

**THE STATES assembled on Tuesday,  
9th October 2001 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache.**

**His Excellency the Lieutenant Governor,  
Air Chief Marshal Sir John Cheshire, K.B.E., C.B.,  
was present**

All members were present with the exception of -

Senator Corrie Stein - out of the Island  
Francis Herbert Amy, Connétable of Grouville - out of the Island  
Kenneth Priaux Vibert, Connétable of St. Ouen - out of the Island  
Terrence John Le Main, Deputy of St. Helier - ill

Prayers

#### **Subordinate legislation tabled**

The following enactments were laid before the States, namely -

**Royal Court (Amendment No. 16) Rules 2001. R & O 138/2001.**

**Inquests and Post-Mortem Examinations (Amendment No. 3) (Jersey) Rules 2001. R & O 139/2001.**

**Diseases of Animals (Foot and Mouth - Restrictions No. 1D) (Jersey) Order 2001. R & O 140/2001.**

#### **Public Services Committee - resignation of member**

THE STATES noted the resignation of Deputy Judith Ann Martin of St. Helier from the Public Services Committee.

#### **Matters presented**

The following matters were presented to the States -

**Draft Public Elections (Jersey) Law 200- (P.132/2001): comments - P.132/2001 Com.(2).**  
Presented by the Finance and Economics Committee.

**Manpower report for the period 1st April 2001 to 30th June 2001 - R.C.34/2001.**  
Presented by the Industries Committee.

**Introduction of work permits (P.107/2000): comments - P.107/2000 Com.**  
Presented by the Policy and Resources Committee.

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

### **Matters noted - land transactions**

THE STATES noted an Act of the Finance and Economics Committee dated 17th September 2001 recording the following decision of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land -

as recommended by the Health and Social Services Committee, the lease to Mrs. Gillian Chapman, née Plume, Assistant Personnel Officer, of the property known as Flat 3, Le Boulevard, La Grande Route des Sablons, Grouville, for a period of three years deemed to have commenced on 1st September 2001, at an annual rent of £9,500, subject to annual rent increases in line with the Jersey Retail Price Index, on the basis that the tenant would be responsible for the full rent and all services, occupier rates and utilities to the property, with each party being responsible for its own legal costs arising from this transaction.

### **Matters noted - acceptance of tender**

THE STATES noted an Act of the Finance and Economics Committee dated 1st October 2001, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that -

- (a) the Public Services Committee had accepted the lowest tender received in respect of the surface water sewer at Grands Vaux School, namely that submitted by P. Trant (Jersey) Limited, in the sum of £248,917.40;
- (b) the Education Committee had accepted the lowest fixed price tender for the school element of the development of Hautlieu School, St. Saviour, namely that submitted by Charles Le Quesne (1956) Limited, in the reduced sum of £13,887,505.25 for a contract period of 112 weeks.

### **Matters lodged**

The following matters were lodged "au Greffe" -

**Draft Parish Rate (Administration) (Jersey) Law 200- P.143/2001.**  
Presented by the Legislation Committee.

**Draft Piercing and Tattooing (Jersey) Law 200- P.144/2001.**  
Presented by the Health and Social Services Committee.

**Draft Health Care (Registration) (Amendment) (Jersey) Law 200- P.145/2001.**  
Presented by the Health and Social Services Committee.

**Machinery of Government Implementation Plan: Special Committee - P.146/2001.**  
Presented by Senator J.A. Le Maistre.

**Constitution and membership of the States: referendum - P.147/2001.**  
Presented by Senator P.V.F. Le Claire.

**Committee of Inquiry: procedures for recruitment of Honorary Police Officers - appointment of members - P.148/2001.**  
Presented by Deputy R.G. Le Hérissier of St. Saviour.

The following matters were lodged on 2nd October 2001 -

**Draft Fishing Vessels (Safety Training) (Jersey) Regulations 200- P.140/2001.**

Presented by the Harbours and Airport Committee.

**Draft Firearms (Jersey) Law 2000 (Appointed Day) Act 200- P.141/2001.**

Presented by the Home Affairs Committee.

**Draft Firearms (Amendment) (Jersey) Law 2000 (Appointed Day) Act 200- P.142/2000.**

Presented by the Home Affairs Committee.

**Cancellation of meeting**

THE STATES decided not to meet on 16th October 2001, and accordingly agreed that their next meeting would be held on 23rd October 2001.

**Arrangement of public business for the meeting on 23rd October 2001**

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 23rd October 2001 -

Stabilisation of Property Prices and the Provision of Affordable Residential Accommodation - P.68/2001.

Lodged: 24th April 2001 and referred to the Policy and Resources Committee to co-ordinate responses from all relevant Committees.

*Deputy A. Breckon of St. Saviour.*

Stabilisation of Property Prices and the Provision of Affordable Residential Accommodation (P.68/2001): comments - P.68/2001 Com.

Presented: 4th September 2001.

*Finance and Economics Committee.*

Jersey Child Care Trust: five year strategy (2002-2006) and the provision of funding - P.121/2001.

Lodged: 31st July 2001.

*Education Committee.*

Draft Firearms (Jersey) Law 2000 (Appointed Day) Act 200- P.141/2001.

Lodged: 2nd October 2001.

*Home Affairs Committee.*

Draft Firearms (Amendment) (Jersey) Law 2000 (Appointed Day) Act 200- P.142/2001.

Lodged: 2nd October 2001.

*Home Affairs Committee.*

Draft Health Care (Registration) (Amendment) (Jersey) Law 200- P.145/2001.

Lodged: 9th October 2001.

