

**THE STATES assembled on Tuesday,
28th September 2004 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 –

Senator Terence Augustine Le Sueur– out of the Island
John Baudains Germain, Connétable of St. Martin– out of the Island
Thomas John du Feu, Connétable of St. Peter– ill
Daniel Joseph Murphy, Connétable of Grouville – out of the Island
Jacqueline Jeannette Huet, Deputy of St. Helier– out of the Island

Prayers read by the Greffier of the States.

Senator Jean Amy Le Maistre– Appointment as Vice-Chairman, Commonwealth Parliamentary Association Executive Committee

The Bailiff, on behalf of all members, congratulated Senator Jean Amy Le Maistre on his appointment as Vice Chairman of the Commonwealth Parliamentary Association Executive Committee.

Cayman Islands – message of support following devastation by Hurricane Ivan

The Bailiff informed the States that, in accordance with their request of 14th September 2004, he had forwarded to the communities of Bermuda, Jamaica and the Cayman Islands the wishes of the Assembly to express the Island's support following devastation caused by Hurricane Ivan, which had been made in the following terms –

“I write as President of the States of Jersey and on behalf of the people of Jersey to convey to you the sympathy of the Assembly following the destruction wrought in your Island by hurricane Ivan earlier this week.

In the States Assembly yesterday Senator Frank Walker, president of the Policy and Resources Committee, registered on behalf of all members the universal sense of shock which has been felt as news has emerged of the loss of life and the widespread damage to property and possessions.

We express the sincere hope that operations to restore normal life in the Island will proceed apace and that the personal suffering of Islanders will be relieved as swiftly as is possible in these very difficult times.”

Request for media presence

THE STATES agreed to allow the media access to the Chamber later that day for the purpose of filming in order to update their picture library.

Bailiff's ruling – closure motion

The Bailiff made a ruling in relation to a decision of the States on 26th May 2004, concerning the trialling of the closure motion, which was made in the following terms –

“Senator Syvret has asked me to rule on the question whether the trial procedure for the closure of debates, approved by the Assembly on 26th May 2004, is *ultra vires*; that is, did the Assembly have no power to adopt the resolution having regard to the provisions of the States of Jersey Law 1966.

The relevant part of Article 1(2) of the 1966 Law provides that –

‘All members of the States have the right to speak in the Assembly, but ... only the Senators, Connétables and Deputies (in this Law referred to as ‘the elected members of the States’) have the right to vote.’

The question is therefore whether, having regard to that provision, the States had no power to limit the right of members to speak by adopting the resolution enabling a closure or ‘guillotine’ motion to be put.

There are two possible constructions of Article 1(2). The first is that it confers upon all members of the States an unfettered right to speak on all matters at all times. The second possible construction is that the paragraph is drawing a distinction between elected members and other members (Lieutenant Governor, Bailiff, Law Officers and Dean); whereas all members have the right to speak, only the elected members have the right to vote. The difficulty with the first possible construction is that it would mean that all the restrictions on members’ rights to address the Assembly which are contained in Standing Orders would be equally *ultra vires*. Thus the provision in, for example, Standing Order 24(1) which requires that ‘every member shall restrict his observations to the subject under discussion’ would be invalid as restricting members’ right to speak. The provision in Standing Order 24(4) prohibiting the use of offensive and insulting language about members of the States would be equally invalid, as would the other provisions of Standing Order 24 dealing with the contents of speeches.

Although it is subject to the other provisions of the 1966 Law, Article 27 empowers the States to make standing orders ‘for the regulation of their proceedings and business’ which in itself seems to be inconsistent with an interpretation of Article 1(2) conferring an unfettered right to speak. I reach the conclusion that the second construction of Article 1(2) is the correct one, namely that it is drawing a distinction between the rights in the Assembly of the elected members and other members.

That is not to say that the right of members to speak in the States Assembly is not an important and indeed fundamental right. The right is, however, not unfettered and can be limited, either by Standing Orders, or by any other reasonable resolution of the Assembly. I therefore rule that it was within the powers of the Assembly to adopt the resolution relating to closure motions.”

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Banking Business (General Provisions) (Amendment) (Jersey) Order 2004.	R&O 100/2004.
Road Racing (Motor Vehicle Rally) (Jersey) Order 2004.	R&O 101/2004.
Education (Removal of Governing Body) (Jersey) Order 2004.	R&O 104/2004.
Extradition (Time Limits) (Jersey) Order 2004.	R&O 105/2004.
Extradition Rules 2004.	R&O 106/2004.
Criminal Proceedings (Computation of Sentences) (Amendment No. 2) (Jersey)	R&O 107/2004.

Rules 2004.

Employment (Minimum Wage) (Jersey) Order 2004. R&O 108/2004.

Social Security (Medical Certification) (Amendment No. 2) (Jersey) Order 2004. R&O 109/2004.

Social Security (Earnings Limit) (Jersey) Order 2004. R&O 110/2004.

Environment and Public Services Committee – election of President

THE STATES commenced consideration of a proposition of Deputy Roy George Le Hérisssier of St. Saviou concerning the election of the President of the Environment and Public Services Committee: question period, which proposition was subsequently lodged by Senator Edward Philip Vibert, (P.168/2004), and deemed to have been withdrawn pending the immediate election and appointment of a President of the Environment and Public Services Committee.

Environment and Public Services Committee – appointment of President

Senator Philip Francis Cyril Ozouf was nominated by Senator Paul Francis Routier.

The Deputy of St. Peter was nominated by Senator Jean Amy Le Maistre.

THE STATES, having proceeded to a secret ballot, were informed of the following results by the Bailiff –

Senator Philip Francis Cyril Ozouf	26
The Deputy of St. Peter	21.

The Bailiff accordingly declared that Senator Philip Francis Cyril Ozouf had been duly appointed as the President of the Environment and Public Services Committee.

Matters presented

The following matters were presented to the States –

Fields 519, 520, 521, 524, 527 and 528, Trinity – rescindment of planning permit (P.74/2004) – comments. P.74/2004.
Com.

Presented by the Health and Social Services Committee.

Fields 519, 520, 521, 524, 527 and 528, Trinity – rescindment of planning permit (P.74/2004) – comments. P.74/2004.
Com.(2)

Presented by the Finance and Economics Committee.

Draft States of Jersey Law 200- (P.124/2004): comments. P.124/2004.
Com.

Presented by the Finance and Economics Committee.

Channel Islands Lottery: allocation of profits (P.136/2004) – comments. P.136/2004.
Com.

Presented by the Finance and Economics Committee.

Court and Case Costs: investigation (P.138/2004) – comments. P.138/2004.
Com.

Presented by the Finance and Economics Committee.

Le Marais, St. Clement: redevelopment of low rise Phase I (P.145/2004)– comments. P.145/2004.
Com.

Presented by the Finance and Economics Committee.

Car Parking Charges: allocation of additional income to the funding of transport initiatives (P.147/2004) – comments. P.147/2004.
Com.

Presented by the Finance and Economics Committee.

Area of land, St. Brelade, adjacent to L53, L53A and L65 Garage site, L'Avenue de la Commune, St. Peter: transfer of administration (P.149/2004)– comments. P.149/2004.
Com.

Presented by the Finance and Economics Committee.

States Members' parking: withdrawal of provision (P.152/2004) – comments. P.152/2004.
Com.

Presented by the Privileges and Procedures Committee.

Fields 519, 520, 521, 524, 527 and 528, Trinity: Committee of Inquiry (P.156/2004) – comments. P.156/2004.
Com.

Presented by the Finance and Economics Committee.

Draft The Law Society of Jersey Law 200- (P.162/2004): comments. P.162/2004.
Com.

Presented by the Finance and Economics Committee.

