

**THE STATES assembled on Tuesday,
12th October 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 –

Thomas John du Feu, Connétable of St. Peter– ill
Alan Simon Crowcroft, Connétable of St. Helier– ill
Sarah Craig Ferguson, Deputy of St. Brelade– out of the Island

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Motor Vehicles (Construction and Use) (Amendment No. 6) (Jersey) Order 2004. <i>Home Affairs Committee.</i>	R&O 117/2004.
Motor Vehicle Registration (General Provisions) (Amendment No. 12) (Jersey) Order 2004. <i>Home Affairs Committee.</i>	R&O 118/2004.
Motor Traffic (Public Service Vehicles (Fees)) (Jersey) Order 2004. <i>Home Affairs Committee.</i>	R&O 119/2004.
Motor Vehicles (Driving Licences) (Amendment No. 3)(Jersey) Order 2004. <i>Home Affairs Committee.</i>	R&O 120/2004.
Motor Cars (Driving Instruction) (Amendment No. 15)(Jersey) Order 2004. <i>Home Affairs Committee.</i>	R&O 121/2004.
Immigration (Removal Directions) (Jersey) Order 2004. <i>Home Affairs Committee.</i>	R&O 122/2004.

Environment and Public Services Committee – resignation of member

THE STATES noted the resignation of Deputy Jacqueline Ann Hilton of St. Helier from the Environment and Public Services Committee.

Matters presented

The following matters were presented to the States –

Public and private sector construction workflow projections. <i>Presented by the Economic Development Committee.</i>	R.C.45/2004.
Manpower survey as at 30th June 2004. <i>Presented by the Economic Development Committee.</i>	R.C.46/2004.
Fields 519, 520, 521, 524, 527 and 528, Trinity – rescindment of planning permit (P.74/2004) – comments – addendum. <i>Presented by the Finance and Economics Committee.</i>	P.74/2004. Com. (2) Add.
Fields 519, 520, 521, 524, 527 and 528, Trinity – rescindment of planning permit (P.74/2004) – comments. <i>Presented by the Environment and Public Services Committee.</i>	P.74/2004. Com. (3)
Car parking charges: allocation of additional income to the funding of transport initiatives (P.147/2004) – amendments (P.147/2004 Amd.)– comments. <i>Presented by the Finance and Economics Committee.</i>	P.147/2004. Amd.Com.
Car parking charges: allocation of additional income to the funding of transport initiatives (P.147/2004) – amendments (P.147/2004 Amd.)– comments. <i>Presented by the Environment and Public Services Committee.</i>	P.147/2004. Amd.Com.(2)
Bus Service: rescindment of decisions relating to concessionary fares and adult fares after 8.00 p.m. (P.150/2004)– comments. <i>Presented by the Finance and Economics Committee.</i>	P.150/2004. Com.
Bus Service: rescindment of decisions relating to concessionary fares and adult fares after 8.00 p.m. (P.150/2004)– comments. <i>Presented by the Environment and Public Services Committee.</i>	P.150/2004. Com.(2)
Jersey Telecom Limited: special tariffs for senior citizens (P.167/2004) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.167/2004. Com.
Jersey Telecom Limited: special tariffs for senior citizens (P.167/2004) – comments. <i>Presented by the Economic Development Committee.</i>	P.167/2004. Com.(2)

The following matters were presented on 5th October 2004 –

Jersey Advisory and Conciliation Service: Board members’ report and financial statements for 2003. <i>Presented by the Employment and Social Security Committee.</i>	R.C.44/2004.
Draft Public Holidays and Bank Holidays (Jersey) Act 200- (P.56/2004): comments. <i>Presented by the Economic Development Committee.</i>	P.56/2004. Com.

