

STATES OF JERSEY ORDER PAPER

Tuesday, 4th July 2000

A. COMMUNICATIONS BY THE BAILIFF

Interception of Communications (Jersey) Law 1993: report of the Commissioner for 1999. R.C. 27/2000.

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Gorey Fête (Jersey) Order 2000 R & O 55/2000.

Road Traffic (Saint Mary) (Jersey) Order 2000 R & O 56/2000.
Public Services Committee.

Public Finances (General) (Amendment No. 21) (Jersey) Rules 2000 R & O 57/2000.
Finance and Economics Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

Resignation of the Connétable of St. Helier from the Harbours and Airport Committee.

D. PRESENTATION OF PAPERS

(a) Papers for information

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

Committee of Inquiry into building costs: interim report. R.C.25/2000
Committee of Inquiry.

States of Jersey Law 1966, as amended: delegation of functions - water pollution.
R.C.26/2000
Public Services Committee.

St. Helier Waterfront Hotel: terms of lease (P.106/2000): comments. P.106/2000
Finance and Economics Committee. Com.

Income tax legislation: salary deduction (P.108/2000): comments. P.108/2000
Finance and Economics Committee. Com.

Income tax legislation: relief on second mortgages (P.109/2000): comments. P.109/2000
Finance and Economics Committee. Com.

States of Jersey Fire Service: annual report for 1999.
Home Affairs Committee.

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

Presented on 27th June 2000

Manpower report for the period 1st October 1999 to 31st December 1999. R.C.24/2000
Industries Committee.

St. Helier Waterfront Hotel: petition (P.65/2000) - comments. P.65/2000
Planning and Environment Committee. Com.(2)

(b) Notification of Standing Order decisions

Decisions under delegated functions.
Finance and Economics Committee.

(c) Notification of acceptance of tenders

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

Introduction of work permits. <i>Senator P.V.F. Le Claire.</i>	P.107/2000
Income tax legislation: salary deduction. <i>Senator P.V.F. Le Claire.</i>	P.108/2000
Income tax legislation: relief on second mortgages. <i>Senator P.V.F. Le Claire.</i>	P.109/2000
François Scornet: commemorative statue. <i>Senator P.V.F. Le Claire.</i>	P.110/2000
Projet de Loi (200-) (Amendement No. 8) réglant la procédure criminelle (P.89/2000): amendement. P.111/2000 <i>Député G.C.L. Baudains de St. Clément.</i>	
Draft Trade Marks (Jersey) Law 2000 (Appointed Day) Act 200 . <i>Finance and Economics Committee.</i>	P.112/2000
Social Security registration cards: proof of identity. <i>Senator P.V.F. Le Claire.</i>	P.113/2000
Draft Harbours (Administration) (Amendment No. 5) (Jersey) Law 200 . <i>Harbours and Airport Committee.</i>	P.114/2000
Draft Aerodromes (Administration) (Amendment No. 4) (Jersey) Law 200 . <i>Harbours and Airport Committee.</i>	P.115/2000
States Veterinary Officer: appointment. <i>Agriculture and Fisheries Committee.</i>	P.116/2000
Chief Officer of the States of Jersey Police Force: appointment. <i>Home Affairs Committee.</i>	P.117/2000
Explosives magazines, Crabbé: lease. <i>Home Affairs Committee.</i>	P.118/2000
Royal Court House/States Building: approval of drawings. <i>Public Services Committee.</i>	P.119/2000
Draft HSBC Republic Holdings (C.I.) Limited (Jersey) Law 200 . <i>Deputy of St. Mary.</i>	P.120/2000
Draft The Royal Bank of Canada (Jersey) Law 200 . <i>Deputy of St. Mary.</i>	P.121/2000
Falles Holdings Limited: lease of land at La Collette II, St. Helier. <i>Planning and Environment Committee.</i>	P.122/2000
Teaching of Jërriais: grant of funds from the general reserve. <i>Education Committee.</i>	P.123/2000
Waterfront Enterprise Board: appointment of Non-States directors. <i>Policy and Resources Committee.</i>	P.124/2000

Anti-inflation policy.
Finance and Economics Committee.