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

Matters noted – land transactions

THE STATES noted Acts of the Finance and Economics Committee dated 16th September 2004, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Harbours and Airport Committee, the renewal of the lease to George Troy and Sons Limited of Vehicle Workshop accommodation (Letting No. A43B– measuring 1,380 square feet) Alber Pier, St. Helier, for a period of 3 years from 1st July 2004, at an annual rent of £8,280, subject to annual review in line with the Jersey Retail Price Index;
- (b) as recommended by the Harbours and Airport Committee, the renewal of the lease to Blue Water Supplies Limited of the Old Lifeboat Station (Letting No. A30A– measuring 140 square feet), Alber Pier, St. Helier, for a period of 3 years from 1st June 2004, at an annual rent of £2,044, subject to annual review in line with the Jersey Retail Price Index;
- (c) as recommended by the Harbours and Airport Committee, the renewal of lease and/or lease to the undermentioned of the specified marine workshops situated at La Folie, St. Helier for a period of 9 year from 1st March 2004 –
 - (i) Compass Marine Services (Letting No. LF9A– measuring 1,266 square feet) at an annual rent of £7,659.30;
 - (ii) Dave Warn Marine Limited (Letting No. LF9B– measuring 1,156 square feet) at an annual rent of £6,993.80;
 - (iii) Bill Keating Marine Engineering Limited (Letting No. LF9C– measuring 898 square feet) at an annual rent of £5,432.90; and
 - (iv) Fox Marine Services Limited (Letting No. LF9D– measuring 1,524 square feet) at an annual rent of £9,220.20;
- (d) as recommended by the Environment and Public Services Committee, the lease to Mrs. Alison Claire

Crabtree, née Rogers, of the one-bedroom flat with garage and garden forming part of the Maison St. Louis Observatory, Highlands Lane, St. Saviour, for an initial period of 12 months at an annual rent of £7,200, to be subject thereafter to annual review in line with the Jersey Retail Price Index, with the agreement to be terminable by either party upon one month's notice, on the basis that the tenant would be responsible for occupiers rates, an appropriate share of the water and heating costs, together with electricity and telephone charges, both of which were separately metered at the flat;

- (e) as recommended by the Health and Social Services Committee, the lease to Jersey Telecom Limited of a Services Distribution (or CAB) Room at Sandybrook Hospital, St. Lawrence (in order to formalise the lease agreement following the incorporatisation of the Telecommunications Board), for a period of 99 years, deemed to have commenced from 3rd April 2000, for an initial capital sum of £9,000 and nominal annual rent of £10 without review thereafter, on the basis of the Heads of Terms outlined in the original report, dated 2nd December 1999, and as approved by the Director of Property Services (the Committee accordingly rescinded its Act No. A2(a) of 12th November 2003);
- (f) as recommended by the Education, Sport and Culture Committee, the formalisation of a ground lease to Jersey Telecom Limited (following the incorporatisation of the Telecommunications Board) for the siting of a Services Distribution Room at Snow Hill, St. Helier for a period of 99 years from 25th March 2002, (the date when occupation of the site had been taken under an original agreement between the then Sport, Leisure and Recreation Committee and the Telecommunications Board), for an initial capital sum of £17,500 and a nominal annual rent of £10 without review thereafter, on the basis of the original heads of terms (the Committee accordingly rescinded its Act No. A2(b) of 8th January 2004);
- (g) as recommended by the Economic Development Committee, the lease to Bel Val Farm Limited (Mr. Colin de la Haye) of Fields Nos. 445, 447 and 448, St. Martin (measuring 6.02, 2.13 and 3.07 vergées respectively), for a period of 3½ years from 1st August 2004, at an annual rent of £550 without rent review, on the basis that the Landlord retained the right to give 6 months' written notice at any time during the lease to terminate the agreement in respect of Field No. 445 only, and with each party to be responsible for its own legal costs arising from the transaction;
- (h) as recommended by the Housing Committee, the grant of a ground lease to Jersey Telecom Limited in respect of a Service Distribution Room at the Hue Court basement car park, Hue Street, St. Helier, for a period of 99 years from 2nd July 2001, for an initial capital payment of £10,000 and a nominal annual rent thereafter of £10 without rent review, on the basis of terms and conditions approved by the Director of Property Services;
- (i) as recommended by the Health and Social Services Committee, the renewal of the lease from Mrs. Joar Annie Perrée, née Swift, of the two-bedroom "(j)" category property (including one parking space) known as Flat 2, Hazelgrove, 73 Rouge Bouillon, St. Helier, for a period of 2 years from 1st July 2001 with an option to extend for a further one year, at an annual rent of £10,400 (representing a rate of £200 a week) fixed for the 2-year period, after which – if the option to extend the agreement is taken – the rent would be increased in line with the Jersey Retail Price Index. All other terms and conditions were to remain the same as the existing lease and each party was to be responsible for its own legal costs arising from the transaction;
- (j) as recommended by the Housing Committee, the lease to the Jersey New Waterworks Company Limited of an area of land at Le Clos Orange Estate, La Rue de la Moye, St. Brelade (required to facilitate the provision of a Network Monitoring Cubicle – as shown on Drawing No. 11/1730 (01)), for a period of 9 years from the date of passing of the contract, for a one-off initial payment of £450 for the 9-year period, with the Company also to be granted rights to lay a buried pipe from its water main to the Cubicle and rights to access the Cubicle for monitoring purposes, on the basis that each party was to be responsible for its own legal costs arising from the transaction;
- (k) as recommended by the Education, Sport and Culture Committee, the lease to The National Society for the Prevention of Cruelty to Children, NSPCC Trading Company Limited of a bungalow known as Le Squez Bungalow, Le Squez School, St. Clement (required for use solely and exclusively in relation

to the NSPCC Pathways Initiative), for a period of 9 years from a date to be agreed, with an option to renew the lease on the same terms and conditions save as to the option to renew, to be rent-free, on the basis that the Lessee was to be responsible for undertaking all refurbishment works on the premises in accordance with an approved plan and, thereafter, to be responsible for interior repair, maintenance and decoration, and also for all costs and charges in relation to utilities and all other costs associated with the occupancy of the premises. Each party was to be responsible for its own legal and professional costs arising from this transaction;

- (l) as recommended by the Environment and Public Services Committee, the lease to the Jersey New Waterworks Company Limited of an area of land at La Route des Genets, St. Brelade (required to facilitate the provision of a Network Monitoring Cubicle – as shown on Drawing No. 15/621 (01)), for a period of 9 years from the date of passing of the contract, for a one-off initial payment of £450 for the 9-year period, with the Company also to be granted rights to lay a buried pipe from its water main to the Cubicle and rights to access the Cubicle for monitoring purposes, on the basis that each party was to be responsible for its own legal costs arising from the transaction;
- (m) as recommended by the Environment and Public Services Committee, the assignment of lease by Hargay Limited to Miss Gayna Flanagan in respect of Unit 63-65 Central Market, St. Helier (following a partnership restructuring), with effect from the date of passing the contract;
- (n) as recommended by the Environment and Public Services Committee, the assignment of lease by Coleman and Watts to Mr. Shane Kennedy in respect of Unit 17-19 and 91 Central Market, St. Helier (following a partnership restructuring), with effect from the date of passing the contract; and
- (o) as recommended by the Environment and Public Services Committee, the sale to the National Trust for Jersey of an area of woodland at the rear of the properties known as Les Burons and La Cache, Le Chemin des Maltières, Grouville (as shown on Planning Department Drawing No. 15/388/1), for nominal consideration of £10, on the basis that each party would be responsible for its own legal costs arising from the transaction.