*Health and Social Services Committee.*

**Pension enhancement for civil servants - questions and answers (Tape No. 684)**

The Deputy of St. John asked Deputy Jeremy Laurence Dorey of St. Helier, President of the Human Resources Committee, the following questions -

- “1. Will the President inform members in the last three years how many Committees have applied for pension enhancement for employees to take early retirement and give details of the Committees concerned and number of employees involved and total monies paid out?”

2. Can the President explain what principles his Committee applies in deciding whether to sanction any enhancement of pension for staff retiring from the public service?"

The President of the Human Resources Committee replied as follows -

1. I can advise members that six employees of the States of Jersey, each having worked in a different service area, received an enhancement to their pension in the last three years. In some cases, the individuals retired after the age of 60 (optional retirement age), whereas in others they were allowed to retire early. The total cost associated with both of these elements, namely early retirement and the enhancement of pension, was £487,930.91. (£148,292 of this cost was associated with paying the individuals' pensions early and the remaining £339,638.91 was associated with enhancing their pension entitlements.)

I feel that it is inappropriate to provide the specific details of Committees requesting the enhancements as it would be possible to identify the individuals concerned if such information was publicised. The duty of care to present and former employees, I believe, must override any public interest involved in being able to identify those individuals.

2. There are few cases of pension enhancement for staff retiring from the public service, and the present Committee has not so far needed to consider any such applications.

Where such applications have been considered in the past, it would appear that no consistent criteria have been used. Rather, each application has been considered on its own merits.

A number of factors would appear to have influenced the Committee's decision in each case. These have included -

whether it is necessary to attract a particular person, with rare but vital skills, by offering future enhanced pension entitlement at the time that they are recruited;

cases of long and particularly distinguished service;

cases where an employee is required to vacate his post, through no fault of his own, for senior management succession purposes.

I am grateful to the Deputy for his question, which raises an important issue. Since assuming the Presidency of the Human Resources Committee, I have already formed the view that the Committee needs to reconsider the circumstances in which pension enhancements may be deemed appropriate. In particular, there seems to be a significant danger, under the arrangements hitherto, that individuals with the benefit of strong political support could receive a major financial advantage which would not be available to other individuals with equally long and distinguished careers.

The Audit and Risk Management Division is presently reviewing the Voluntary Redundancy and Voluntary Early Retirement Schemes. I have requested them, and it has been agreed, to include in their review the specific question of pension enhancement arrangements, and the adequacy of current criteria."

#### **Fields 131 and 131A, St. Clement - question and answer (Tape No. 684)**

The Deputy of St. John asked Senator Nigel Lewis Quérée, President of the Planning and Environment Committee, the following question -

"On 2nd August 2001 the Committee approved a payment in the sum of £30,000 in respect of Fairview Farm Limited, the tenant of fields 131 and 131A, La Rue du Pontliétaut, St. Clement, for the loss of crops. Will the President explain -

- (a) why compensation is to be paid on completion of sale of land when it is not known when this land will be purchased as no agreement has been reached with the landowners?
- (b) if the tenant is no longer the same tenant at the time of passing contract, will the £30,000 still be paid to Fairview Farm Limited. given that a compensation package has been agreed?
- (c) whether the Committee is satisfied that it is appropriate to deal with a tenant prior to negotiating the purchase of land from the farmer, thereby denying the owner income from the tenant for the land until the land is purchased and will the department pay compensation to the owner in the event that a land transaction does not happen?"

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

- “(a) On 20th June 2000, the States approved the purchase of Fields 131 and 131A, La Rue du Pontliétaut, St. Clement (P.88/2000) and agreed that, in the event of it not being possible to reach agreement on a fair and proper price, the Planning and Environment Committee should be empowered to acquire this land by compulsory purchase on behalf of the public in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, as amended.

As it has to date not been possible to reach agreement with the owners for the purchase of the land, and the Education Committee wishes to proceed with the construction of the school playing fields as a matter of urgency (confirmed at their meeting on 17th January 2001), the Planning and Environment Committee instructed the Greffier of the States to proceed in issuing the appropriate notices for compulsory purchase of the land and any interest therein in accordance with the procedures set out in the Law.

Notice of the intention to purchase the land by compulsory purchase was issued on the owners of the land and the tenant, Fairview Farms Limited, on 31st May 2001. This first notice requires those with an interest in the land to advise within 28 days the compensation which they require in the event of vesting in the public ownership. The tenant, Fairview Farms Limited, responded within the prescribed period advising that it would be prepared to accept £30,000 for its interest in the land. This figure represents due and fair compensation for losses incurred including the costs of lifting a daffodil crop one year earlier than anticipated, replanting in another location, loss of flower income and the labour and administration costs. The acceptance of this figure by the Planning and Environment Committee has been agreed in consultation with the Agriculture and Fisheries and Education Departments and in accordance with procedural advice from the Law Officers’ Department. This compensation is only payable once the land is vested in the public.

- (b) The Planning and Environment Committee is not aware of the specific terms of the tenancy agreement which has been agreed between the landowners and Fairview Farms Limited, or the arrangements which have been made for the payment of rent. As far as it is known, Fairview Farms Limited remains the tenant of the landowners until the date of vesting or until such time that the two parties reach agreement for the termination of the lease arrangement. The tenant company made the decision to lift the bulb crop in July to co-operate with the anticipated date of the public acquiring the land and also to fulfil its own requirements in meeting the lifting/planting/ growing cycle for the daffodil crop.