P.125/2000

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

Lodged on 27th June 2000

St. Helier Waterfront Hotel: terms of lease.
Policy and Resources Committee.

P.106/2000

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

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

THE STATES are asked to agree to meet on Wednesday 5th July 2000 if there is insufficient time to deal with all matters set down for consideration at the present meeting.

THE STATES are asked to note that the President of the Policy and Resources Committee will request that consideration of the matter below, set down for the present meeting, be deferred until the next meeting on 18th July 2000 -

Draft Electronic Communications (Jersey) Law 200 . P.98/2000
Lodged: 20th June 2000.
Policy and Resources Committee.

THE STATES are asked to agree that the following matters lodged "au Greffe" will be considered at the next meeting on 18th July 2000 -

St. Helier Waterfront Hotel: petition. P.65/2000
Lodged: 2nd May 2000.
Senator S. Syvret.

St. Helier Waterfront Hotel: petition (P.65/2000) - comments. P.65/2000
Presented: 20th June 2000. Com.
Policy and Resources Committee.

St. Helier Waterfront Hotel: petition (P.65/2000) - comments. P.65/2000
Presented: 27th June 2000. Com.(2)
Planning and Environment Committee.

Draft Misuse of Drugs (Amendment No. 2) (Jersey) Law 200 P.94/2000
Lodged: 20th June 2000.
Health and Social Services Committee.

Draft Electronic Communications (Jersey) Law 200 . P.98/2000
Lodged: 20th June 2000.
Policy and Resources Committee.

St. Helier Waterfront Hotel: terms of lease. P.106/2000
Lodged: 27th June 2000.
Policy and Resources Committee.

St. Helier Waterfront Hotel: terms of lease (P.106/2000): comments. P.106/2000
Presented: 4th July 2000. Com.
Finance and Economics Committee.

Draft Trade Marks (Jersey) Law 2000 (Appointed Day) Act 200 .P.112/2000
Lodged: 4th July 2000.
Finance and Economics Committee.

Draft Harbours (Administration) (Amendment No. 5) (Jersey) Law 200 . P.114/2000
Lodged: 4th July 2000.
Harbours and Airport Committee.

Draft Aerodromes (Administration) (Amendment No. 4) (Jersey) Law 200 . P.115/2000
Lodged: 4th July 2000.
Harbours and Airport Committee.

States Veterinary Officer: appointment. P.116/2000
Lodged: 4th July 2000.
Agriculture and Fisheries Committee.

Chief Officer of the States of Jersey Police Force: appointment. P.117/2000
Lodged: 4th July 2000.
Home Affairs Committee.

Explosives magazines, Crabbé: lease. P.118/2000
Lodged: 4th July 2000.
Home Affairs Committee.

Royal Court House/States Building: approval of drawings. P.119/2000
Lodged: 4th July 2000.
Public Services Committee.

Teaching of Jèrriais: grant of funds from the general reserve. P.123/2000
Lodged: 4th July 2000.
Education Committee.

Waterfront Enterprise Board: appointment of Non-States directors. P.124/2000
Lodged: 4th July 2000.
Policy and Resources Committee.

Anti-inflation policy. P.125/2000
Lodged: 4th July 2000.
Finance and Economics Committee.

Members are asked to note that it is unlikely that consideration of all items listed above can be completed in one day and members may wish to set aside at least one additional day on which to meet.

In accordance with Standing Order 17(6) the following papers is deemed to have been withdrawn -

Cycle Registration Scheme. P.86/99
Lodged: 22nd June 1999.
Deputy T.J. Le Main of St. Helier.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

Senator P.V.F. Le Claire will ask a question of the President of the Committee for Postal Administration about a recently issued stamp.

Senator S. Syvret will ask a question of the President of the Finance and Economics Committee about the St. Helier Leisure Complex lease.

The President of the Finance and Economics Committee will reply to a question asked at the last meeting by the Deputy of St. John about costs awarded against the Bâtonnier in a recent case.

The Deputy of St. John will ask questions of the President of the Agriculture and Fisheries Committee about subsidies paid to growers.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

The President of the Policy and Resources Committee will make a statement about a report of the Organisation for Economic Co-operation and Development.