Matters lodged

The following matters were lodged “au Greffe” –

Sunday Trading (P.107/2004): second amendments. <i>Presented by the Connétable of St. Helier.</i>	P.107/2004. Amd.(2)
Car parking charges: allocation of additional income to the funding of transport initiatives (P.147/2004) – amendments. <i>Presented by Deputy J.B. Fox of St. Helier.</i>	P.147/2004. Amd.
Machinery of Government Reform: composition and election of the States Assembly (P.151/2004) – amendments. <i>Presented by the Deputy of St. Martin.</i>	P.151/2004. Amd.
Education (Revocation of Provided School) (Jersey) Regulations 200-. <i>Presented by the Education, Sport and Culture Committee.</i>	P.161/2004.
Draft The Law Society of Jersey Law 200-. <i>Presented by the Legislation Committee.</i>	P.162/2004.
Draft The Law Society of Jersey Law 200- (P.162/2004): amendments. <i>Deputy R.G. Le Hérisssier of St. Saviour.</i>	P.162/2004. Amd.
Shadow Public Accounts Committee: appointment of member. <i>Presented by Deputy S.C. Ferguson of St. Brelade.</i>	P.163/2004.

Attendance Allowance Board: appointment of member. P.164/2004.
Presented by the Employment and Social Security Committee.

Bus Service Tendering Process: Committee of Inquiry – membership. P.165/2004.
Presented by the Policy and Resources Committee.

Sites of Special Interest and Buildings of Local Interest: financial implications. P.166/2004.
Presented by the Deputy of St. John.

Jersey Telecom Limited: special tariffs for senior citizens. P.167/2004.
Presented by the Deputy of Grouville, and referred to the Finance and Economics and the Economic Development Committees.

Draft The Law Society of Jersey Law 200- P.154/2003 – withdrawn

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Legislation Committee had instructed the Greffier of the States to withdraw the draft The Law Society of Jersey Law 200-, (P.154/2003 lodged “au Greffe” on 11th November 2003), the Committee having lodged “au Greffe” a revised proposition at the present meeting (P.162/2004).

Composition and Election of the States Assembly – P.115/2004 – withdrawn

THE STATES noted that, in accordance with Standing Order 22(3), the Deputy of St. Martin had instructed the Greffier of the States to withdraw the proposition regarding the Composition and Election of the States Assembly, (P.115/2004 lodged “au Greffe” on 15th June 2004).

Arrangement of public business for the present meeting

THE STATES granted leave to Deputy Alan Breckon of St. Saviour to defer consideration of the following matter set down for consideration at the present meeting to a later date –

Court and Case Costs: investigation. P.138/2004.
Lodged: 20th July 2004.
Deputy A. Breckon of St. Saviour.

THE STATES adopted a proposition of Senator Philip Francis Cyril Ozouf that the following matter set down for consideration at the present meeting be deferred to a later date –

Fields 519, 520, 521, 524, 527 and 528, Trinity – rescindment of planning permit. P.74/2004.
Lodged: 20th April 2004. *(re-issue)*
Senator P.V.F. Le Claire.

Members present voted as follows –

POUR: 24

Senator L. Norman
Senator F.H. Walker
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Ouen

CONTRE: 20

Senator J.A. Le Maistre
Senator S. Syvret
Senator W. Kinnard
Senator P.V.F. Le Claire
Senator E.P. Vibert
Senator R.J. Shenton

ABSTAIN: 1

Connétable of Trinity

Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Clement
Connétable of St. Helier
Connétable of St. Lawrence
Deputy of Trinity

Deputy of St. Martin
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy F.G. Voisin (L)
Deputy L.J. Farnham (S)
Deputy J.A. Bernstein (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. John
Deputy G.C.L. Baudains (C)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy of Grouville
Deputy of St. Peter

Arrangement of public business for the next meeting on 12th October 2004

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 12th October 2004, in the following order –

Jersey Telecom Limited: special tariffs for senior citizens. P.167/2004.
Lodged: 28th September 2004.
Presented by the Deputy of Grouville.

Draft Public Holidays and Bank Holidays (Jersey) Act 200-. P.56/2004.
Lodged: 20th April 2004.
Legislation Committee.

Fields 519, 520, 521, 524, 527 and 528, Trinity – rescindment of planning P.74/2004.
permit. (re-issue)
Lodged: 20th April 2004.
Senator P.V.F. Le Claire.

Fields 519, 520, 521, 524, 527 and 528, Trinity – rescindment of planning P.74/2004.
permit (P.74/2004) – comments. Com.
Presented 28th September 2004.
Health and Social Services Committee.

Fields 519, 520, 521, 524, 527 and 528, Trinity – rescindment of planning P.74/2004. Com.(2)
permit (P.74/2004) – comments.
Presented: 28th September 2004.
Finance and Economics Committee.

Court and Case Costs: investigation. P.138/2004.
Lodged: 20th July 2004.
Deputy A. Breckon of St. Saviour.

Court and Case Costs: investigation (P.138/2004) – comments. P.138/2004.
Presented: 28th September 2004. Com.
Finance and Economics Committee.

Area of land, St. Brelade, adjacent to L53, L53A and L65 Garage site, L'Avenue de la Commune, St. Peter: transfer of administration. Lodged: 7th September 2004. <i>Harbours and Airport Committee.</i>	P.149/2004.
Area of land, St. Brelade, adjacent to L53, L53A and L65 Garage site, L'Avenue de la Commune, St. Peter: transfer of administration (P.149/2004)– comments. Presented: 28th September 2004. <i>Finance and Economics Committee.</i>	P.149/2004. Com.
Bus Service: rescindment of decisions relating to concessionary fares and adult fares after 8.00 p.m. Lodged: 14th September 2004. <i>Deputy R.G. Le Hérisssier of St. Saviour.</i>	P.150/2004.
Field 812A, Bagot Manor Farm, St. Saviour: rezoning. Lodged: 14th September 2004. <i>Environment and Public Services Committee.</i>	P.155/2004.
Draft The Law Society of Jersey Law 200-. Lodged: 28th September 2004. <i>Legislation Committee.</i>	P.162/2004.
Draft The Law Society of Jersey Law 200- (P.162/2004): comments. Presented: 28th September 2004. <i>Finance and Economics Committee.</i>	P.162/2004. Com.
Draft The Law Society of Jersey Law 200- (P.162/2004): amendments. Lodged: 28th September 2004. <i>Deputy R.G. Le Hérisssier of St. Saviour.</i>	P.162/2004. Amd.
Shadow Public Accounts Committee: appointment of member. Lodged: 28th September 2004. <i>Deputy S.C. Ferguson of St. Brelade.</i>	P.163/2004.
Attendance Allowance Board: appointment of member. Lodged: 28th September 2004. <i>Employment and Social Security Committee.</i>	P.164/2004.
Bus Service Tendering Process: Committee of Inquiry – membership. Lodged: 12th October 2004. <i>Policy and Resources Committee.</i>	P.165/2004.

Income Tax: introduction of higher rate (P.131/2003) – withdrawn

THE STATES noted that, in pursuance of Standing Order 17(6), the following matter lodged “au Greffe” had been withdrawn –

Income Tax: introduction of higher rate. Lodged: 9th September 2003. <i>Deputy G.P. Southern of St. Helier.</i>	P.131/2003.
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The potato industry – question and answer (Tape No. 950)

Deputy Terence John Le Main of St. Helier tabled the following written question of Deputy Francis Gerald Voisi of St. Lawrence, President of the Economic Development Committee–

“Would the President inform members –

- (a) of the total amount of expenditure that has so far been granted to the proposed vodka manufacturing project, both in the form of direct payment and indirect support via the Jersey Potato Export Marketing Board?
- (b) whether the vodka manufacturing project has received the support of the potato growing industry, and, if so, whether a contract for potato supply has been arranged; if not, how feasible is the project in the absence of such a contract for the supply of potatoes?
- (c) of the total amount of expenditure so far on the creation and maintenance of both the Jersey Potato Export Marketing Board and the Jersey Potato Export Marketing Scheme together with the cost, to date, of defending the scheme in Court, if any?
- (d) of the current status with regard to the Jersey Royal Potato Export Scheme, and the level of acceptance of it by the industry, and what, if any, the effects will be both on the industry and the tax-payer in the event that the States wins the forthcoming Court case, or loses it? and,
- (e) whether the majority of potato exports will be classed illegal in the event that the States win the Court case, and what the likely legal bill will be in the event that the State loses it, and what steps are being taken to minimise any further expenditure relating to this matter?”