The £30,000 agreed as compensation for the tenants’ interest is completely separate from the amount which will eventually be paid to the landowners for the two fields, whether it be by amicable agreement or as determined by an Arbitration Panel set up under the procedures for the compulsory purchase of land.

- (c) With the advice of the Law Officers’ Department, the Planning and Environment Committee has

followed the procedures set out for the compulsory purchase of land in the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, as amended.

The landowners and their legal advisers were aware of the discussions that have taken place with Fairview Farms Limited, prior to the issue of the compulsory purchase notices, regarding its interest in the land. These were initiated with a view to securing the land in accordance with the Education Committee's original timescale of the end of July 2001.

It is not intended for the landowner to be inequitably denied income that would be due from the tenant until the vesting date. The Committee is not aware of any arrangements for the termination of the tenancy prior to the vesting date which is a matter to be agreed between the landowners and Fairview Farms Limited, as is any arrangement which might be made for the payment of rent by the tenant.

The Committee has instructed the Greffier of the States to proceed with the final stage of the compulsory purchase procedures, which requires the serving of a notice of the intention to request the Royal Court to vest the land in the public on a certain date in the very near future. Any compensation payable in acquiring the land in the absence of mutual agreement with the landowners, will be determined by the Arbitration Panel. It is not envisaged that, having already been agreed by the States, the land transaction will not proceed."

#### **Mont Orgueil Castle - questions and answers (Tape No. 684)**

Deputy Gerard Clifford Lemmens Baudains of St. Clement, asked Senator Nigel Lewis Quéérée, President of the Planning and Environment Committee, the following questions -

"On 31st August, 2000 the Planning and Building Services Department received an application from the Jersey Heritage Trust for, among other things, the erection of two site huts at Mont Orgueil Castle. Approval was granted on 13th September 2000.

1. Can the President confirm -
  - (a) that the first hut was erected and the site cleared for the second one before 11th July 2000 - some two months before approval was granted, and six weeks before the application was received?
  - (b) that the Storage Area, the site for the second hut, is an area that is believed to be unstable and could present a danger to people working there?
2. In view of previous assurances given to Members that no retrospective planning applications had been made for the current work, would the President undertake to monitor work at Mont Orgueil Castle more closely in the future?
3. Would the President explain why the Committee has not decided to designate the Castle as a Site of Special Interest, and will he give an undertaking that the omission will be rectified as soon as possible?"

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

- "1 (a) I can confirm that the first temporary site hut was erected and the site cleared for the second one before 11th July 2000. However, temporary site works in relation to building projects are usually treated as Exempt Development which do not require planning permission. Jersey Heritage Trust would have had no reason to assume otherwise at that time. Alert to the sensitivity and importance of the Mont Orgueil project, the Committee decided to request an application for these temporary works in order to formalise this matter, to provide the opportunity for public comment and enable the Committee to specify by condition the date by which the site huts and the hoist and bridge structure are to be removed (31st March 2004). An

application was made by the Trust on 14th July but due to requests by the department for additional information regarding the works, it was not formally validated until 31st August. Conditional permission was granted on 13th September 2000.

- (b) If the Deputy is referring to the site where the second hut is currently located (to the south side of the Castle below Prynne's Tower) I have been advised that the Jersey Heritage Trust commissioned a geotechnical survey of this area after the heavy rains of last winter which concluded that there were signs of the onset of instability. If the Deputy is referring to the proposed new location of the second hut, I am aware of some concerns raised by a member of the public about the stability of this area and these concerns will be investigated before a decision is made on this matter.
- 2. All works at the castle continue to be carefully monitored; at present this is limited to archaeological investigation and the repair of the Medieval Great Hall roof.
- 3. The Committee is currently in the process of designating 48 of the most important archaeological sites in Jersey as Sites of Special Interest (SSI). These include Mont Orgueil Castle and the adjacent Castle Green. A protocol has been agreed between the Committee and the Jersey Heritage Trust by which both parties have undertaken to treat the Castle as if it were already a designated SSI.

#### **Aid to farm holdings - questions and answers (Tape No. 684)**

The Deputy of St. Peter asked Senator Jean Amy Le Maistre, President of the Agriculture and Fisheries Committee, the following questions -

“Would the President -

- (a) inform the Assembly of the number of separately-owned farm holdings receiving direct or indirect aid from the States in 2001? Are any not receiving any aid?
- (b) indicate the number of these holdings by size -
  - (i) 50 vergées and below;
  - (ii) 51 - 200 vergées;
  - (iii) 201 vergées and above?and indicate which type of farming they are engaged in: e.g. outdoor crops, dairying, glasshouses/protected crops or joint (in the latter case indicating the combination) -
- (c) show for each of the categories (i), (ii) and (iii) above the average total direct and indirect aid received in 2000 and to be received in 2001?
- (d) inform the Assembly what number of vergées is owned by the above holdings and/or any of the owners of the above holdings?”

The President of the Agriculture and Fisheries Committee replied as follows -

- “(a) The information for 2001 will be available only when all claims have been submitted and payments made. For this reason, information is provided for 2000 and, where possible, to date for 2001. In 2000 there were 385 holdings. Insofar as aid is concerned, indirect aid is available to all holdings but may be taken up in many different forms e.g. soil sampling, advice and information, the use of laboratory resources, disease/pest diagnosis, use of the abattoir etc. I am not aware of any unit which does not receive indirect aid of some form.

- (b) From the 2000 agricultural census, there were 265 holdings of 50 vergées and below, 63 holdings of 51 to 200 vergées and 57 holdings of over 200 vergées.

Of the 265 holdings of one to 50 vergées, 200 were arable only, four were arable and dairy, 15 were arable and protected crops, 15 were dairy only and 31 were protected crops only. Protected crops include crops grown under glass and plastic.

