

STATES OF JERSEY ORDER PAPER

Tuesday 18th March 2003

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 9) (Jersey) Order 2003. R&O 16/2003.
Health and Social Services Committee.

Terrorism (Enforcement of British Islands Orders) (Jersey) Rules 2003. R&O 17/2003.
Superior Number of the Royal Court.

Residential Homes (General Provisions) (Amendment No. 9) (Jersey) Order 2003. R&O 18/2003.
Health and Social Services Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

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

The Jersey Electricity Company Limited: annual report and accounts 2002.
Finance and Economics Committee.

Taxation of rental subsidies for essentially employed public employees. R.C.12/2003.
Policy and Resources Committee.

States of Jersey Law 1966, as amended: delegation of functions – harbours. R.C.13/2003.
Harbours and Airport Committee.

Field 126, La Grande Route de la Côte, St. Clement: construction of homes (P.17/2003) – comments. P.17/2003. Com.
Environment and Public Services Committee.

Mont Orgueil development strategy: appointment of independent expert (P.19/2003) – comments. P.19/2003. Com.
Education, Sport and Culture Committee.

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

(b) Notification of Standing Order decisions

26th February 2003 (revised)

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)

Draft Health Care (Registration) (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200-. P.25/2003.
Health and Social Services Committee.

States Members’ remuneration: establishment of an independent review body. P.26/2003.
Senator E.P. Vibert.

Training and Employment Partnership: disbandment. P.27/2003.
Economic Development Committee.

Draft Public Finances (Appointment of Investment Managers) (Jersey) Regulations 200-. P.28/2003.
Finance and Economics Committee.

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

(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 that the following matters lodged “au Greffe” be considered at their next meeting on 1st April 2003 -

Health and Safety Appeal Tribunal: appointment of member. P.22/2003.
Lodged: 4th March 2003. (*re-issue*).
Employment and Social Security Committee.

Draft Health Care (Registration) (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200-. P.25/2003.
Lodged: 18th March 2003.
Health and Social Services Committee.

Draft Public Finances (Appointment of Investment Managers) (Jersey) Regulations 200-. P.28/2003.
Lodged: 18th March 2003.
Finance and Economics Committee.

In accordance with Standing Order 22(3), the President of the Policy and Resources Committee has instructed the Greffier of the States to withdraw the proposition regarding Tax Information Exchange Agreement with the United States of America - Paragraph (b), (P.172/2002 lodged “au Greffe” on 24th September 2002).

F. PRESENTATION OF PETITIONS

G. QUESTIONS

Senator E.P. Vibert will ask a question of the President of the Education, Sport and

Culture Committee regarding 'j' category employees and education grants.

The Deputy of St. John will ask a question of the President of the Economic Development Committee regarding aid to the dairy industry.

Senator E.P. Vibert will ask a question of the President of the Finance and Economics Committee regarding a new strategy to control inflation.

Senator P.V.F. Le Claire will ask a question of the President of the Policy and Resources Committee regarding standardising States publications.

Deputy C.J. Scott Warren of St. Saviour will ask a question of the President of the Finance and Economics Committee regarding fire safety regulations and practices at Mont Orgueil Castle.

Senator E.P. Vibert will ask a question of the President of the Policy and Resources Committee regarding the Waterfront bridge project.

Senator L. Norman will ask a question of the President of the Policy and Resources Committee regarding the Public Employees Contributory Retirement Scheme.

Deputy G.P. Southern of St. Helier will ask a question of the President of the Economic Development Committee regarding the recommendations of the Dr. Donald McQueen report on the dairy industry in Jersey.

Senator P.V.F. Le Claire will ask a question of the President of the Home Affairs Committee regarding restrictions on foreign nationals for driving tests as related to Human Rights.

Senator P.V.F. Le Claire will ask a question of H.M. Attorney General regarding the Interception of Communications (Jersey) Law 1993.

Senator E.P. Vibert will ask a question of the President of the Education, Sport and Culture Committee regarding feasibility studies on the future use of Fort Regent.

Senator E.P. Vibert will ask a question of the President of the Economic Development Committee regarding the Jersey Conference Bureau's report on a conference centre at Fort Regent.

Senator L. Norman will ask a question of the President of the Home Affairs Committee regarding the Territorial Army 'call up' in respect of the situation in Iraq.