The President of the Economic Development Committee tabled the following written answer –

- “(a) £105,000 in total was granted to the vodka project. The Jersey Potato Export Marketing Board (JPEMB) has provided administrative support to the project estimated at £15,000.
- (b) Individual potato growers have not been asked if they support the vodka manufacturing project, but the Jersey Potato Export Marketing Board is of the opinion that it does have the required support. No contracts for potato supply have been arranged at this time. The project would not be feasible in the absence of such contracts but the JPEMB will be writing to growers to establish contracts when the project has gained planning permission and private-sector funding arrangements agreed.
- (c) The Scheme was drafted by a local legal practice in 2001 at a cost of £15,000. The JPEMB has been awarded a total £337,700 in operating costs for the years 2002, 2003 and 2004. The costs to date in preparation for, and defending the Scheme by a local legal practice on behalf of the JPEMB is £105,533. The cost to the States as a result of an unsuccessful application to the Royal Court in July 2002 to lift the stay on the Scheme was £50,000. Additional costs of £120,957 plus EUR 220 have been incurred by the Law Officers’ Department. It is known that the two marketing groups involved in the case have spent a considerable amount in legal costs.
- (d) The Scheme remains Stayed at this time. In February 2002, the Jersey Potato Marketing Organisation Limited (JPMO) sought leave to apply for a judicial review of the Scheme, which was granted by the Royal Court. The case was referred to the European Court of Justice for a preliminary ruling on whether the Scheme is contrary to the European Community Law. (This case was heard in the European Court on 14th September, but it will be some months before the outcome is known.) Subsequent to the application by JPMO, two further companies, Top Produce Limited and Fairview Farm Limited were granted leave to intervene on the grounds that the Scheme is contrary to the European Convention on Human Rights. This case will be heard in the Royal Court in due course. In July 2002, the States and the Board applied to the Royal Court for a lifting of the stay on the Scheme. The application was refused by the Royal Court.

The current level of acceptance of the Scheme can only be determined by either writing to producers or taking an official Poll to determine whether it is their wish that the Scheme should continue. However it would be impractical to take a Poll until the outcome of the EU case is known and it is not in the power of the Committee to ask for a Poll to be taken. The effect on the taxpayer of winning the case is that the States should be able to recover much of the costs which they have incurred. The effect on the taxpayer of losing is dealt with in the answer to (e).

- (e) If the case is won, the Scheme can be introduced at a time when growers have been given sufficient opportunity to register and comply with the Scheme. The part of the question relating to the likely legal bill has been dealt with in the previous question.

If the court case is lost, it is likely that an order for costs would be made against the States. It is impossible at this stage to indicate what the likely extent of those costs might be, because the figure would depend on whether the case is lost at the European Court of Justice level, or on the remaining human rights arguments, and if on human rights grounds, whether such loss occurs in the Royal Court. The Committee is of course anxious to ensure that public money is spent wisely, and has been committed to this litigation in support of the States decision to adopt the scheme. However, it is expecting to review the scheme with the relevant interested parties in preparation for the announcement of the ECJ decision.”

Jersey Fishing Fleet – question and answer (Tape No. 950)

The Deputy of St. John tabled the following written question of Deputy Francis Gerald Voisin of St. Lawrence President of the Economic Development Committee –

“Would the President inform members –

- (a) whether the ongoing matter of the Jersey Fishing fleet, who have applied to fish in Guernsey waters, has been resolved, thereby enabling Jersey fishermen to fish in Guernsey waters, and, if not, would he advise what actions the Committee is taking to progress matters, and, in particular, to pursue the legal action if necessary? and,
- (b) whether the fishing industry is to receive any aid to cover losses of earnings?”

The President of the Economic Development Committee tabled the following written answer –

- “(a) The Guernsey Fishing Vessel licensing scheme was found to be ultra vires in the 3 – 12 mile zone around Guernsey but is active in the 0 – 3 mile limit. Any Jersey fishing vessel may again fish in the 3– 12 mile band while 11 successful applicants may also fish in the 0– 3 mile limit.

The issue is not resolved and the Committee is actively involved in discussions with the relevant Committee in Guernsey. The Committee is not taking legal action concerning this matter.

- (b) The Industry is not in the process of receiving States aid to cover loss of earnings, however, it is for individuals to decide whether to take action in the Guernsey courts.”

Certain transactions under Article 134A of the Income Tax Law – question and answer (Tape No. 950)

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Philip Francis Cyri Ozouf, Vice-President of the Finance and Economics Committee –

“Further to questions asked on 11th May 2004, regarding the ability of the Comptroller of Income Tax to rule on cases of tax avoidance under Article 134A of the Income Tax Law for the full year to April 2004, would

the President inform members –

- (a) what types of transaction were wholly or partly counteracted under the Article?
- (b) if all the transactions had been wholly counteracted, how much extra tax would have been collected, and how much extra tax was actually collected?
- (c) why the distinction is made between total value and profits?
- (d) what proportion, if any, involved roll-up funds or similar revenue-to-capital transfers?
- (e) what proportion of these transactions and of their value involved financial service companies, private individuals and single director/shareholder companies? and,
- (f) what factors distinguish those which were counteracted from those allowed?”

The Vice-President of the Finance and Economics Committee tabled the following written answer –

- “(a) All the transactions, apart from one relating to a potential charge on property development, related to taxpayers either attempting to switch out of income producing assets such as bank accounts, the interest on which is taxed, into roll-up funds or similar structures or, to taxpayers who had acquired a capital sum, for example, from an inheritance, a property sale, a matured life assurance policy or a lump sum paid upon retirement, and which the taxpayer wanted to place wholly or partly into a roll-up fund or similar structure.
- (b) The total tax that would have been collected if all the transactions had been wholly counteracted is estimated at some £300,000 and the extra tax collected due to the transactions being counteracted is estimated at some £140,000. The one transaction involving a potential charge on property development is currently under appeal and has not been settled. The tax charged in that case is currently £1 million.
- (c) Value is used when assessing the total monetary amount to be switched from an income producing source into roll-up funds or similar instruments and profit is used when it is a trading transaction.
- (d) All the transactions, apart from the one relating to a potential charge on property development, related to switches from income or potential income producing assets to roll-up funds or similar instruments.
- (e) All were private individuals. None were financial service companies. No records were kept of the particular status of the private individuals involved and it would entail a great deal of time and effort to go through all these files again to answer this question at what is a particularly busy time for the Income Tax Office.
- (f) Each case is looked at individually as to the size of the transaction and the value of the transaction as compared to the individual’s other income bearing capital worth and a judgement made accordingly as to whether or not to counteract under Article 134A.”

Class size across the school curriculum for years 10 to 13 – question and answer (Tape No. 950)

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Michael Edward Vibert, President of the Education, Sport and Culture Committee–

“Will the President provide members with figures relating to current class size across the curriculum for years 10 to 13 for Hautlieu School, Victoria College and JCG and confirm that the Department’s commitment to maintaining ‘front-line services’ continues to be met in the face of the rise in the number of students at Hautlieu?”

The President of the Education, Sport and Culture Committee tabled the following written answer –

“Tables 1 to 4 illustrate the number of students in each teaching group across the three schools in years 10 to 13. As this information has been collated early in the term it may be subject to change as some students may choose to modify their subject choices.

Funding for secondary schools has been formula based since 1995. The formula, based on age weighted pupil units (AWPU) has 2 elements – fixed and variable costs. The fixed cost element provides a basic structure for the management and maintenance of the school and is not affected by variations in pupil numbers. The variable cost element is governed by a notional Pupil Teacher Ratio (PTR) and determined by pupil numbers. Each pupil on the school roll attracts funding which varies according to the pupil’s age.