Of the 63 holdings of 51 to 200 vergées, 33 were arable only, six were arable and dairy, 11 were arable and protected crops, and 12 were dairy only.

Of the 57 holdings of over 200 vergées, 18 were arable only, 13 were arable and dairy, 14 were arable and protected crops and 12 were dairy only. There were no holdings with protected crops only.

- (c) For the year 2001 the figures are not yet complete so I can only give the year to date. Insofar as indirect aid is concerned, this cannot be set against individuals or groups of individuals because a range of services is available for every holding to use and there is no means of measuring the cost of indirect services received. In 2000 the total cost of indirect aid was £4,489,000 and for the year 2001 the budget is £4,750,860.

Direct aid includes Enterprise Support, Interest Subsidies, Lime, Anti-blight Subsidy and Potato Cyst Nematode Subsidy. The figures presented given do not include aid to the dairy industry paid in the form of a Seasonality Subsidy. This subsidy is paid out through Jersey Milk and in both 2000 and 2001 amounted to £904,000. Jersey Milk does not have readily available the cumulative amount paid to each milk producer. This information could be obtained given adequate notice. As a guide, the seasonality payments amount to approximately £200 per cow on average, but the gross amount actually received by a holding depends on the size of the herd, the level of yield per cow and the seasonality of production.

### Direct aid

<u>2000 (£ per holding)</u>	<u>1 to 50 vergées</u>	<u>51 to 200v</u>	<u>More than 200v</u>
Arable	109	3,850	22,795
Arable/dairy	84	921	4,230
Arable/Protected	5,732	19,581	23,042
Dairy (excluding seasonality)	10	95	77
Protected	14,028	-	-

<u>2000 (£ per area category)</u>	<u>1 to 50v</u>	<u>51 to 200v</u>	<u>More than 200v</u>
Arable	21,800	127,050	410,310
Arable/dairy	336	5526	184,990
Arable/Protected	85,980	21,5391	322,588
Dairy (excluding seasonality)	150	1,140	924
Protected	434,868	-	-
Totals	543,134	349,107	18,812
Average per holding	2,049	5,541	16,119

### Year to date 2001 (£ per holding)

Arable	17	1,929	16,620
Arable/dairy	8	655	12,172
Arable/Protected	2,958	10,145	15,964
Dairy (excluding			



seasonality)	14	112	46
Protected	11,443	-	-

- (d) I have interpreted the question to mean ‘how many vergées are included in the holdings that are owned by the occupier?’ For clarity I have also included below the total area of land included in the holdings.

#### Holdings owned by the occupier

	1 to 50 vergées		51 to 200 vergées		More than 200 vergées			
	No. of holdings	Area owned	No. of holdings	Area owned	No. of holdings	Area owned		
Arable	184	1,242.75	28	775.5	15	806.5		
Arable/dairy			3	54.25	5	204	11	638.5
Arable/ protected	12	262	11	378	11	1,468.25		
Dairy	9	202.25			10	438.75	9	693
Protected	24	250.25			-	-	-	-

#### Total area of the holdings

	1 to 50 vergées		51 to 200 vergées		More than 200 vergées			
	No. of Holdings	Area	No. of Holdings	Area	No. of Holdings	Area		
Arable	200	2,401	33	2,889	18	8,220.75		
Arable/ dairy	4	155.75			6	805.5	13	6,042
Arable protected	15	457.5	11	1,282	14	6,015		
Dairy	15	435.25			12	1,497.75	12	3,553
Protected	3	375.25			-	-	-	-

For protected crops, it is not possible to present information other than for the 1 to 50 vergées category without revealing sensitive and commercial information about individual holdings.

#### Payments to OXERA consultants - question and answer (Tape No. 684)

Senator Paul Vincent Francis Le Claire asked Senator Pierre François Horsfall, President of the Policy and Resources Committee, the following question -

“In the light of the President’s response to my question of 18th September 2001 in which he referred to a total of £418,700 being paid to economic advisers OXERA, can he state -

- (a) whether he is aware of a memorandum written by his Department’s Economic Advisor and dated 9th August 2001 which indicates that OXERA will be paid a total of £700,000 or thereabouts in 2001 for work done for the Policy and Resources, the Finance and Economics and the Industries Committees?
- (b) whether he can confirm the above anticipated costs for 2001?”

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

Firstly I wish to confirm that the figures given in my reply to the question of 18th September 2001 are correct.

The figures in the memo dated 9th August referred to in this new question included parcels of potential work emanating from other committees. In the event, these projects are not proceeding at this time in the manner contemplated in August so the memo was overtaken by events and never formally discussed.

It should be noted that it is possible that during the remaining three months of the year more work could be requested by other committees, to be paid for out of their own budgets.”

### 5 year rule - questions and answers (Tape No. 684)

Senator Paul Vincent Francis Le Claire asked Deputy Maurice François Dubras of St. Lawrence, President of the Industries Committee, the following questions -

- “1. The States agreed to introduce policies to curtail the workforce by approving amendments to the Regulations of Undertakings and Development (Jersey) Law 1978 on 3rd February 1993 in respect of the five year rule and by restricting the number of staff a business can employ so as to stop further expansion of the Island’s workforce. Would the President confirm, from the years 1993 up to and including 2001 the details of -
  - (a) the numbers of posts granted to the Island businesses for employees with over five years’ residence and secondly the figures for those with less than five years’ residence from 1993 up to and including 2001?
  - (b) how many new businesses have been approved in the last three years and how many employees with over five years’ residence and with less than five years’ residence have been agreed for these businesses?
  - (c) can the President advise if his Committee keeps any details of share transfer businesses sold to outside companies interests, if so can he give the details. If the answer is in the negative, why does his Committee not have this kind of information?
2. Can the President confirm that he and the Committee are seeking to persuade the Home Affairs Committee to allow 1,000 workers, and in some cases their dependants and family, from outside the European Union to service the increasingly manpower-hungry service industries?”