K. PUBLIC BUSINESS

St. Helier Waterfront leisure complex lease: amendments to legal documentation.
Senator S. Syvret

Les Ormes Farm, Field 773, La Route de la Blanche Pierre, St. Lawrence: development in the Green Zone. P.82/2000
Lodged: 6th June 2000.
Planning and Environment Committee.
(consideration to continue)

Incorporation of Jersey Post and Jersey Telecoms: revised approach. P.90/2000
Lodged: 16th May 2000.
Policy and Resources Committee.

Incorporation of Jersey Post and Jersey Telecoms: revised approach (P.90/2000) - amendment. P.101/2000
Lodged: 20th June 2000.
Deputy of Trinity.
(comments of the Policy and Resources Committee attached)

Draft Merchant Shipping (Deck Officers) (Jersey) Regulations 200 .P.91/2000
Lodged: 13th June 2000.
Harbours and Airport Committee.

Draft Merchant Shipping (Marine Engineer Officers and Marine Engineer Operators) (Jersey) Regulations 200 . P.92/2000
Lodged: 13th June 2000.
Harbours and Airport Committee.

St. Helier Waterfront leisure complex: revised terms of lease. P.93/2000
Lodged: 13th June 2000.
Finance and Economics Committee.
(comments of the Policy and Resources Committee attached)

Grainville School, St. Saviour: redevelopment Phase I - Science Block: approval of drawings. P.95/2000
Lodged: 20th June 2000.
Education Committee.

La Collette Reclamation Site Phase II - development framework. P.96/2000
Lodged: 20th June 2000.
Planning and Environment Committee.

Compensation of Victims of Uninsured Drivers of Motor Vehicles: Agreement between the Home Affairs Committee and the Motor Insurers' Bureau. P.97/2000
Lodged: 20th June 2000.
Home Affairs Committee.

Agricultural Loans and Guarantees Advisory Board: appointment of members. P.100/2000
Lodged: 20th June 2000.
Agriculture and Fisheries Committee.

Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 7)
(Jersey) Regulations 200 . P.102/2000
Lodged: 20th June 2000.
Human Resources Committee.

Draft Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 5)
(Jersey) Regulations 200 . P.103/2000
Lodged: 20th June 2000.
Human Resources Committee.

Draft Public Employees (Contributory Retirement Scheme) (General) (Amendment No. 7) (Jersey)
Regulations 200 . P.104/2000
Lodged: 20th June 2000.
Human Resources Committee.

Draft Public Employees (Contributory Retirement Scheme) (Amendment No. 16) (Jersey) Regulations
200 . P.105/2000
Lodged: 20th June 2000.
Human Resources Committee.

G.H.C. COPPOCK

Greffier of the States

29th June 2000

Members are reminded that the States will adjourn at 12.05 p.m. to enable members to be present in the Old Library to witness the signing of the Agreement between the United Kingdom and France on the Establishment of a Maritime Boundary and the Agreement concerning Fishing in the Bay of Granville.

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

(See Item B)

R & O 55/2000

The purpose of this Order is to provide for the closing of public roads and places and temporary traffic arrangements in connection with the Gorey Fête on Saturday 19th August 2000.

The Order was made on 26th June 2000.

R & O 56/2000

This Order replaces the Road Traffic (Saint Mary) (Jersey) Order 1978.

There are two changes of substance -

- (a) an existing one-way traffic route is re-defined by reference to portions of La Rue ès Boeufs and La Rue du Couvent, rather than by reference to portions of La Verte Rue and Rue à Georges, and
- (b) waiting is prohibited on defined parts of La Rue de La Rosière.

The Order was made by the Public Services Committee on 26th June 2000, after consultation with the Connétable of Saint Mary. It will come into force on 17th July 2000.

R & O 57/2000

The purpose of these Rules is to amend the Public Finances (General) (Jersey) Rules 1967. The requirement that a proposition involving public expenditure must be presented through the intermediary of the Finance and Economics Committee ("the Committee") and the prohibition on presenting such a proposition unless it has been submitted to the Committee at least 21 days earlier are repealed. They are replaced with a prohibition on consideration of such a proposition unless the Committee has reported to the States on it. The report can accompany a proposition when it is lodged au Greffe. If it does not, the Committee must report to the States within a reasonable time after the proposition is presented or has its first reading.