In years 10 and 11 the notional PTR is 1:15. In years 12 and 13 the notional PTR is 1:11.2. This formula is used to fund Hautlieu, Victoria College and JCG. However, Victoria College and JCG now derive more than 50% of their funding through fees.

The Committee’s determination to maintain ‘frontline services’, was reflected in its bid for demographic growth in the 2005 Fundamental Spending Review. This bid for additional funding was based on the maintenance of existing pupil teacher ratios. However, the allocation that was made through the Review was less than requested and is currently inadequate to meet the actual growth in pupil numbers at Post 16 for 2005. The Committee has, to date, protected school budgets from the impact of savings that have been required through the Review.”

Table 1

YEAR 10 CLASS SIZES – SEPTEMBER 2004			
Subject	Hautlieu	Vic	JCG
Art	21	11	7
Art	21	13	
Business Studies	21		20
Business Studies			16
Careers		22	
Careers		23	
Careers		12	
Careers		21	
Design and Technology	15	21	17
Design and Technology	13	21	
Design and Technology		16	
Dance			8
Drama	22		16
Drama	17		15
English Language	26	25	13
English Language	24	12	23
English Language	25	20	15
English Language	25	23	23
English Language	25	21	22
French	22	12	12
French	24	20	22
French	24	22	24
French	18	22	21
French		23	16
Geography	13	17	13
Geography	22	14	15

German		16	
Graphics	20		
History	22	17	8
History	23	17	15
History		14	
History		20	
Home Economics			6
Information Technology	16	17	8
Information Technology	21	17	
Information Technology	17	18	
Information Technology	19	19	
Italian			8
Mathematics	28	24	26
Mathematics	29	24	22
Mathematics	23	21	19
Mathematics	23	19	17
Mathematics	22	13	11
Music	16	12	12
Music			8
Personal and Social Ed	21		21
Personal and Social Ed	25		24
Personal and Social Ed	25		5
Personal and Social Ed	26		15
Personal and Social Ed	28		16
Personal and Social Ed			14
Physical Education	22	25	17
Physical Education	26	25	12
Physical Education	28	25	19
Physical Education	25	25	18
Physical Education	24		20
Physical Education	21		19
Physical Education	25		20
Religious Education	25	25	8
Religious Education	26	12	
Religious Education	27	20	
Religious Education	22	23	
Religious Education	25	21	
Sciences	23	18	12
Sciences	22	23	14
Sciences	22	23	18
Sciences	22	23	19
Sciences	21	16	19
Sciences	15		26
Sciences			13
Spanish	23	13	15
Spanish	25		
Sports Studies		19	
Sports Studies		19	
Textiles			14
Average	22.34	19.02	15.85
Largest	29.00	25.00	26.00
Smallest	13	11	5

Table 2

YEAR 11 CLASS SIZES – SEPTEMBER 2004			
Subject	Hautlieu	Vic	JCG
Art	21	11	14
Art	17	10	
Art		11	
Business Studies	13		20
Business Studies	17		16
Careers		19	
Careers		21	
Careers		8	
Careers		21	
Careers		21	
Dance			12
Design and Technology	17	16	13
Design and Technology		14	
Drama	17	17	21
Drama	20	17	11
English Language	22	19	16
English Language	24	8	21
English Language	25	21	18
English Language	27	21	18
English Language		21	15
English Language			21
French	15	17	15
French	16	21	16
French	23	20	23
French	13	20	23
French		12	17
Geography	13	13	22
Geography	17	17	17
Geography		13	
Graphics	12		
History	26	15	13
History	15	17	
History		18	
Home Economics			20
Information Technology	16	18	11
Information Technology	24	19	
Information Technology	13		
Italian			10
Mathematics	28	17	24
Mathematics	21	20	21
Mathematics	19	23	20
Mathematics	10	10	17
Mathematics	20	20	14
Mathematics			13
Music	10	10	7
Music			8
Personal and Social Ed	26		12

Personal and Social Ed	26		22
Personal and Social Ed	24		21
Personal and Social Ed	21		16
Personal and Social Ed			18
Personal and Social Ed			20
Physical Education	26	20	7
Physical Education	26	17	15
Physical Education	24	17	17
Physical Education	21	24	18
Physical Education	21	12	19
Physical Education			19
Physical Education			19
Physical Education			17
Religious Education	26	20	12
Religious Education	26	20	
Religious Education	21	21	
Religious Education	24	21	
Religious Education		8	
Sciences	20	11	16
Sciences	14	19	14
Sciences	20	21	23
Sciences	22	22	22
Sciences	22	17	22
Sciences			12
Spanish	11	19	15
Spanish	22		
Sports Studies		16	
Sports Studies		10	
Textiles			18
Average	19.88	16.87	16.7
Largest	28.00	24.00	24.00
Smallest	10	8	7

Table 3

YEAR 12 CLASS SIZES – SEPTEMBER 2004			
Subject	Hautlieu	Vic	JCG
Art	19	15	9
Art	13		
Art	13		
Art	21		
Biology	22	13	11
Biology	21	16	14
Biology	23		18
Business Studies	13	16	16
Business Studies	14		
Chemistry	20	10	20
Chemistry	20	12	18
Computing		15	
Christian Theology	24		
Christian Theology	25		

Christian Theology	20		
Design and Technology	16	8	5
Drama	15	5	12
Economics		6	
English Language	21		14
English Language	17		16
English Language	22		15
English Lit/Lang	16		15
English Lit/Lang	11		
English Literature	19	7	
French	9	5	15
French	12		
Further Mathematics		7	
Geography	11	3	9
Geology			11
German		2	
Graphics	13		
History	16	9	14
History	14	11	
History	16		
Home Economics			3
Information Technology	6	9	5
Information Technology	12		
Information Technology	13		
Law	22		
Law	22		
Mathematics	18	10	5
Mathematics	15	8	8
Mathematics	16		14
Mathematics	11		10
Mathematics	18		11
Mathematics			2
Media Studies	21	12	9
Media Studies	24	15	14
Media Studies	24		
Media Studies	24		
Music	15		10
Performing Arts	14		
Performing Arts	19		
Photography	23		14
Photography	24		
Physics	15	14	6
Physics	14		13
Physical Education			6
Portuguese	11		
Psychology	25	16	26
Psychology	21	13	17
Psychology	20		
Psychology	18		
Psychology	22		
Religious Education		6	16
Spanish	13	3	9
Sports Studies	24	17	

Sports Studies	22		
Textiles	10		
Average	17.66	10.11	11.89
Largest	25.00	17.00	26.00
Smallest	6	2	2

Table 4

YEAR 13 CLASS SIZES – SEPTEMBER 2004			
Subject	Hautlieu	Vic	JCG
Art	19	17	7
Art	13		
Art	14		
Art	10		
Biology	13	7	16
Biology	21	12	5
Biology	19		
Business Studies	12	10	4
Chemistry	15	10	9
Chemistry	13	11	
Christian Theology	12		
Christian Theology	10		
Computing		5	
Design and Technology	13	4	5
Design and Technology		6	
Drama			8
Economics		3	
English Language	17	5	9
English Language	15	6	9
English Lit/Lang	10		14
English Literature	12		7
French	3	6	7
French	6		
Further Mathematics		6	
Geography	14	4	14
Geology			11
German		2	
History	14	9	
History	12	8	
History	15		
Human Biology			4
Information Technology	10	5	
Information Technology	12		
Information Technology	8		
Information Technology	12		
Law	14		
Mathematics	9	7	7
Mathematics	5	9	6
Mathematics	14		5
Mathematics	20		
Media Studies	15	12	12

Media Studies	15	10	6
Media Studies	12		
Media Studies	12		
Music	13	4	9
Performing Arts	14		
Performing Arts	11		
Philosophy			7
Photography	16		16
Physical Education			10
Physics	7	6	2
Psychology	18	17	10
Psychology	20	6	16
Psychology	15		
Psychology	13		
Religious Education		3	
Spanish	3	3	
Sports Studies	14	18	
Textiles			10
Theatre Studies		7	
Average	12.85	7.68	8.75
Largest	21.00	18.00	16.00
Smallest	3	2	2

Employment Relations Law – question and answer (Tape No. 950)

Deputy Geoffrey Peter Southern of St. Helier tabled the following written question of Senator Paul Francis Routier, President of the Employment and Social Security Committee –

- “(a) The Employment Forum has recently sent out a consultation document on the codes of practice to be created under the proposed Employment Relations Law. Will the President publish the full list of consultees initially contacted?
- (b) Is the Committee satisfied that the proposed Law complies with the requirements of Article 3 of the ILC Convention Number 87 on Freedom of Association, and of Article 8(1)(d) of the International Covenant on Economic and Social Rights of the United Nations, which states that parties to the Covenant undertake to ensure ‘the right to strike, provided it is exercised in conformity with the laws of the particular country’?
- (c) Is the Committee prepared to make a reference to the ILO Committee of Experts to seek the view of the ILO before the proposed Law is introduced, and what assurance can the President give to employees and their representatives on the Island over the protection of their current rights?”

