th June 1998) be considered at the Extraordinary Meeting on 1st September 1998.

THE STATES rose at 5.50 p.m.

G.H.C. COPPOCK

Greffier of the States.