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Finance and Economics Committee regarding the constitution of the Jersey Heritage Trust.

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Education, Sport and Culture Committee regarding the Jersey Heritage Trust

Senator P.V.F. Le Claire will ask a question of the President of the Finance and Economics Committee regarding a possible States list of contractors/suppliers.

The Deputy of St. John will ask a question of the President of the Finance and Economics Committee regarding leases with the Jersey Heritage Trust.

The Deputy of St. John will ask a question of the President of the Education, Sport and Culture Committee regarding leases with the Jersey Arts Trust.

Deputy R.C. Duhamel of St. Saviour will ask questions of the President of the Finance and Economics Committee regarding the proposed Magistrate's Court.

Senator E.P. Vibert will ask a question of the President of the Policy and Resources Committee regarding the proposed updated strategic plan.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

- Draft Fishing Vessels (Safety Provisions) (Jersey) Regulations 200-. P.13/2003.
Lodged: 11th February 2003.
Harbours and Airport Committee.
- Draft Fishing Vessels (Safety Provisions) (Jersey) Regulations 200- P.13/2003.
(P.13/2003): amendments. Amd.
Lodged: 18th February 2003.
Deputy G.C.L. Baudains of St. Clement.
- Construction Industry: grant of licences. P.18/2003.
Lodged: 18th February 2003.
Economic Development Committee.
- Draft Parish Rate (Administration) (Amendment) (Jersey) Law 200-. P.16/2003.
Lodged: 18th February 2003.
Connétable of St. Martin.
- Draft Parish Rate (Administration) (Amendment) (Jersey) Law 200- P.16/2003.
(P.16/2003): comments. Com.
Presented: 25th February 2003.
Legislation Committee.
- Field 126, La Grande Route de la Côte, St. Clement: construction of P.17/2003.
homes.
Lodged: 18th February 2003.
Deputy G.C.L. Baudains of St. Clement.
- Field 126, La Grande Route de la Côte, St. Clement: construction of P.17/2003.
homes (P.17/2003) – comments. Com.
Presented: 18th March 2003.
Environment and Public Services Committee.
- Public Employees Contributory Retirement Scheme Committee of P.21/2003.
Management: membership.
Lodged: 25th February 2003.
Policy and Resources Committee.

M.N. DE LA HAYE
Greffier of the States

13th March 2003

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O - 16/2003.

This Order increases the maximum fine for offences under the Nursing Homes and Mental Nursing Homes (General Provisions) (Jersey) Order 1995, from level 3 to level 4 on the standard scale.

Under the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993, the standard scale of fines is -

Level 1	£50
Level 2	£500
Level 3	£2,000
Level 4	£5,000.

The Order was made on 5th March 2003, and comes into force on 17th March 2003.

R&O 17/2003.

These Rules make provision for the registration in the Royal Court of orders made elsewhere in the British Islands for the forfeiture of terrorist property (a 'forfeiture order') or restraining any person from dealing with property which is or may be subject to such forfeiture (a 'restraint order').

Once the order is registered, the Royal Court has the same powers to implement and enforce it as if it were a forfeiture order or restraint order made in Jersey.

The Rules were made on 6th March 2003, and will come into force on the same day as paragraph 10(10) of Schedule 3 to the Terrorism (Jersey) Law 2002, under which they are made.

R&O 18/2003.

This Order increases the maximum fine for offences under the Residential Homes (General Provisions) (Jersey) Order 1995, from level 3 to level 4 on the standard scale.

Under the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993, the standard scale of fines is -

Level 1	£50
Level 2	£500
Level 3	£2,000
Level 4	£5,000.

The Order was made on 10th March 2003, and comes into force on 17th March 2003.

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

26th February 2003 (revised)

as recommended by the Housing Committee, the sale of a strip of land running through the underground area immediately under the Jubilee Promenade (adjacent to the Albert Pier Housing car park, at the Waterfront, St. Helier), in order that it might be incorporated into the comprehensive sale of the Waterfront Housing Development, so as to enable the sale of the apartments to be completed whilst retaining the Jubilee Promenade in public ownership, for a nominal consideration of £10, on the basis that the Committee would be responsible for all reasonable legal costs arising from this transaction.