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 30th September 2004, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with La Rocque Plant Hire Limited in order to redefine the northern boundary of the property known as “Clairval”, La Grande Route de St. Clement, St. Clement and to widen the adjacent footpath, with the acquisition by the public of an area of land (measuring 17.06 square metres) for a consideration of £10, on the basis that the company would undertake all construction works (to include the demolition and reconstruction of a granite wall) and also the reinstatement of the original pavement and the preparation and tarmacking of the area to be acquired by the public, and with the Committee to meet both parties’ reasonable legal and professional costs arising from the transaction;
- (b) as recommended by the Environment and Public Services Committee, the undermentioned leases in respect of Beresford House, Bellozanne Road, St. Helier–
 - (i) to Holl Cameron, the lease of the ground floor accommodation (totalling 1,446 square feet plus storage and four car parking spaces) – for a period of nine years on a tenant’s internal repairing basis, to be deemed to have commenced from 7th August 2004, at an initial annual rent of £23,000, with a rent-free period of four months in order to reflect internal fitting-out to upgrade the standard of accommodation, with open market rent reviews and mutual break options at three-yearly intervals; and
 - (ii) to The Beresford Group, the lease of the first floor accommodation (totalling 1,449 square feet plus six car parking spaces) – for a period of nine years, to be deemed to have commenced from 7th August 2004, at an annual rent of £21,025, with a rent-free period of four months in order to reflect internal fitting-out to upgrade the standard of accommodation, with open market rent reviews and mutual break options at three-yearly intervals – the agreement to be co-terminus with the lease for the ground floor of the premises;

both leases to be subject to guarantor agreements from the Directors of the respective companies, and on the basis that each party would be responsible for its own legal and professional costs arising from the transaction.

Matters noted – acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee dated 30th September 2004, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Housing Committee had accepted the lowest tender received in respect of Phase 1A of the proposed redevelopment of the Le Squez Estate, St. Clement, namely that submitted by Hacquoil and Cook in the sum of £2,720,507.65 in a contract period of 41 weeks.

Matters lodged

The following matters were lodged “au Greffe” –

Machinery of Government Reform: composition and election of the States Assembly (P.151/2004) – amendments (P.151/2004 Amd.)– amendments. <i>Presented by Deputy M.F. Dubras of St. Lawrence.</i>	P.151/2004. Amd.Amd.
Machinery of Government Reform: composition and election of the States Assembly (P.151/2004) – second amendments. <i>Presented by Deputy M.F. Dubras of St. Lawrence.</i>	P.151/2004. Amd.(2)
Draft Dogs (Licence Duty) (Jersey) Regulations 200-. <i>Presented by the Legislation Committee.</i>	P.169/2004.
Bellozanne Scrap Metal Yard, Bellozanne Valley, St. Helier: lease to Picot and	P.170/2004.

Rouille Limited. <i>Presented by the Environment and Public Services Committee.</i>	
Bellozanne Scrap Metal Yard, Bellozanne Valley, St. Helier: lease to Picot and Rouille Limited (P.170/2004) – amendment. <i>Presented by Deputy R.C. Duhamel of St. Saviour, and referred to the Environment and Public Services Committee.</i>	P.170/2004. Amd.
Draft Amendment (No. 27) to the Standing Orders of the States of Jersey. <i>Presented by the Privileges and Procedures Committee.</i>	P.171/2004.
Draft Amendment (No. 27) to the Standing Orders of the States of Jersey (P.171/2004): amendment. <i>Presented by Senator P.F. Routier.</i>	P.171/2004. Amd.
Draft Amendment (No. 27) to the Standing Orders of the States of Jersey (P.171/2004): second amendments. <i>Presented by Deputy G.C.L. Baudains of St. Clement.</i>	P.171/2004. Amd.(2)
Draft Amendment (No. 27) to the Standing Orders of the States of Jersey (P.171/2004): third amendments. <i>Presented by Deputy G.P. Southern of St. Helier.</i>	P.171/2004. Amd.(3)
Development of a Cultural Strategy for the Island. <i>Presented by the Education, Sport and Culture Committee.</i>	P.172/2004.
Child Care Scheme for low income families: amendments. <i>Presented by Deputy G.P. Southern of St. Helier, and referred to the Policy and Resources, Finance and Economics, Employment and Social Security, and Education, Sport and Culture Committees.</i>	P.173/2004.
Jersey Post Headquarters canteen: rescindment of permission. <i>Presented by Deputy C.J. Scott Warren of St. Saviour, and referred to the Environment and Public Services Committee and the Committee for Postal Administration.</i>	P.174/2004.
Planning applications: requirement to publicize. <i>Presented by Senator P.V.F. Le Claire, and referred to the Health and Social Services Committee, the Environment and Public Services Committee and the Comité des Connétables.</i>	P.175/2004.