The President of the Employment and Social Security Committee tabled the following written answer –

- “(a) The consultation database belongs to the Employment Forum. It has been built up during the five years of the Forum’s existence and consists of organisations and individuals who have been in contact with the Forum about the employment legislation. Respondents are allowed to remain anonymous in their replies and it would clearly be inappropriate for the Committee to publish names.

The Forum uses the database to communicate with key interest groups and people, and as new ones respond or come into contact with the Forum they are added to the list. There are currently around 120 individuals and organisations on the list from wide ranging perspectives, including employer

associations and trade unions. However, I would add that the Forum's consultation and recommendation papers are also published on the Department's website and promoted through the media so that all other interested parties and members of the public may contribute.

- (b) The Committee is confident that the draft Law complies with Article 3 of the International Labour Organisation (ILO) Convention Number 87 on Freedom of Association and Protection of the Right to Organise. The Committee is required to prepare regular reports to the ILO on measures taken to give effect to the provisions of the Convention. The most recent report, prepared in July 2004, outlined the background to the development of the Employment Relations Law and its main aims, and informed the Committee of Experts that draft legislation was being prepared and would be widely consulted on in due course.

The proposed Law was never intended to conflict with common law principles or the associated conventions, including Human Rights, to which the Island is a signatory, but is intended to improve industrial relations. As the Committee's Report to the States on 'Employment Relations Legislation' (R.C.28/2002) pointed out, the intent is to 'underpin and support a cultural shift to collective bargaining in good faith' and also provide and encourage a 'speedy and effective dispute management process' whereby collective employment disputes may be resolved in a structured and supportive way.

- (c) Following the Committee's most recent response to the ILO on the application of Convention 87, a draft of the Employment Relations Law has become available which the Committee is referring to the ILO Committee of Experts before it is brought into force, as is standard practice when developing new employment legislation. The Department will continue to provide responses regarding the application of this Convention, as requested by the ILO.

I would add that the intention of this stage of the consultation period, (ending on 1st November), is to receive views on the perceived impact and practical effect of the draft Law from a wide cross-section of the public and relevant bodies, so that the Committee may consider the full picture and develop certain aspects of the Law before presenting a draft to the States.

The Committee would encourage anyone who wishes to comment to respond as soon as possible because it is our intention to debate the Employment Relations Law in time for it to come into force at the same time as the Employment (Jersey) Law 2003, on 1st April 2005."

Oral questions

Deputy Maurice François Dubras of St. Lawrence asked the following question of the President of the Legislation Committee –

“When does the Committee intend to ask the States to agree to bring into force by way of an Appointed Day Act the Human Rights (Jersey) Law that was registered in the Royal Court in May 2000?”

Senator Edward Philip Vibert asked the following question of the President of the Privileges and Procedures Committee –

“Would the President inform the Assembly what arrangements, if any, have been put in place for the appointment of a Comptroller and Auditor General and could he advise members of the timetable to achieve this appointment to enable the successful candidate to be in office by the designated date of 1st January 2006, and for which funds have been allocated.”

Deputy Geoffrey Peter Southern of St. Helier asked the following question of the Vice-President of the Finance and Economics Committee –

“Would the Vice-President inform members what steps, if any, the Committee is taking to provide adequate financial and manpower resources to the Law Officers’ Department to relieve current pressures and ensure that the States can get the prompt legal advice required for its efficient and effective operation?”

Deputy Geoffrey Peter Southern of St. Helier asked the following question of the President of the Economic Development Committee –

“Will the President inform members what powers, if any, the Committee has under the Telecommunications (Jersey) Law 2002, to direct Jersey Telecom Limited to withdraw the proposal to increase line rental charges for senior citizens, and, if so, will the Committee agree to exercise any powers that it may have?”

Deputy Peter Nicholas Troy of St. Brelade asked the following question of the Vice-President of the Finance and Economics Committee –

“Can the Vice-President advise what action, if any, can be taken by the Finance and Economics Committee as representative shareholder to make the Board of Jersey Telecoms Limited accountable to its shareholder, the States of Jersey?”

Deputy Roy George Le Hérisier of St. Saviour asked the following question of the President of the Health and Social Services Committee –

“(a) Would the President identify the annual costs of the Clinical Governance process?

(b) How are the results of this process translated into better patient care?”

Deputy Roy George Le Hérisier of St. Saviour asked the following question of the President of the Education, Sport and Culture Committee –

“Would the President identify the proportion of the funding allocated to the Jersey Arts Trust which is devoted to administration, and indicate how the Trust and the Committee deal with deficits within specific Arts institutions?”

The Deputy of St. John asked the following question of the President of the Policy and Resources Committee, (in his capacity as Vice-Chairman of the Emergencies Council) –

“(a) When was the last all Island emergency exercise conducted, how much did it cost and when can members expect the next full emergency exercise to be carried out?

(b) When will the new Emergency Measures Plan be distributed to States members?”

Deputy Maurice François Dubras of St. Lawrence asked the following question of the President of the Home Affairs Committee –

“Following the withdrawal of the first version of the draft Regulation of Investigatory Powers Law, when does the Committee intend to lodge a revised version of the Law and when is it intended that the draft Law will be debated?”

The Deputy of St. John asked the following question of the Vice-President of the Finance and Economics Committee –

“(a) What level of errors occur on personal income tax assessments issued in September, and why?

(b) Is the Committee concerned about the level of errors, and, if so, what action is being taken?

(c) Does the Committee meet the cost of appeals?"

Deputy Jacqueline Ann Hilton of St. Helier – personal statement

Deputy Jacqueline Ann Hilton of St. Helier made a personal statement in the following terms –

“I wish to make a brief statement relating to a letter written to me and comments made about me.

I received an e-mail containing 2 documents from Senator Edward Vibert late afternoon on Sunday 19th September 2004.

The contents of one of those documents was posted on his website from Monday 20th September 2004. The other was a form of letter he wrote to me and I would now like to read this letter to the Assembly in full –

‘Dear Little Poodle,

Just to give you a preview of what will be on my website shortly. You may remember the efforts I made to turn you into a politician and get you elected, which included speech training and speech writing (you were one of my rare failures in this particular respect).

As part of this training, I recorded your speeches and answers to questions at the First Tower and Rouge Bouillon hustings.

I kept them and have now found them. I thought you might be interested in the following transcript of what you said when the panel was asked about being a team player at Rouge Bouillon. You said –

‘No I’m sorry. I don’t believe that being a good team player has any part of being a deputy. If being a team player means being disloyal to my electorate, I will be a bad team player. If, for instance, I was on the Education Committee and the majority of the Committee wanted to put another school at Mont à l’Abbé and my constituents had good reasons for opposing this, I will speak out at Committee. Then, if they continue to go ahead I will continue the fight outside the Committee and in the States. If my Committee President asks me to resign, I will refuse and let the matter be decided in the States.’