QUESTION PAPER

(See Item G)

Senator E.P. Vibert will ask the following question of the President of the Education, Sport and Culture Committee -

“Would the President inform members whether or not the Committee has investigated all the ‘j’ category employees who failed to include their rent subsidies in their tax returns for the purpose of determining whether any of their children have received education grants for higher education, which is means tested and based on declared earnings, and, if not, would the President assure members that such an investigation will be carried out and that details of how much has been overpaid in grants to these persons, if applicable, will be given to members?”

The Deputy of St. John will ask the following question of the President of the Economic Development Committee –

“In response to a question on 10th December 2002, asked of the then President of the Agriculture and Fisheries Committee, the Assembly was informed that some £850,000 of aid had been given to the dairy industry for two restructuring schemes. This aid was over and above other direct and indirect aid received by the industry annually. In the most recent report of the Jersey Milk Marketing Board for the last six months, it is reported that losses of almost £1.43 million pounds have been recorded. Within that report, one reason given for the poor results is that the underlying losses, before exceptional items and payments in respect of producers leaving the scheme, was £703,000.

Would the President confirm that the £703,000 loss is in addition to the £850,000 received as part of the exit strategy for farmers?”

Senator E.P. Vibert will ask the following question of the President of the Finance and Economics Committee –

“Will the President inform members whether the Committee intends to develop a new strategy in order to control inflation, which, last year, was described by his predecessor as ‘Jersey’s most serious financial problem’, and, if so, would he advise whether the Committee intends to bring this strategy to the Assembly for consideration, and when?”

Senator P.V.F. Le Claire will ask the following question of the President of the Policy and Resources Committee –

“Will the President advise members what actions, if any, the Policy and Resources Committee is taking to ensure that all people are able to use government documents with ease, and that best value for money is obtained in the production of reports, States documents, letterheads and business cards by standardising their publication?”

Deputy C.J. Scott Warren of St. Saviour will ask the following question of the President of the Finance and Economics Committee –

“At sometime in the future there may be more people visiting Mont Orgueil Castle, and I would therefore ask the President to advise members whether a fire audit of the Castle has been carried out by the Jersey Heritage Trust in order to ascertain that the proposals contained in the Development Strategy are fully compliant with all current fire safety regulations and practices?”

Senator E.P. Vibert will ask the following question of the President of the Policy and Resources Committee –

“Would the President inform members how much the Waterfront Enterprise Board has spent on the new bridge project to date, and what the specific cost is relating to the public opinion poll run by NOP?”

Senator L. Norman will ask the following question of the President of the Policy and Resources Committee –

- (a) What, if any, is the current and projected funding deficit of the Public Employees Contributory Retirement Scheme?
- (b) If there is a current or projected deficit, how is it to be funded?
- (c) What assumptions are made when calculating the surplus or deficit in terms of investment returns from the fund, longevity of members and the rate of inflation?
- (d) What are the current employee’s and employer’s contributions as a percentage of total States payroll costs and as pure annual cash amounts?
- (e) Does the Committee consider the scheme to be sustainable in its current format, given its defined benefits, and if the answer is in the negative, what action does the Committee plan to take?
- (f) How is the Committee currently able to take informed decisions regarding the scheme when the last available valuation is five years out of date, and the next available valuation will be at least two years out of date?”

Deputy G.P. Southern of St. Helier will ask the following question of the President of the Economic Development Committee –

“Following the decision of the States on 4th March 2003, to defer debate on the proposition P.7/2003 “School Milk: provision for the years 2003, 2004 and 2005”, and in the light of recommendation Nos. 22, 23 and 24 of the report by Dr. Donald McQueen dated February 2003 regarding ‘The Dairy Industry in Jersey: a strategic Review’, will the President –

- (a) indicate when he expects to bring measures to the States on the immediate assistance outlined in recommendation 22 of the report?;
- (b) indicate when he expects to report what action the Committee is proposing in order to meet the longer term goal of lowering milk production costs and stabilising the size of the Island herd, as outlined in recommendations 23 and 24? and,
- (c) confirm that some means will be found to support the continued provision of school milk, (as stated in recommendation 22(c)), when the current funding arrangements terminate at the end of this year?”