Projets withdrawn under Standing Order 22(3)

THE STATES noted that, in accordance with Standing Order 22(3), Senator Edward Philip Vibert had instructed the Greffier of the States to withdraw the following matters –

Modernisation of Jersey's Gambling Legislation (P.62/2004): amendments. Lodged: 22nd June 2004. <i>Senator E.P. Vibert.</i>	P.62/2004. Amd.
Sunday Trading legislation. Lodged: 1st June 2004. <i>Senator E.P. Vibert.</i>	P.107/2004.
Modernisation of Jersey's Gambling Legislation: gaming devices. Lodged: 22nd June 2004.	P.123/2004.

Senator E.P. Vibert.

Arrangement of public business for the present meeting

THE STATES agreed 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.

Arrangement of public business for the next meeting on 26th October 2004

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 26th October 2004, in the following order –

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.

Draft Education (Revocation of Provided School) (Jersey) Regulations 200-. P.161/2004.
Lodged: 28th September 2004. (re-issue)
Education, Sport and Culture Committee.

Bellozanne Scrap Metal Yard, Bellozanne Valley, St. Helier: lease to Picot and P.170/2004.
Rouille Limited.
Lodged: 12th October 2004.
Environment and Public Services Committee.

Bellozanne Scrap Metal Yard, Bellozanne Valley, St. Helier: lease to Picot and P.170/2004.
Rouille Limited (P.170/2004) – amendment. Amd.
Lodged: 12th October 2004.
Deputy R.C. Duhamel of St. Saviour.

Draft Amendment (No. 27) to the Standing Orders of the States of Jersey. P.171/2004.
Lodged: 12th October 2004.
Privileges and Procedures Committee.

Draft Amendment (No. 27) to the Standing Orders of the States of Jersey P.171/2004.
(P.171/2004): amendment. Amd.
Lodged 12th October 2004.
Senator P.F. Routier.

Draft Amendment (No. 27) to the Standing Orders of the States of Jersey P.171/2004.
(P.171/2004): second amendments. Amd.(2)
Lodged: 12th October 2004.
Deputy G.C.L. Baudains of St. Clement.

Draft Amendment (No. 27) to the Standing Orders of the States of Jersey P.171/2004.
(P.171/2004): third amendments. Amd.(3)

Lodged: 12th October 2004.
Deputy G.P. Southern of St. Helier.

Jersey Post Headquarters canteen: rescindment of permission.
Lodged: 12th October 2004.
Deputy C.J. Scott Warren of St. Saviour.

P.174/2004.

Oral questions

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

“Will the President inform members whether his proposals for the phasing out of tax allowances on households whose income is greater than £80,000 will result in marginal tax rates of 40% for some of those affected?”

Deputy Geoffrey Peter Southern of St. Helier asked the following question of the President of the Employment and Social Security Committee –

- “(a) under the provisions of Article 18 of the draft Employment Relations (Jersey) Law 200, what actions, if any, would be regarded as ‘unreasonable’? and,
- (b) under Article 5(3), what are the implications, if any, for secondary picketing in disputes involving States employees and Committees?”

The Deputy of St. John asked the following question of the President of the Policy and Resources Committee –

“How long has the Committee been aware of a cross party group of MPs wanting closer ties with the Channel Islands. Will the matter be formally notified to, or debated by the States and will the Committee return to the practice of sending Part B minutes to all members and, if not, why not?”

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

“Would the President confirm –

- (a) whether the Lawn Block at d'Hautrée is to be demolished, and, if so, advise the estimated cost of the demolition and from what budget area funding will be made available? and,
- (b) whether independent advice has been sought regarding the viability of retaining the building and, if so, what the substance of that advice was?”

Senator Paul Vincent Francis Le Claire asked the following question of the President of the Environment and Public Services Committee –

“Would the President inform members why the Committee is conducting a series of public road shows to explain its waste strategy whilst a Shadow Scrutiny Panel is currently reviewing that strategy to assess whether or not it is the correct one for Jersey?”

Deputy Robert Charles Duhamel of St. Saviour asked the following question of the President of the Education, Sport and Culture Committee –

“The answer to a recent written question by Deputy Southern revealed a markedly greater class size at Hautlieu than at the fee-paying colleges –

Year –	
10	28%
11	17%
12	59%
13	57%.

Is the Committee concerned that such larger class sizes endanger academic standards? If not, why not; if so, what measures will he put in place to improve matters?”