The President of the Industries Committee replied as follows -

1. (a) & (b)  
My Committee welcomes the opportunity to answer questions on the Regulation of Undertakings and Development (Jersey) Law 1973, as amended (‘RUDL’). Before answering the specific questions, it is important to clarify the purpose of the 1993 amendments. The purpose was not to curtail the workforce, but to loosen controls in a period of relatively high local unemployment. Before 1993, consent was required for all increases in staff. The amendments agreed by the States on 3rd February 1993 meant that from that time consent was required to engage additional staff only for those persons who had not been resident in the Island for five years. No applications were required where increases in staff numbers were met by persons who had been resident here for at least five years. Moreover, the 1993 amendments also enabled a vacancy to be filled by anyone if the position had previously been occupied and had been vacant for less than 12 months.

During the Strategic Policy Review debate in November 1997, the States requested the Finance and Economics Committee to take the necessary steps to tighten up the Law, including the reintroduction of the requirement that all increases in staff numbers would be subject to licence. As a result, the 1993 exemptions relating to those persons ordinarily resident for five years and those persons ‘qualified’ under the Housing Regulations were both removed effective 1st June 1998.

Furthermore, and most importantly, at the same time a ‘loophole’ was closed as the exemption regarding the filling of a vacancy was amended to apply only to those persons ordinarily resident for five years and those persons ‘qualified’ under the Housing Regulations. (The period for which a vacancy could be retained was also reduced from 12 to six months).

Turning to the specific questions, I propose to take (a) and (b) together. From 1993 until June 1998 RUDL applications were not required by the Finance and Economics Committee in respect of persons who had been resident in the Island for more than five years. Hence no specific information is available for that period.

For the period since June 1998 I have attached as Appendices 1 and 2 data up to June 2001 on new licences granted, additional staff granted to existing undertakings and the number of staff permitted under three year licences which have been agreed. The tables also provide a breakdown of locally qualified and non-locally qualified staff. Data in this form is designed to capture all the main trends.

I have also attached as Appendix 3 the definition of 'locally qualified' agreed by the States in June 1999.

I should add, however, that current policy, set out in 1998 by the Finance and Economics Committee, states that while applications must be made for local staff in respect of existing undertakings, they should be granted. This is in line with States objectives to ensure full employment of the resident population, the full development of their skill potential and the need to maintain a range of job opportunities for local residents. So in this respect the 'tightening' agreed in 1998 has rightly focused on the non-locally qualified together with new, as opposed to existing, undertakings. The key point to stress is that the apparently large rise in staff numbers in the mid-1990s came in the period after the States' decision on the 1993 amendments.

- (c) The information requested is not available because it has never been a requirement of RUDL for such information to be provided by licensees. I understand that beneficial ownership information is a requirement of company registration but that is a matter for the Financial Services Commission, not the Industries Committee.

However, under the policy established in June 1998 a standard condition of all RUDL licences, is that any change in the beneficial ownership of an undertaking that is licensed requires prior consent of the Committee. Where an overseas undertaking sets up in the Island through acquisition of an existing undertaking, any subsequent application for staff is considered as if the application was in respect of a new undertaking by a non-resident company.

- 2. No. My Committee is not seeking to persuade the Home Affairs Committee as suggested. We understand, however, that in the first six months of this year some 1000 work permits were issued by the Home Affairs Committee for non-European Economic Area (EEA) workers, mainly for the agriculture and tourism industries, and perhaps this is what the Senator is referring to. Certain construction firms have lately sought to get agreement from the Home Affairs Committee to bring in a number of non-EEA workers to meet their labour shortages, in similar manner to agriculture and tourism. The Industries Committee has encouraged the Home Affairs Committee to seriously consider these requests, because labour shortages in the construction industry are just as problematic and potentially damaging to our economy as those in agriculture and tourism."

## REGULATION OF UNDERTAKINGS AND DEVELOPMENT

## Licence applications for new undertakings June 1998 - June 2001

	Number of applications	Locals	Non-locals	Seasonal/contract	Total
FINANCE AND ECONOMICS					
June '98 - Dec.'98	200	375	1	1	377
Jan. '99 - June '99	565	565	5	23	593
July '99 - Dec.'99	392	730	53	92	875
<b>Sub-Totals</b>	1,157	1,670	59	116	1,845
INDUSTRIES COMMITTEE					
Jan.'00 - June '00	313	566	59	7	632
July '00 - Dec.'00	287	556	29	10	595
Jan.'01 - June '01	268	498	27	69	594
<b>Sub-Totals</b>	868	1,620	115	86	1,821
<b>TOTAL</b>	2,025	3,290	174	202	3,666

## Licence applications for additional staff by existing undertakings June 1998 - June 2001

	Number of applications	Locals	Non-locals	Seasonal/contract	Total
FINANCE AND ECONOMICS					
June '98 - Dec.'98	248	211	65	313	589
Jan. '99 - June '99	378	333	45	705	1,083
July '99 - Dec.'99	376	444	17	738	1,199
<b>Sub-Totals</b>	1,002	988	127	1,756	2,871
INDUSTRIES COMMITTEE					
Jan.'00 - June '00	254	254	16	410	680
July '00 - Dec.'00	186	203	2	504	709
Jan.'01 - June '01	197	201	12	450	663
<b>Sub-Totals</b>	637	658	30	1,364	2,052
<b>TOTAL</b>	1,639	1,646	157	3,120	4,923