Senator P.V.F. Le Claire will ask the following question of the President of the Home Affairs Committee –

“Would the President advise members –

- (a) whether there are any restrictions on Polish workers taking their driving tests in Jersey, and, if so, why such restrictions apply?;
- (b) whether there are any restrictions on other foreign workers taking their driving tests in Jersey, and, if so, which nationalities are concerned? and,
- (d) whether the Committee sought legal advice confirming that any such restrictions do not contravene Human Rights legislation, and, if so, what this legal advice stated?”

Senator P.V.F. Le Claire will ask the following question of H.M. Attorney General -

“By virtue of Article 3(2) of the Inception of Communications (Jersey) Law 1993, Her Majesty’s Attorney General shall not issue a warrant under that Article for the interception of communications unless he considers it necessary in the interest of national security or for the purpose of preventing or detecting serious crime. Under Article 1(3)(a), the definition of serious crime includes conduct by a large number of persons in pursuit of a common purpose.

- (a) Would the Attorney General explain what is meant by a ‘large number of persons’, in this context, and how that is legally defined;?;
- (b) would the Attorney General explain whether the reference to ‘a large number of persons in pursuit of a common purpose’ could lawfully include people who are interested or actively involved in creating political parties in Jersey?;
- (c) if the answer to (b) is in the affirmative, how many such warrants have been issued in the past 10 years?”

Senator E.P. Vibert will ask the following question of the President of the Education, Sport and Culture Committee -

“(a) On 11th April 2000, the States adopted a proposition of the former Sport, Leisure and Recreation Committee, P.181/1999 – Fort Regent: redevelopment, which stated that the proposed scheme was “intended to upgrade and re-develop the Fort in a new and exciting way, by creating a workable, attractive sporting and historic facility which is appropriate to its important prominent location in the heart of St. Helier. The scale of the building and the all-encompassing sport and recreation facilities to be provided under one roof, develops the idea originally mentioned in the 1997 Roger Quinton Associates (RQA) report”.

- (i) Would the President explain to members why the Committee has changed its thinking regarding the use of Fort Regent since the Assembly debated and approved P.181/1999?
- (ii) Would the President inform members how much was spent by the Committee on preparing the report by Roger Quinton Associates (RQA)?
- (b) Would the President also inform members how much has been spent at Fort Regent by the Committee for repairs and maintenance in the last three years excluding any costs relating to the pool facility, and provide members with the details of what is currently necessary to be spent on any urgent repairs and maintenance and the upgrading, where necessary, of any of the current facilities?
- (c) Would the President confirm that the Committee is now planning to carry out two feasibility studies on

the future use of Fort Regent, and describe what the Committee has in mind?

- (d) Will the President undertake to bring to the Assembly full details of the brief that will be provided to the company engaged to carry out the first feasibility study, together with the costs, so that the Assembly can consider the matter before any contracts are signed in order to avoid any potential unnecessary expenditure?"

Senator E.P. Vibert will ask the following question of the President of the Economic Development Committee –

- “(a) Would the President inform members of the full cost, including publication of the report, of the recent study carried out into building a conference centre at Fort Regent by the Jersey Conference Bureau?;
- (b) would the President inform members whether or not the Jersey Conference Bureau liaised with the Education, Sport and Culture Committee during this process?;
- (c) would the President inform members when the Jersey Conference Bureau became aware of plans by the Education, Sport and Culture Committee to research a proposal to move certain facilities from Fort Regent to the Le Rocquier School site?”

Senator L. Norman will ask the following question of the President of the Home Affairs Committee –

- “(a) How many members of the local Territorial Army Unit have been ‘called up’ in the past few weeks for possible service as a result of the situation involving Iraq?;
- (b) how many of these members returned home because they were unfit for duty?;
- (c) would the President give details of exactly what made them unfit for duty and indicate why their lack of fitness was not recognised before they left for the United Kingdom?;
- (d) what costs were incurred in transporting these members to and from the UK and who has had to meet these abortive costs?”

Deputy G.C.L. Baudains of St. Clement will ask the following question of the President of the Finance and Economics Committee –

“Paragraph 5.3 of the Jersey Heritage Trust’s Constitution states those persons who shall be eligible for the Board. Paragraph 5.3.3 specifies ‘a member for the time being of the States of Jersey who is committed to the objectives of the Jersey Heritage Trust as set out in paragraph 3 of the Constitution and a member for the time being of the Finance and Economics Committee nominated in writing by that Committee’.