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked the following question of the President of the Environment and Public Services Committee –

- (a) Why have white lines instead of yellow lines been painted at the junction of some minor and main roads?
- (b) What is the cost of the recently installed green cycle notices in St. Helier? and,
- (c) What are the reasons for altering the traffic flow between Dumaresq Street and Sand Street thus preventing southbound traffic?”

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked the following question of the President of the Home Affairs Committee –

“Could the President confirm that the emergency services remain fully consulted about pavement, road and traffic flow alterations in St. Helier and could she further confirm that the recent changes do not cause impediment to those services?

The Deputy of St. John asked the following question of the President of the Policy and Resources Committee –

“In light of the provisions of the Civil Service Administration (General) (Jersey) Rules 1949, does the Committee maintain a register of civil servants’ business interests similar to that for States members and, if so, would the President inform members where it is kept and whether it is open to public scrutiny?”

Deputy Geoffrey Peter Southern of St. Helier– personal statement

Deputy Geoffrey Peter Southern of St. Helier made a personal statement in the following terms–

“On Friday 8th October 2004, I was asked to resign from the Scrutiny Panel of which I am a member by the Chairman, Deputy Dorey, on the grounds that I had leaked the conclusions of the Panel’s enquiry to the media. The leak had caused some members, including the President of the Home Affairs Committee, some

difficulty as they were pressured by journalists for a response to conclusions that they had not seen.

At the time, I denied categorically that I had been the source of the leak. I maintain that denial. I did however talk to the media about some of the issues and the evidence we had received. This evidence was taken in public and can be viewed on the Scrutiny website by any member of the press or public. It is clearly in the public domain. I repeat that I made no reference to any conclusions or recommendations, which were about to be finalised.

When it became clear that the other members of the Panel were also persuaded that I was the source of the leak, I resigned at the Chairman's request.

In the light of subsequent events, I make this personal statement to the Assembly because I believe this incident may have cast some doubt upon my integrity ability to work in a team, and I wish any such doubt to be removed. More importantly, however, I feel that it offers the opportunity to bring the attention of both members and the public to the major culture shift that the scrutiny process involves: a vital element is that scrutiny takes place in the public domain. Members must accustom themselves, and the public with them, to a robust engagement with an evidence-based procedure that takes place in the public domain.

I remain a strong proponent of scrutiny, and I remain proud of the progress we have made, particularly in opening up the process of government to the public. In the light of this incident, I call on the Privileges and Procedures Committee to review its guidelines for the development of the Shadow Scrutiny process to ensure that greater openness is protected.”

Cultural Strategy and funding arrangements for the Opera House – statement

The President of the Education, Sport and Culture Committee made a statement in the following terms –

“Members will see in the report and proposition, (P.172/2004), lodged today proposing a cultural strategy for the Island that the Island's cultural sector has, to date, not been adequately funded.

The Committee received a request for help from the Directors of the Jersey Opera House Limited in September this year. For the last few weeks, the Department has been working closely with the Directors of Jersey Opera House Limited and the Jersey Arts Trust to find a solution to the financial problems which the company has encountered. The Education, Sport and Culture Committee has now agreed a solution and considers that the full background should be explained to States members and to the public.

When the Directors of the Jersey Opera House approached us, they explained that disappointing attendances at shows this year had resulted in financial difficulties. Specifically, they expected to be in deficit at the end of 2004 and that the shortfall could be between £210,000 and £280,000. The Committee was informed that, in the absence of a financial rescue package, the Opera House would close in early October 2004.

The Jersey Opera House receives an annual grant of £412,000 towards operating costs. The Committee has agreed to bring forward part of next year's grant funding so that the Jersey Opera House can stay open and honour its commitments for the remainder of 2004. One effect of this will be that in 2005, the Opera House will only receive the balance of the grant due for that year. It has been made abundantly clear that part of this rescue package is a determination to produce a full and realistic business plan for the future, so that the current financial difficulties should not re-occur.

Officers of the Education, Sport and Culture Department are working closely with the Directors of the Jersey Opera House and the Jersey Arts Trust to produce this business plan in order to achieve a viable future for the Opera House.

Members will see in the Committee's recommendations for the development of a cultural strategy for the Island a belief that a much more co-ordinated approach should be adopted for the funding and management of our cultural resources. This should ensure that the full breadth of cultural activity which the Island

currently enjoys will be secured for the future.”