In those days of course, you were principled and untouched by the power of office. I will be placing this quotation on my website so that the public can see what an unprincipled bitch you are alongside of Philip Ozouf’s pathetic statement to avoid a real fight on the floor of the House.

In Australia there is an expression that sums of politicians of your ilk.

‘If you lie down with mongrels you get their fleas’. That sums you up nicely.”

I believe this is not an appropriate way for one member to address another. I hope that other members of the Assembly would agree.

It is true that the Senator did assist me in part of my election campaign but, so did many others. I was grateful to the Senator then.

However, I would like to point out that I had been a Centenier in the Parish of St. Helier for just under four years before I was elected, and I believe that some of my work in the Honorary Police did help me get elected.

I wish to say that I am unaware as to why the Senator would address me in this way. We all have differences in the Assembly and we have learned how to deal with these differences in a civilised and respectful manner.

In my view this type of attack on one States member by another tends to destroy confidence in this Assembly and I believe that all of us are harmed directly or indirectly. I have requested the Privileges and Procedures Committee to examine the language used in the e-mail correspondence to me from Senator Edward Viber and to take what action they deem fit.

I want to thank all States members for their messages of support and I want to thank the members of public for their many messages of support again. I will continue to do my very best to carry out my duties as a States member.”

Health Insurance (Medical Benefit) (Amendment No. 59) (Jersey) Regulations 200 P.157/2004

THE STATES, in pursuance of Articles 18 and 46 of the Health Insurance (Jersey) Law 1967, made Regulations entitled the Health Insurance (Medical Benefit) (Amendment No. 59) (Jersey) Regulations 2004.

Le Marais, St. Clement- redevelopment of low rise Phase I – P.145/2004 Comments

THE STATES, adopting a proposition of the Housing Committee –

- (a) approved drawing Nos. 4027/19J, 22, 28D, 29C, 30A, 31A, 32A, 33A, 34B, 40A, 41A, 42, 43, 44A, 45A, 46, 47, 50A 51A, 80 and D/01 Rev P2 showing the construction of 14 onebedroom flats and 23 threebedroom houses and associated external works with onsite car parking as Phase 1 of the redevelopment of Le Marais Low Rise;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Channel Islands Lottery: allocation of profits – P.136/2004 Comments

THE STATES, adopting a proposition of the Economic Development Committee, agreed that the Jersey portion of the profits of the Channel Islands Lottery during 2004 should be paid to the Association of Jersey Charities for the benefit of the community and the charitable needs of the Island.

Draft Fire Precautions (Designated Premises) (Amendment No. 2) (Jersey) Regulations 200P.142/2004

THE STATES, in pursuance of Article 2 of the Fire Precautions (Jersey) Law 1977, made Regulations entitled th Fire Precautions (Designated Premises) (Amendment No. 2) (Jersey) Regulations 2004.

Assemblée Parlementaire de la Francophonie Executive Committee: membership – P.140/2004

THE STATES, adopting a proposition of the Connétable of St. Ouen, appointed the following to the Executive Committee of the Jersey Branch of the Assemblée Parlementaire de la Francophonie –

Senator Philip Francis Cyril Ozouf
Connétable of Grouville
Deputy Geoffrey Peter Southern of St. Helier.

Draft Extradition (Designated Territories) (Jersey) Regulations 200- P.154/2004

THE STATES commenced consideration of the draft Extradition (Designated Territories) (Jersey) Regulations 200-, and adopted the preamble.

Members present voted as follows –

POUR: 37

CONTRE: 3

ABSTAIN: 0

Senator J.A. Le Maistre
Senator L. Norman

Deputy of St. John
Deputy G.C.L. Baudains (C)
Deputy R.G. Le Hérisssier
(S)

Senator F.H. Walker
Senator W. Kinnard
Senator P.V.F. Le Claire
Senator P.F. Routier
Senator E.P. Vibert
Senator R.J. Shenton
Connétable of St. Ouen
Connétable of St. Brelade
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (H)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of St. Peter
Deputy G.W.J. de Faye (H)

Regulations 1 to 3 and the Schedules were adopted.

Members present voted as follows –

POUR: 33

CONTRE: 2

ABSTAIN: 0

Senator L. Norman

Senator F.H. Walker
Senator W. Kinnard

Deputy of St. John
Deputy R.G. Le Hérisssier
(S)

Senator P.V.F. Le Claire
Senator P.F. Routier
Senator E.P. Vibert
Senator R.J. Shenton
Connétable of St. Ouen
Connétable of St. Brelade
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of St. Peter
Deputy G.W.J. de Faye (H)

THE STATES, in pursuance of Articles 6 and 120 of the Extradition (Jersey) Law 2004, made Regulations entitled the Extradition (Designated Territories) (Jersey) Regulations 2004.

Draft Extradition (Jersey) Law 2004 (Appointed Day) Act 200- P.153/2004

THE STATES, in pursuance of Article 123 of the Extradition (Jersey) Law 2004, made an Act entitled th Extradition (Jersey) Law 2004 (Appointed Day) Act 2004.

Members present voted as follows –

POUR: 38

Senator J.A. Le Maistre
Senator L. Norman

Senator F.H. Walker
Senator W. Kinnard
Senator P.F. Routier
Senator P.F.C. Ozouf
Senator E.P. Vibert
Senator R.J. Shenton
Connétable of St. Ouen
Connétable of St. Brelade
Connétable of St. Clement

CONTRE: 2

Deputy of St. John
Deputy R.G. Le Hérissier
(S)

ABSTAIN:

Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (H)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy M.A. Taylor (C)
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

Draft Postal Services (Jersey) Law 2004 (Appointed Day) Act 200- P.159/2004

THE STATES commenced consideration of the draft Postal Services (Jersey) Law 2004 (Appointed Day) Act 200-, of the Economic Development Committee, and, after discussion, Senator Richard Joseph Shenton sought leave to propose that the matter be referred back to the Committee. The Bailiff ruled that, in accordance with Standing Order 26(1), the effect of such a proposition would be to negative the question and it was therefore disallowed.

THE STATES, after further discussion, rejected a proposition of Senator Richard Joseph Shenton that, in accordance with Standing Order 27(1), they move to the consideration of the next item on the Order Paper.

Members present voted as follows –

POUR: 19

Senator J.A. Le Maistre
Senator S. Syvret
Senator W. Kinnard
Senator P.V.F. Le Claire
Senator E.P. Vibert
Senator R.J. Shenton
Connétable of St. Ouen
Connétable of St. Brelade
Connétable of St. Mary
Connétable of Trinity
Connétable of St. John
Deputy R.C. Duhamel (S)

CONTRE: 25

Senator L. Norman
Senator F.H. Walker
Senator P.F. Routier
Senator P.F.C. Ozouf
Connétable of St. Clement
Connétable of St. Helier
Connétable of St. Lawrence
Deputy of Trinity
Deputy A. Breckon (S)
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)

ABSTAIN: 0

Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy C.J. Scott Warren (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Peter
Deputy G.W.J. de Faye (H)

Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy J.A. Hilton (H)

THE STATES resumed consideration of the draft Postal Services (Jersey) Law 2004 (Appointed Day) Act 200-, and, following further discussion, Deputy Lyndon John Farnham of St. Saviour, in accordance with a decision of the States on 26th May 2004, regarding the closure of a debate, proposed that the question be now put. The Bailiff ruled that the proposition was an abuse of the procedure of the States, and the proposition was disallowed.

THE STATES, in pursuance of Article 86 of the Postal Services (Jersey) Law 2004, made an Act entitled th Postal Services (Jersey) Law 2004 (Appointed Day) Act 2004.

Members present voted as follows –

POUR: 33

Senator L. Norman
Senator F.H. Walker
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. John
Deputy of Trinity
Deputy A. Breckon (S)
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)

CONTRE: 12

Senator J.A. Le Maistre
Senator S. Syvret
Senator W. Kinnard
Senator P.V.F. Le Claire
Senator E.P. Vibert
Senator R.J. Shenton
Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy G.C.L. Baudains (C)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of Grouville

ABSTAIN: 0

Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

Deputy Jennifer-Anne Bridge of St. Helier declared an interest and withdrew from the Chamber during consideration of the draft Postal Services (Jersey) Law 2004 (Appointed Day) Act 200-.