Will the President advise which two States members currently fill these two places?”

Deputy G.C.L. Baudains of St. Clement will ask the following question of the President of the Education, Sport and Culture Committee -

“Following the debate on the Jersey Heritage Trust: amendments to constitution, (P.37/2002), on 4th March 2003, would the President explain –

- (a) why he stated that the Trust’s constitution was a matter for the Royal Court rather than the States, when the States has the power to determine such matters, as has, indeed, been the case in the past? and,

- (b) why he suggested that criticisms of the Trust by the Society for the Protection of Ancient Buildings were incorrect based on an e-mail communication dated 4th May 2002, by the Society in which it withdrew its comments, and would he provide details of the content of the e-mail, the addressee, the sender, whether or not it was solicited and, if so, by whom, and whether it was subsequently confirmed by letter or fax?"

Senator P.V.F. Le Claire will ask the following question of the President of the Finance and Economics Committee –

“Is there a list of contractors and businesses kept on a register within the States so that the public can understand who is supplying the States, and, if not, does the Committee have any plans to establish a register of businesses informing the public as to which accountants, builders and other contractors, etc., provide services?”

The Deputy of St. John will ask the following question of the President of the Finance and Economics Committee –

“Will the President inform the Assembly whether there are any premises which are occupied by the Jersey Heritage Trust which are done so without a lease being in force, and, if so, would he inform members of the reasons for this, as well as providing the terms of such arrangements including the applicable dates of commencement and termination, and a breakdown of responsibilities between the landlord and tenant in respect of maintenance issues?”

The Deputy of St. John will ask the following question of the President of the Education, Sport and Culture Committee -

“Will the President inform the Assembly whether there are any premises which are occupied by the Jersey Arts Trust which are done so without a lease being in force, and, if so, would he inform members of the reasons for this, as well as providing the terms of such arrangements including the applicable dates of commencement and termination, and breakdown of responsibilities between the landlord and tenant in respect of maintenance issues?”

Deputy R.C. Duhamel of St. Saviour will ask the following questions of the President of the Finance and Economics Committee –

“In January 2002, the Committee gave its approval to a Planning Vote request for £250,000 to enable studies to be undertaken of a number of sites mainly under the administration of the States of Jersey and the Parish of St Helier with a view to maximizing their development potential.

The Finance and Economics Committee requested the then Planning and Environment Committee to establish a Feasibility Study Co-ordinating Group, (FeSCo), to include political representation from the Planning and Environment, Finance and Economics and the then Public Services Committees, together with a Treasury representative. Area study teams were not to be constrained or restricted in their thinking but to consider previously unidentified alternatives which could provide economic or social benefits.

One of the areas to be considered encompassed Lempriere Street Car Park, the States Car Park adjoining Cyril Le Marquand House, the Public Car Park in Old Street, Cyril Le Marquand House, and the Parade Triangle, which was known as area feasibility study six (AFS6).

Would the President -

- (a) advise members of the cost of the consultancy fees and the civil service time in respect of work

undertaken for AFS6?

- (b) confirm that although the terms of reference for the FeSCo Group stipulated the completion of the study by August 2002, the final report was not completed until October 2002, and why no reference to either the existence of the FeSCo Group or its final report on AFS6 was made in the Committee's Report and Proposition P.202/2002, Magistrate's Court: adopted by the States on 5th December 2002?
- (d) advise members of the recommendations contained in the FeSCo Report on AFS6, and, in particular, whether the report recommended the siting of the Magistrate's Court as proposed in P.202/2002, and, if not, explain how this compares financially?
- (g) advise members, in view of the current budgetary constraints, what value of development premium, if any, is the Committee prepared to forego in order to pursue the construction of the Magistrate's Court in the position set out in P.202/2002?"

Senator E.P. Vibert will ask the following question of the President of the Policy and Resources Committee –

“Would the President advise members whether the Policy and Resources Committee's proposed updated strategic plan for the Island, which he has stated will be linked to States fiscal strategy and a ten year strategic plan for the finance industry, will include the tourism and agricultural industries as part of the Committee's vision of the future, and that due attention will be paid to the needs of those industries.”