States members’ conduct – statement

The President of the Privileges and Procedures Committee made a statement in the following terms –

“Members will know that the Privileges and Procedures Committee has been considering the matter of the comments made by Senator Edward Philip Vibert about Deputy Jacqueline Ann Hilton both on his website and in a private message sent to the Deputy which was subsequently forwarded to all members.

I would firstly like to make it clear that, throughout its deliberations, the PPC has been conscious that the draft Code of Conduct approved by the States last year is not yet formally in force. This was made clear in the report accompanying the draft Code which stated –

It will be necessary for appropriate amendments to be made to the Standing Orders of the States to give effect to the Code. The Privileges and Procedures Committee intends to bring forward those amendments as part of its overall review of the Standing Orders.

Nevertheless the report went on to say that ‘In the interim it is hoped that Members will regard the Code as a helpful guide to conduct albeit, at this stage, an informal one’.

After having reviewed the case the PPC wrote to Senator E.P. Vibert on 1st October 2004 pointing out that, in the Committee’s view, some of the language used in the personal communication was highly offensive and contrary to the provisions of the draft Code of Conduct which states that ‘*Members should at all times treat other members, officers, and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process*’. The PPC noted that Senator E.P. Vibert had written a letter to Deputy Hilton which had been circulated to all members on 28th September 2004. In this letter Senator Vibert apologised for the ‘*tone and harshness*’ of his language.

Senator Vibert has queried in the media the Committee’s competence to deal with this issue. As was made abundantly clear we have no powers at this point to compel attendance of witnesses or to enforce findings. Senator Vibert made it clear that he would not attend and, while it was clearly preferable that he should attend, the Committee felt it had sufficient information to proceed. Furthermore it was prepared to accept, in the absence of Senator Vibert, that the letter of apology met its wishes.

The issue has also been raised by Senator Vibert that the offensive words were contained in a private communication and, as such, were no business of the States. The Committee’s view was that it would be bizarre if such words, which reflected seriously on a member’s integrity and standing as a politician, could be excused simply by saying that they were in a private communication. Secondly, and as a recent debate has shown, and despite rulings from the Data Protection Registrar, e-mails written to individuals have been cited in the States when members considered there was an overriding issue of public interest at stake.

The Committee informed Senator Vibert that, while the content of his website was ‘robust’, this was legitimate political comment, although the Committee is mindful that there is a fine line to be drawn between legitimate political comment and highly offensive language.

Yesterday the PPC met Deputy Hilton to discuss the matter and to discuss a further complaint from her about additional comments posted on Senator Vibert’s website in a press release dated 2nd October 2004. The Committee believes that offensive language is not acceptable from a person holding public office and the Committee’s view is that the offending comments should be removed from the website and that there should be no more such comments.

In conclusion the Committee is aware that this episode is harming the reputation of the States and taking up precious time when it is faced with a multitude of crucial issues. The Committee therefore asks

Senator Vibert to seek the leave of the Bailiff to make a personal statement to read out his letter of apology and to draw a line under this matter.”

Planning and Building (Jersey) Law 2002 – statement

The President of the Environment and Public Services Committee made a statement in the following terms –

“The Environment and Public Services Committee believes the Planning and Building (Jersey) Law 2002, which was passed in this Assembly in June 2001, is long overdue for implementation.

Its introduction has been delayed primarily because of the costs of establishing the Planning and Building Appeals Commission, which provided for third parties to have the same rights of appeal as applicants.

The Committee believes, at some stage in the future, a more accessible appeals system should be introduced.

The Committee recognises that the chances of bringing in a new system with the attendant costs to the States, is unlikely in the short-term.

Moreover, it accepts that the current appeal to the Royal Court under the existing Law is a disincentive to prospective appellants, primarily on the basis of costs. They are deterred by the costs of appointing advocates, (very few have the confidence to litigate in person in an adversarial process), with no guarantee of success. Equally, they are deterred by the risk of having the Committee's costs awarded against them should they lose the appeal. The costs of appeal can easily exceed the costs of the proposed development in many cases.