## REGULATION OF UNDERTAKINGS AND DEVELOPMENT

## Three-year joint staffing licences as at 30th June 2001

Category	FINANCE AND ECONOMICS COMMITTEE					
	1998			1999		
	LQ	NLQ	Total	LQ	NLQ	Total
Retail	2,123	651	2,774	3,579	1,031	4,610
Building/construction	294	150	444	1,544	456	2,000
Hotels/guest houses	422	807	1,229	995	1,194	2,189
Restaurants/catering	543	313	856	1,308	931	2,239
Banking/finance/legal	3,009	570	3,579	6,607	1,261	7,868
Other offices/IT business	1,615	398	2,013	2,831	560	3,391
Import/export	230	52	282	358	63	421
Garages/manufacturing	344	55	399	560	114	674
Agencies	77	29	106	153	55	208
Transport/haulage	169	50	219	613	106	719
Marine	0	0	0	30	3	33
Other	797	177	974	1,353	542	1,895
Service	550	114	664	2,809	359	3,168
<b>TOTAL</b>	<b>10,173</b>	<b>3,366</b>	<b>13,539</b>	<b>22,740</b>	<b>6,675</b>	<b>29,415</b>

CUMULATIVE JOINT STAFFING AGREEMENTS	163	622
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- N.B.:
1. The data for 1998, 1999 and 2000 describe the gradual transition from individual licences to 3-year joint licences. These are subject to annual review.
  2. These licences are for core staffing (full-time and part-time) including trainees.
  3. This table is indicative and covers approximately 72 per cent of the workforce.

**APPENDIX 2 (cont'd.)**

<b>INDUSTRIES COMMITTEE</b>						
<b>Category</b>	<b>2000</b>			<b>2001</b>		
	<b>LQ</b>	<b>NLQ</b>	<b>Total</b>	<b>LQ</b>	<b>NLQ</b>	<b>Total</b>
Retail	3,861	1,092	4,953	4,028	1,051	5,079
Building/construction	1,787	512	2,299	1,814	522	2,336
Hotels/guest houses	1,003	1,193	2,196	984	1,169	2,153
Restaurants/catering	1,456	1,154	2,610	1,518	1,118	2,636
Banking/finance/legal	7,114	1,303	8,417	7,922	1,494	9,416
Other offices/IT business	3,021	602	3,623	3,249	568	3,817
Import/export	439	74	513	453	78	531
Garages/manufacturing	592	125	717	600	122	722
Agencies	195	62	257	199	62	261
Transport/haulage	886	109	995	967	116	1,083
Marine	45	4	49	44	6	50
Other	1,452	583	2,035	1,448	572	2,020
Service	3,135	438	3,573	3,312	453	3,765
<b>TOTAL</b>	<b>24,986</b>	<b>7,251</b>	<b><u>32,237</u></b>	<b>26,538</b>	<b>7,331</b>	<b><u>33,869</u></b>
<b>CUMULATIVE JOINT STAFFING AGREEMENTS</b>	<b>831</b>			<b>847</b>		

- N.B.:
1. The data for 1998, 1999 and 2000 describe the gradual transition from individual licences to 3-year joint licences. These are subject to annual review.
  2. These licences are for core staffing (full-time and part-time) including trainees.
  3. This table is indicative and covers approximately 72 per cent of the workforce.

**APPENDIX 2 (cont'd.)**

<b>INDUSTRIES COMMITTEE</b>			
<b>Category</b>	<b>2002</b>		
	<b>LQ</b>	<b>NLQ</b>	<b>Total</b>
Retail	4,076	1,045	5,121
Building/construction	1,848	493	2,341
Hotels/guest houses	990	1,165	2,155
Restaurants/catering	1,582	1,060	2,642
Banking/finance/legal	7,920	1,473	9,393
Other offices/IT business	3,284	562	3,846
Import/export	456	78	534
Garages/manufacturing	605	118	723
Agencies	201	60	261
Transport/haulage	975	107	1,082
Marine	45	6	51
Other	1,449	562	2,011
Service	3,349	439	3,788
<b>TOTAL</b>	<b>26,780</b>	<b>7,168</b>	<b>33,948</b>
<b>CUMULATIVE JOINT STAFFING AGREEMENTS</b>	<b>868</b>		

- N.B.:
1. The data for 1998, 1999 and 2000 describe the gradual transition from individual licences to 3-year joint licences. These are subject to annual review.
  2. These licences are for core staffing (full-time and part-time) including trainees.
  3. This table is indicative and covers approximately 72 per cent of the workforce.

**Definition of “locally qualified” for RUDL purposes**

The Regulation of Undertakings and Development (Amendment No. 6) (Jersey) Regulations 1999 define “locally qualified” as follows -

- (i) residentially qualified persons falling within any of the Housing Regulations excluding Regulation 1(l) (re associations) and Regulation 1(m) (re religious bodies);
- (ii) persons resident for the whole of the past consecutive five years;
- (iii) the spouses of (i) or (ii) above;
- (iv) the children under 18 years (or, if students, under 25 years) of those in (i), (ii) or (iii) above.

There is no definition as such of ‘non-locally qualified’. This group comprises everyone not included in the definition of “locally qualified”.