The Rules were made on 26th June 2000 and come into force on 1st July 2000.

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

26th June 2000

as recommended by the Education Committee, the purchase from the Crown of an area of land (measuring 10,710 square feet) with vacant possession, for a consideration of £10,710 and the purchase from the Crown, subject to the approval of the Royal Court, of an area of land (measuring 5,920 square feet) currently administered by the Tenants de la Commune de la Moie, St. Brelade for a consideration of £4,144, subject to the terms and conditions as agreed by the Planning and Environment Committee and with the public being responsible for all reasonable legal fees involved in the transaction.

QUESTION PAPER

(See Item G)

Senator P.V.F. Le Claire will ask the following questions of the President of the Committee for Postal Administration -

“In view of recent adverse public comments, will the Committee agree to withdraw from sale with immediate effect the 26p Jersey stamp depicting the Island alongside a ring of 15 stars representing the European Union?”

Senator S. Syvret will ask the following questions of the President of the Finance and Economics Committee -

“1) Would the President provide for the Assembly a detailed description of the procedures adopted by the Finance and Economics Committee when giving consideration to the agreement between the Waterfront Enterprise Board Ltd and CTP Ltd, as previously constituted, before and during the Committee’s meeting of 28th June 1999, including an account of the time period given to members to consider the proposals?”

2) Would the President make available at this meeting the Committee meeting support papers relevant to the above item?”

The President of the Finance and Economics Committee will reply to the following question asked at the last meeting by the Deputy of St. John -

“In a recent court case costs were awarded against the Bâtonnier in the sum of approximately £100,000. Would the President advise members what the costs of the Bâtonnier and his advisers were and who paid this account?”

The Deputy of St. John will ask the following questions of the President of the Agriculture and Fisheries Committee -

“1) On 7th March 2000, in the President’s reply to a question about the allocation of the additional £500,000 added to the Committee’s budget, he stated that “Consultation with the industry has already begun and it is anticipated that agreement will soon be reached on the precise details of the payments”. Would the President advise members whether agreement has been reached and, if so, would he give members details?

2) Would the President inform members -

(a) of the quantity of potatoes exported from the Island;

(b) of the volume of waste potatoes delivered to Crabbe;

(c) and the tonnage of surplus potatoes delivered to Bellozanne for crushing for cattle fodder?

to the end of June 2000?

3) Would the President advise members whether growers receive subsidies on potatoes delivered to Crabbe and Bellozanne for disposal?

4)(a) As the potato season is coming to an end would the President inform members if further financial assistance to the industry is envisaged and if so, how it is to be targeted?

(b) Would the President agree to bring to the Assembly for approval a draft business plan for the industry, in order that members might ensure that public funds are being directed to the correct areas of the industry?”

PROPOSITION

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

to refer to their Act dated 27th July 1999, in which they approved the lease by the public to CTP Ltd. of approximately eight vergées of land west of the Albert Pier, St. Helier (as shown on Drawings Nos. 1704/1 and 1704/2) for a period of 150 years at a nominal rent and in return for a capital premium of £620,000, and also approved the payment of a grant of £10.9 million to CTP Ltd. for the construction and management of a leisure complex; and to charge the Policy and Resources Committee to instruct the Waterfront Enterprise Board Limited that the draft legal documentation associated with the transaction should be amended as follows -

- (a) in clause 1.1.52 of the “Development Agreement” after the word “*means*” delete the words “*any or*”;
- (b) at the end of clause 12 of the Development Agreement, “Actions, Claims and Proceedings”, insert the words “*12.5 In the event that the Developer is unable to obtain full redress of the cost of remedying any failure on the part of the Building Contractor, the developer will reimburse any unrecovered difference to the Owner.*”;
- (c) in clause 1 of the Second Schedule to the Development Agreement , “Site Investigation Report”, after the word “*decide*” delete the words “*but without having any liability to the Owner if it shall fail to do so.*”;
- (d) after clause 5 of the Second Schedule to the Development Agreement “Site Investigation Report” insert the words “*6. The Developer will be liable for any site defects which could have been reasonably predicted by Site Investigation Reports, or were identified by Site Investigation Reports.*”;
- (v) in Clause 3.5.2.of the Lease of the Whole Development Site “Alterations and Rebuilding”, after the word “*delayed*” delete the words “*PROVIDED THAT it is hereby agreed and declared that nothing in this Clause and in the lease shall restrict or preclude in any way the right of the Lessee to redevelop the Land and erect any new building or new buildings on the Land at any time or times during the Term.*”.