The Committee believes that it does not make good sense to forego the wider benefits of the new Law by waiting for resources to be made available to introduce the new Appeals Commission. These benefits include –

better publicity for applications;

Committee/Sub-Committee consideration of applications in public;

simpler and more effective procedures for the designation of Sites of Special Interest and the protection of trees;

more effective enforcement procedures;

a legal requirement to maintain an up-to-date Island Plan; and,

new provisions to deal with demolitions and dangerous structures.

Appeals:

In the interests of bringing the new Law into being as early as Spring 2005, the Committee wishes to announce that it proposes to bring an amendment to the Law to re-instate the Royal Court as the appellate body – that is, to maintain the current appeals system. This will enable the new Law to be introduced with a human rights compliant appeal process.

The Committee has entered discussions with the Bailiff and Court Officers with a view to achieving the benefits of the Appeals Commission but under the aegis of the Royal Court. First, the Committee is investigating the possibilities for mediation to filter-out those appeals which are capable of resolution by negotiation. Secondly, it has requested the Royal Court to introduce a system which would enable appeals based solely on planning merits and which do not raise legal issues to be dealt with more informally.

We are pleased to report that the Bailiff has agreed that rules of court could be made which would allow such appeals to be progressed with more simplicity and less formality. There would be a measure of flexibility and, in general, lawyers would not be involved. We shall be consulting with the Law Society in this regard. Cases raising legal points, and other more complex cases, would continue to be dealt with under the current rules for planning appeals.

The Committee envisages a tribunal system under the aegis of the Royal Court which would be non-adversarial, would be less expensive and would not involve awards of costs against the parties. These provisions would be implemented as soon as resources become available to deal with the additional number of appeals that would arise.

The Committee strongly believes that such a system of appeals has a number of benefits over the provisions in the proposed new Law –

firstly, it avoids the proliferation of separately established tribunals in this small jurisdiction;

secondly, it affords the opportunity for appeals to be heard in an appropriate manner, depending on their complexity – by mediation, by written submissions, by informal or by formal court hearings; and,

following a brief consultation period, the Committee plans to lodge an amendment to the Law in the next month to effect these changes, which will, should the States agree, clear the way for the introduction of the new Law, with all its other benefits, in the early part of next year.

Third Party Appeals:

The current position is that the Law which was approved by the States confers third party appeal rights on anyone who made written representations on the application.

There is no doubt that there will be considerable bureaucracy which would significantly lengthen the appeals process and increase the costs even with the appeal route re-instated to the Royal Court.

As members will be aware, the successor of the original Planning and Environment Committee has considered the issue of third party appeals on a number of occasions. They did not favour any third party right of appeal.

The new Committee has considered the matter afresh and wishes it to be known that it does potentially support a more limited form of third party appeal.

The Committee wishes to carry out public consultation on a further amendment to limit the scope of third party appeals. The Committee proposes to commence this consultation within the next few weeks with an intention to bring this matter to a successful conclusion, with an amendment to the Law early next year with any right being made available in early 2006, subject to the resolution of any budgetary issues.

Details of the draft amendment to re-instate the Royal Court as the appellate body, as well as the proposals for a limited third party appeal will be on the www.gov.je later this week.

The Committee hopes that members will agree that these two proposals will be regarded as a helpful and positive way-forward so that the many benefits of the new law can be brought into effect in the earliest possible course.”

Jersey Telecom Limited: special tariffs for senior citizens – P.167/2004

THE STATES commenced consideration of a proposition of the Deputy of Grouville concerning Jersey Telecom Limited: special tariffs for senior citizens, and, following discussion, adopted a proposition of Deputy Lyndon John Farnham of St. Saviour that, in accordance with a decision of the States on 26th May 2004, regarding the

closure of a debate, the question be now put.