### **Referral of patients to a United Kingdom hospital - question and answer (Tape No. 684)**

Deputy Jeremy Laurence Dorey of St. Helier, asked Senator Stuart Syvret, President of the Health and Social Services Committee, the following question -

“In the light of recent reports on practice and clinical outcomes, does the Committee intend to review the current practice of referring local heart and lung patients to St. George’s Hospital, Tooting?”

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

“I believe Deputy Dorey is referring to the report by the United Kingdom Commission for Health Improvement on heart and lung transplantation at St. George’s Healthcare NHS Trust, which was published in September this year.

The Health and Social Services Committee is constantly reviewing clinical governance issues such as those raised by the Commission for Health Improvement or the recommendations of the National Institute for Clinical Excellence in its efforts to secure the best quality care for Jersey people referred to the NHS for treatment.

The heart and lung transplant programme at St. George’s Hospital was suspended in October 2000 and so no patients are now referred for this surgery to St. George’s.

St. George’s Hospital has been used by Jersey patients for 20 years and the decision to use the hospital was made on the basis of its excellent clinical reputation. In spite of very recent clinical concerns, specifically in regard to the heart and lung transplant programme, the hospital still enjoys an excellent reputation for its clinical work. Jersey patients have benefited from short waiting times and excellent clinical outcomes, having been treated at St. George’s.

The quality of the physical environment has been a matter of concern, partly due to the age of the building. However, a new cardiothoracic unit is due to open in March 2003 and the hospital has been taking steps to improve the situation in the interim.

Currently we continue to refer cardiac patients for treatment (other than heart/lung transplants) to St. George’s Hospital, although I can advise that given the information contained in the recently published Committee for Health Improvement report, that position is under review.”

### **Income tax concessions to companies in the finance sector - question and answer (Tape No. 684)**

The Connétable of St. Helier asked Senator Frank Harrison Walker, President of the Finance and Economics Committee, the following question -

“Would the President inform members if any extra-statutory concessions on income tax rates are available to companies in the finance sector in respect of high profits and, if so, would he give members details of them.”

The President of the Finance and Economics Committee replied as follows -

“There is no extra-statutory concession on income tax rates available to companies in the finance sector although such a facility was available in the past. That facility has been replaced by the International Business Company which is enshrined in statute and found at Article 123B of the Income Tax (Jersey) Law 1961, as amended.”

### **Draft Gambling (Amendment No. 5) (Jersey) Law 200 P.133/2001**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the

Gambling (Amendment No. 5) (Jersey) Law 200.

**Draft Food and Drugs (Amendment No. 3) (Jersey) Law 2000 (Appointed Day) Act 200 P.134/2001**

THE STATES, in pursuance of Article 5 of the Food and Drugs (Amendment No. 3) (Jersey) Law 2000, made an Act entitled the Food and Drugs (Amendment No. 3) (Jersey) Law 2000 (Appointed Day) Act 2001.

**Projet de Loi (200-) (Amendement No. 9) réglant la procédure criminelle- P.37/2001. Rapport - P.37/2001 Rpt. Rapport- P.37/2001 Rpt (2). Amendements- P.37/2001 Amd.**

THE STATES commenced consideration of the Projet de Loi (200-) (Amendment No. 9) réglant la procédure criminelle and adopted the Preamble.

Members present voted as follows on the Preamble -

**“Pour” (23)**

**Senators**

Bailhache, Syvret, Le Claire.

**Connétables**

St. Helier, St. Martin, St. Saviour, St. Clement, St. Brelade, St. Mary, St. John.

**Deputies**

S. Baudains(H), Duhamel(S), Routier(H), Breckon(S), Huet(H), St. Martin, St. John, St. Oue  
G. Baudains(C), Dorey(H), Scott Warren(S), Le Hérisser(S), Martin(H).

**“Contre” (19)**

**Senators**

Horsfall, Norman, Kinnard, Le Sueur, Lakeman.

**Connétables**

St. Lawrence, St. Peter.

**Deputies**

H. Baudains(C), St. Mary, Trinity, Layzell(B), Grouville, Vibert(B), St. Peter, Dubras(L), Troy(B), Ozon  
(H), Fox(H), Bridge(H).

Article 1 was rejected.

Members present voted as follows on Article 1-

**“Pour” (4)**

**Senators**

Le Claire.

**Connétables**

St. Clement.

**Deputies**

St. John, G. Baudains(C).

**“Contre” (39)**

**Senators**

Horsfall, Le Maistre, Bailhache, Syvret, Norman, Kinnard, Le Sueur.

**Connétables**

St. Helier, St. Martin, St. Brelade, St. Lawrence, St. Mary, St. John, St. Peter.

**Deputies**

H. Baudains(C), St. Mary, S. Baudains(H), Trinity, Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin, Crowcroft(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, Dorey(H), Trc (B), Voisin(L), Scott Warren(S), Farnham(S), Le Hérissier(S), Fox(H), Bridge(H), Martin(H).

THE STATES rejected an amendment of Deputy Jeremy Laurence Dorey of St. Helier that in Article 2 there be deleted the words ‘ “25 ans” et’ and the words ‘ “18 ans” et;’ and the word ‘respectivement’.

Article 2 was rejected.

Members present voted as follows on Article 2-

**“Pour” (15)**

**Senators**

Le Maistre, Syvret.

**Connétables**

St. Mary.

**Deputies**

Duhamel(S), Breckon(S), St. Martin, St. John, Vibert(B), G. Baudains(C), Dorey(H), Troy(B), Scott Warren(S), Le Hérissier(S), Fox(H), Martin(H).