SENATOR STUART SYVRET

Report

Notwithstanding the fact that the States debated this highly important subject in July 1999 we have only had available to us the substantive relevant documentation in the last few weeks - nearly one year after the decision was made. Given the limited time period and the highly specialised nature of the documentation I have done what I can to produce a number of amendments that will improve the nature and security of the deal being proffered to the people of the Island. The proposed amendments are self-explanatory when read in conjunction with the substantive documentation.

COMMENTS OF THE POLICY AND RESOURCES COMMITTEE

1. The Policy and Resources Committee does not support the amendment.
2. It is important to emphasise that the position of all existing employees as members of PECRS will be fully safeguarded in the proposed laws incorporating Jersey Post and Jersey Telecoms. This commitment has been given from the start and is not in question. The proposed amendment relates solely to the potential position of any new employees who may be recruited by the companies in the future. This is rather different.
3. The position adopted by the Policy and Resources Committee and the Finance and Economics Committee, as part of the review of the incorporation process from a corporate perspective that they instituted at the turn of this year, is that the boards of the new companies should have the commercial freedom to determine terms and conditions of service for new employees, just like any other companies whether States-owned or not. They may well decide that new employees should be entitled to join PECRS alongside existing employees, or offer alternative arrangements, which persons seeking employment in the future may decide to accept or not accept, as the case may be. Pensions are an integral part of the employees' benefits package including salary. It would be inconsistent for the States to give the incorporated companies complete discretion over the pay element of the benefits package but not over the pensions element of the package. Thus the proposal in P90 is that the new laws should be silent on this point, in respect of new employees.
4. Above all, the States should not seek to impose political judgement upon decisions taken by the new companies. The whole purpose of incorporation, as originally agreed by the States, was to remove their affairs from the political arena. This is a very important point of principle, upon which the whole process of incorporation has been founded.
5. The argument behind the amendment is based on the assumption that any alternative pension arrangements for new employees would necessarily carry the likelihood, or at least the possibility, of being less generous and safe than PECRS. On the assumption that the two companies remain States-owned and that pension provision under any theoretical new arrangement falls short of what PECRS can achieve, then it is argued that a 'moral', if not a legal, liability might fall on the States at that future point to make good the 'shortfall' (should it ever arise). The amendment therefore seeks that this 'risk' should be capable of being weighed by the States ahead of the companies being allowed to adopt a course of action which could, in theory, give rise to the alleged risk years into the future.
6. This is not a very sound basis for States decision-making. No absolute judgement could be made at the time about a future many years thence. It is for a new employee, when recruited by the companies in the future, to take her or his own decision as to the acceptability of given terms of employment.
7. It is also important to make clear what the States relationship with the new companies will be. They will be companies established under the Companies Law in the normal way, the share capital of which will be owned by the States. Shareholders have certain powers to influence a

company's affairs. The proposal in P90 is that the Finance and Economics Committee should be clearly empowered under the incorporation laws to exercise the States ownership interest in Jersey Post Limited and Jersey Telecoms Limited. This is the appropriate way for any States ownership responsibilities to be exercised.

8. The heart of the matter is that incorporation is about giving commercial freedom to the new companies, subject to independent regulation in customers' interests as far as their monopolistic or dominant business activities are concerned and specific mechanisms for the exercise of the States interest as shareholder on behalf of the public of the Island. This amendment, if accepted, would undermine these important principles. The Policy and Resources Committee therefore urges that the amendment is not accepted.

ST. HELIER WATERFRONT LEISURE COMPLEX: REVISED
TERMS OF LEASE - P.93/2000

COMMENTS

The Policy and Resources Committee supports the proposition.

STATES MEMBERS LUNCHEON

No.3 Committee Room

I will require lunch at today's meeting.

Signed.....

Name.....

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