Members present voted as follows –

POUR: 34		CONTRE: 11		ABSTAIN: 2
Senator J.A. Le Maistre		Senator S. Syvret		Senator P.V.F. Le Claire
Senator L. Norman		Senator P.F. Routier		Deputy of Grouville
Senator F.H. Walker		Senator M.E. Vibert		
Senator W. Kinnard		Deputy A. Breckon (S)		
Senator T.A. Le Sueur		Deputy J.J. Huet (H)		
Senator P.F.C. Ozouf		Deputy F.G. Voisin (L)		
Senator R.J. Shenton		Deputy C.J. Scott Warren (S)		
Connétable of St. Martin		Deputy R.G. Le Hérisssier (S)		
Connétable of St. Ouen		Deputy J.A. Martin(H)		
Connétable of St. Saviour		Deputy G.P. Southern (H)		
Connétable of St. Brelade		Deputy G.W.J. de Faye (H)		
Connétable of St. Mary				
Connétable of St. Clement				
Connétable of Trinity				
Connétable of St. Lawrence				
Connétable of Grouville				
Connétable of St. John				
Deputy of Trinity				
Deputy R.C. Duhamel (S)				
Deputy of St. Martin				
Deputy of St. John				
Deputy T.J. Le Main (H)				
Deputy G.C.L. Baudains (C)				
Deputy J.L. Dorey (H)				
Deputy P.N. Troy (B)				
Deputy L.J. Farnham (S)				
Deputy J.B. Fox (H)				
Deputy J-A. Bridge (H)				
Deputy J.A. Bernstein (B)				
Deputy of St. Ouen				
Deputy P.J.D. Ryan (H)				
Deputy M.A. Taylor (C)				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				

THE STATES, adopting a proposition of the Deputy of Grouville –

- (a) charged the Economic Development Committee to consult with the Jersey Competition Regulatory Authority on the subject of reduced tariffs for senior citizens and, if necessary, to give the Authority written directions to bring into effect any changes to the licence of public telecommunication operators that may be necessary to facilitate, for the time being, the provision of the reduced tariffs;
- (b) charged the Economic Development Committee to consult with the Jersey Competition Regulatory Authority on the general subject of cross-subsidisation for vulnerable groups and the role of such cross-

subsidisation within competition policy, and to report back to the States within 6 months;

- (c) charged the Finance and Economics Committee, in its capacity as representative of the States' shareholding in Jersey Telecom Limited, to request the Board of Directors of the Company to review its decision to withdraw the present reduced tariff for senior citizens; and,
- (d) agreed that, in the event that the Board of Directors refuses to reconsider its decision in accordance with the wishes of the Assembly, the Finance and Economics Committee should take the necessary steps to convene an Extraordinary General Meeting of the Company for the purpose of ensuring that the wishes of the shareholder were implemented.

Members present voted as follows –

POUR: 47		CONTRE: 0		ABSTAIN: 0
Senator J.A. Le Maistre				
Senator S. Syvret				
Senator L. Norman				
Senator F.H. Walker				
Senator W. Kinnard				
Senator T.A. Le Sueur				
Senator P.V.F. Le Claire				
Senator P.F. Routier				
Senator M.E. Vibert				
Senator P.F.C. Ozouf				
Senator R.J. Shenton				
Connétable of St. Martin				
Connétable of St. Ouen				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of St. Mary				
Connétable of St. Clement				
Connétable of Trinity				
Connétable of St. Lawrence				
Connétable of Grouville				
Connétable of St. John				
Deputy of Trinity				
Deputy R.C. Duhamel (S)				
Deputy A. Breckon (S)				
Deputy J.J. Huet (H)				
Deputy of St. Martin				
Deputy of St. John				
Deputy T.J. Le Main (H)				
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 (S)				
Deputy R.G. Le Hérisssier (S)				
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 of St. Ouen				
Deputy P.J.D. Ryan (H)				
Deputy M.A. Taylor (C)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				

**Draft Drainage (Jersey) Law 200- P.193/2003
Amendments, Amendment (2) – (re-issue)**

THE STATES commenced consideration of the draft Drainage (Jersey) Law 200-, of the Environment and Public Services Committee and adopted the preamble and Articles 1 to 3 and Schedule 1.

Article 4 was adopted, the States having adopted an amendment of the Environment and Public Services Committee that for Article 4 (5) the following paragraph be substituted –

“(5) If –

- (a) the Committee in writing, for the purposes of or in connection with the assessment of the amounts of fees or charges in accordance with paragraph (3)(e), requests the Connétable of a Parish to furnish to the Committee a copy of the Rates List of the Parish or of any part of that list; and
 - (b) the Committee pays the reasonable costs of the Parish of complying with the request,
- the Connétable shall comply with the request.”.