**“Contre” (25)**

**Senators**

Horsfall, Bailhache, Norman, Kinnard, Le Sueur.

**Connétables**

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

**Deputies**

H. Baudains(C), St. Mary, S. Baudains(H), Routier(H), Layzell(B), Grouville, Huet(H), Crowcroft(H), St. Peter, Dubras(L), St. Ouen, Voisin(L), Bridge(H).

THE STATES, having rejected Articles 1 and 2, granted leave to Deputy Gerard Clifford Lemmens Baudains of

St. Clement to withdraw the Projet de Loi (200) (Amendment No. 9) réglant la procédure criminelle.

**Draft Health and Safety at Work (Amendment No. 3) (Jersey) Law 200 P.137/2001**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Health and Safety at Work (Amendment No. 3) (Jersey) Law 200.

**Draft Public Elections (Jersey) Law 200- P.132/2001. Comments - P.132/2001 Com.  
Comments - P.132/2001 Com.(2).  
Amendments - P.132/2001 Amd.  
Second amendment - P.132/2001 Amd.(2)  
Third amendments.  
Fourth amendments.**

THE STATES commenced consideration of the draft Public Elections (Jersey) Law 200-, and adopted the Preamble and Articles 1 to 6, having rejected an amendment of Deputy Jeremy Laurence Dorey of St. Helier that in Article 6(1) there should be deleted the words“for 1st July 2003.”

Members present voted as follows on the amendment -

**“Pour” (13)**

**Connétables**

St. Clement, St. Peter.

**Deputies**

Trinity, Routier(H), St. John, Dubras(L), St. Ouen, G. Baudains(C), Dorey(H), Voisin(L), Scott Warr (S), Ozouf(H), Martin(H).

**“Contre” (26)**

**Senators**

Horsfall, Le Maistre, Bailhache, Norman, Le Sueur, Lakeman.

**Connétables**

St. Helier, St. Martin, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. John.

**Deputies**

H. Baudains(C), St. Mary, Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin, Vibert(B), St. Pet Troy(B), Le Hérisier(S), Fox(H), Bridge(H).

THE STATES commenced consideration of Article 7, and adopted an amendment of the Connétable of St. Helie that -

- (a) in paragraph (1)(c), there should be omitted the words“and, if corrected”;
- (b) for paragraph (3) there should be substituted the following paragraph-

“(3) The person has a further duty to sign the statement and ensure that it is returned, with any necessary corrections, to the Connétable by 1st June in the same year.”;

- (c) paragraph (4) should be omitted and the remaining paragraphs be re-numbered, and any internal cross references in them, accordingly.

Members present voted as follows on the amendment -

**“Pour” (36)**

**Senators**

Le Maistre, Bailhache, Syvret, Le Sueur, Lakeman.

**Connétables**

St. Helier, St. Martin, St. Saviour, St. Clement, St. Brelade, St. Mary, St. John, St. Peter.

**Deputies**

St. Mary, Trinity, Routier(H), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin, St. John, Vibe (B), St. Peter, Dubras(L), St. Ouen, G. Baudains(C), Dorey(H), Troy(B), Voisin(L), Scott Warren(S), Le Hérissier(S), Ozouf(H), Fox(H), Bridge(H), Martin(H).

**“Contre” (3)**

**Senators**

Norman.

**Connétables**

St. Lawrence.

**Deputies**

H. Baudains(C).

The amendment was lodged “au Greffe”.

THE STATES adopted an amendment of Deputy Philip Francis Cyril Ozouf of St. Helier that for Article 7(7) there should be substituted the following paragraph -

“(7) If a Connétable thinks that a person who is entitled to have his name included on the register for an electoral district has not been the subject of a statement returned or application made under this Article when he should have been, the Connétable shall send to that person a notice reminding him of his duties under this Article. The Connétable shall send another such notice if, one month after the first notice was sent, the person has still not been the subject of a statement returned or application made under this Article and no response has been made to the first notice.”.

Members present voted as follows on the amendment -

**“Pour” (36)**

**Senators**

Le Maistre, Bailhache, Syvret, Norman, Lakeman.

**Connétables**

St. Helier, St. Martin, St. Saviour, St. Clement, St. Brelade, St. Lawrence, St. Mary, St. John, St. Peter.

**Deputies**

H. Baudains(C), St. Mary, Trinity, Routier(H), Breckon(S), Grouville, Huet(H), St. John, Vibert(B)  
St. Peter, Dubras(L), St. Ouen, G. Baudains(C), Dorey(H), Troy(B), Voisin(L), Scott Warren(S)  
Le Hérissier(S), Ozouf(H), Fox(H), Bridge(H), Martin(H).

**“Contre” (0)**

THE STATES adopted Article 7, as amended, and agreed to continue consideration of the draft Public Elections (Jersey) Law 200- (P.132/2001) as the first item of business at the next meeting on 23rd October 2001.

**Matters lodged**

The following matters were lodged “au Greffe” -

**Draft Public Elections (Jersey) Law 200- (P.132/2001): third amendments - P.132/2001 Amd.(3).**  
Presented by Deputy P.F. Routier of St. Helier.

**Draft Public Elections (Jersey) Law 200- (P.132/2001): fourth amendment - P.132/2001 Amd.(4).**  
Presented by the Connétable of St. Helier.

**Change in Presidency**

The Bailiff retired from the Chamber during consideration of the Preamble to the draft Public Elections (Jersey) Law 200- and the meeting continued under the Presidency of Miss Catherine Mary Newcombe, Greffier of the States.

THE STATES rose at 6.16 p.m.

**C.M. NEWCOMBE**

*Greffier of the States.*

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