Change in Presidency

The Bailiff retired from the Chair during consideration of the draft Postal Services (Jersey) Law 2004 (Appointed Day) Act 200-, of the Economic Development Committee, (P. 159/2004 lodged “au Greffe” on 14th September 2004), and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Environment and Public Services Committee – membership and appointment

THE STATES, in accordance with Article 28(2)(b) of the States of Jersey Law 1966, as amended, and on a proposition of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee, determined that the Environment and Public Services Committee should consist of the President and 6 other elected members of the States, having rejected an amendment of Senator Edward Philip Vibert that the Committee should consist of a President and 8 other elected members of the States. The President of the Environment and Public Services Committee proposed for membership, the following –

Connétable Richard Edward Norwood Dupré of St. John
Deputy Jacqueline Jeannette Huet of St. Helier
Deputy Jeremy Laurence Dorey of St. Helier
Deputy Michael Andrew Taylor of St. Clement
Deputy Jacqueline Ann Hilton of St. Helier
Deputy Guy William John de Faye of St. Helier

Deputy Gerard Clifford Lemmens Baudains of St. Clement was proposed by Deputy Robert Charles Duhamel of St. Saviour.

Deputy Robert Charles Duhamel of St. Saviour was proposed by Deputy Gerard Clifford Lemmens Baudains of St. Clement.

THE STATES, having proceeded to a secret ballot, were advised of the following results by the President –

Deputy Guy William John de Faye of St. Helier	42
Connétable Richard Edward Norwood Dupré of St. John	41
Deputy Jacqueline Jeannette Huet of St. Helier	41
Deputy Jeremy Laurence Dorey of St. Helier	40
Deputy Michael Andrew Taylor of St. Clement	33
Deputy Jacqueline Ann Hilton of St. Helier	28
Deputy Gerard Clifford Lemmens Baudains of St. Clement	17
Deputy Robert Charles Duhamel of St. Saviour	16

There were 3 spoilt papers.

The President accordingly declared that the following had been elected members of the Environment and Public Services Committee –

Connétable Richard Edward Norwood Dupré of St. John
Deputy Jacqueline Jeannette Huet of St. Helier

Deputy Jeremy Laurence Dorey of St. Helier
Deputy Michael Andrew Taylor of St. Clement
Deputy Jacqueline Ann Hilton of St. Helier
Deputy Guy William John de Faye of St. Helier

Draft Mental Health (Amendment) (Jersey) Law 2004 (Appointed Day) Act 200- P.148/2004

THE STATES, in pursuance of Article 14 of the Mental Health (Amendment) (Jersey) Law 2004, made an Act entitled the Mental Health (Amendment) (Jersey) Law 2004 (Appointed Day) Act 2004.

Arrangement of public business for the next meeting on 12th October 2004

THE STATES confirmed that the following additional matters lodged “au Greffe” would be considered at the next meeting on 12th October 2004 –

Draft Drainage (Jersey) Law 200-. P.193/2003.
Lodged: 16th December 2003.
Environment and Public Services Committee.

Draft Drainage (Jersey) Law 200- (P.193/2003): amendments. P.193/2003. Amd.
Lodged: 20th April 2004.
Environment and Public Services Committee.

Draft Drainage (Jersey) Law 200- (P.193/2003): third amendments. P.193/2003. Amd.(2)
Lodged: 14th September 2004. (re-issue)
Environment and Public Services Committee.

Draft Road Traffic (Amendment No. 3) (Jersey) Law 200. P.146/2004.
Lodged: 7th September 2004.
Environment and Public Services Committee.

Car parking charges: allocation of additional income to the funding of P.147/2004.
transport initiatives.
Lodged: 7th September 2004.
Environment and Public Services Committee.

Car Parking Charges: allocation of additional income to the funding of P.147/2004.
transport initiatives (P.147/2004) – comments. Com.
Presented: 28th September 2004.
Finance and Economics Committee.

Car parking charges: allocation of additional income to the funding of P.147/2004. Amd.
transport initiatives (P.147/2004) – amendments.
Lodged: 28th September 2004.
Deputy J.B. Fox of St. Helier.

THE STATES, adopting a proposition of Senator Philip Francis Cyril Ozouf, agreed that the following matter would be taken as the second item of public business at the next meeting on 12th October 2004 –

Draft Drainage (Jersey) Law 200-. P.193/2003.
Lodged: 16th December 2003.
Environment and Public Services Committee.

Draft Drainage (Jersey) Law 200- (P.193/2003): amendments. P.193/2003. Amd.

Lodged: 20th April 2004.
Environment and Public Services Committee.

Draft Drainage (Jersey) Law 200- (P.193/2003): third amendments.
Lodged: 14th September 2004.
Environment and Public Services Committee.

P.193/2003. Amd.(2)
(re-issue)

Members present voted as follows –

POUR: 25

Senator F.H. Walker
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Helier
Connétable of St. Lawrence
Connétable of St. John
Deputy A. Breckon (S)
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)

Deputy F.G. Voisin (L)
Deputy L.J. Farnham (S)
Deputy J.B. Fox (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

CONTRE: 19

Senator J.A. Le Maistre
Senator S. Syvret
Senator W. Kinnard
Senator P.F.F. Le Claire
Senator E.P. Vibert
Connétable of St. Mary
Connétable of St. Clement
Connétable of Trinity
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. John
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy C.J. Scott Warren
(S)
Deputy R.G. Le Hérisier (S)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Peter

ABSTAIN: 1

Senator L. Norman

Fields 519, 520, 521, 524, 527 and 528, Trinity: Committee of Inquiry – P.156/2004

THE STATES rejected a proposition of Senator Edward Philip Vibert, requesting them to–

- (a) in accordance with Article 36B of the States of Jersey Law 1966, as amended, appoint a Committee of Inquiry to investigate fully the circumstances surrounding the grant of permits to Mr. Charles Gallicher as follows –
 - (i) ‘in principle’ planning permission dated 25th September 2003 “for alterations to the levels in fields 519, 520, 521, 524, 527 and 528, Trinity to achieve upgraded soil quality and manageability. Addition of new natural filling reservoir in the corner of field T519 for irrigation of all adjacent fields” (the first application);
 - (ii) ‘in principle’ planning permission dated 19th December 2003 to develop land and for consent to “form temporary access to field 527, culvert stream, form new natural filling reservoir and fill valley to raise fields 519, 520, 521, 524, 528, Trinity to upgrade soil quality and manageability” (the second application);

- (b) agree that the Committee of Inquiry would consist of 5 members of the public to be appointed by the States on the recommendation of Senator E.P. Vibert.

Members present voted as follows –

POUR: 11

Senator S. Syvret
Senator P.V.F. Le Claire
Senator E.P. Vibert
Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy G.C.L. Baudains (C)
Deputy R.G. Le Hérisier (S)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)

CONTRE: 26

Senator J.A. Le Maistre
Senator L. Norman
Senator W. Kinnard
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Clement
Connétable of St. Lawrence
Connétable of St. John
Deputy of Trinity
Deputy T.J. Le Main (H)
Deputy J.L. Dorey (H)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)
Deputy J.B. Fox (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

ABSTAIN: 1

Deputy M.F. Dubras (L)

Change in Presidency

The Bailiff returned to the Chamber during consideration of the proposition of Senator Edward Philip Viber concerning Fields 519, 520, 521, 524, 527 and 528, Trinity: Committee of Inquiry, (P.156/2004 lodged “au Greffe” on 14th September 2004), and the meeting continued under his Presidency.

THE STATES rose at 6.05 p.m.

M.N. DE LA HAYE

Greffier of the States.