Members present voted as follows –

POUR: 36		CONTRE: 8		ABSTAIN: 0
Senator F.H. Walker		Senator J.A. Le Maistre		
Senator T.A. Le Sueur		Senator W. Kinnard		
Senator P.F. Routier		Senator P.V.F. Le Claire		
Senator M.E. Vibert		Deputy A. Breckon (S)		
Senator P.F.C. Ozouf		Deputy G.C.L. Baudains (C)		
Senator R.J. Shenton		Deputy J.A. Martin (H)		
Connétable of St. Martin		Deputy G.P. Southern (H)		
Connétable of St. Saviour		Deputy of St. Ouen		
Connétable of St. Brelade				
Connétable of St. Mary				
Connétable of St. Clement				
Connétable of Trinity				
Connétable of St. Lawrence				
Connétable of Grouville				
Connétable of St. John				
Deputy of Trinity				
Deputy J.J. Huet (H)				
Deputy of St. Martin				
Deputy of St. John				
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 R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy J-A. Bridge (H)				
Deputy J.A. Bernstein (B)				
Deputy of St. Mary				
Deputy P.J.D. Ryan (H)				
Deputy M.A. Taylor (C)				
Deputy of Grouville				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				

Articles 5 to 7 were adopted, the States having adopted an amendment of the Environment and Public Services Committee that in Article 7(1)(a) there be inserted the word “or” after the semicolon.

Article 8 was adopted.

Members present voted as follows –

POUR: 34		CONTRE: 3		ABSTAIN: 0
Senator J.A. Le Maistre		Deputy R.C. Duhamel (S)		
Senator L. Norman		Deputy of St. John		
Senator W. Kinnard		Deputy G.C.L. Baudains (C)		
Senator P.V.F. Le Claire				
Senator M.E. Vibert				
Senator P.F.C. Ozouf				
Senator R.J. Shenton				
Connétable of St. Ouen				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of St. Clement				
Connétable of Trinity				
Connétable of St. Lawrence				
Connétable of St. John				
Deputy A. Breckon (S)				
Deputy J.J. Huet (H)				
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 R.G. Le Hérisssier (S)				
Deputy J-A. Bridge (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				

Deputy J.A. Bernstein (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)				

Articles 9 to 19 were adopted.

Members present voted as follows –

POUR: 37		CONTRE: 1		ABSTAIN: 0
Senator J.A. Le Maistre		Deputy G.C.L. Baudains (C)		
Senator L. Norman				
Senator W. Kinnard				
Senator P.V.F. Le Claire				
Senator M.E. Vibert				
Senator P.F.C. Ozouf				
Senator R.J. Shenton				
Connétable of St. Ouen				
Connétable of St. Saviour				
Connétable of St. Brelade				
Connétable of St. Clement				
Connétable of Trinity				
Connétable of St. Lawrence				
Connétable of St. John				
Deputy R.C. Duhamel (S)				
Deputy A. Breckon (S)				
Deputy J.J. Huet (H)				
Deputy of St. Martin				
Deputy of St. John				
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 R.G. Le Hérisier (S)				
Deputy J-A. Bridge (H)				
Deputy J.A. Martin (H)				
Deputy G.P. Southern (H)				
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 of St. Peter				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				

Articles 20 to 27 were adopted.

Articles 28 to 31 were adopted.

Members present voted as follows –

POUR: 27		CONTRE: 1		ABSTAIN: 0
Senator J.A. Le Maistre		Deputy R.C. Duhamel (S)		
Senator W. Kinnard				
Senator P.F. Routier				
Senator P.F.C. Ozouf				
Connétable of St. Ouen				
Connétable of St. Brelade				
Connétable of St. Mary				
Connétable of St. Clement				
Connétable of Trinity				
Connétable of Grouville				
Connétable of St. John				
Deputy of Trinity				
Deputy A. Breckon (S)				
Deputy J.J. Huet (H)				
Deputy of St. Martin				
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 R.G. Le Hérisssier (S)				
Deputy J.B. Fox (H)				
Deputy J.A. Martin (H)				
Deputy of St. Mary				
Deputy M.A. Taylor (C)				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				

Articles 32 to 37 were adopted, the States having adopted an amendment of the Environment and Public Services Committee that in Article 34(4) there be deleted the words “of this Article”.

Article 38, and Articles 39 to 54 together with Schedules 2 and 3 were adopted, the States having adopted amendments of the Environment and Public Services Committee that in Article 42(1)(c) there be substituted the figures “22(1)” for the figures “22(2)”, and that in Article 49(1) there be substituted the words “the Bailiff or a Jurat” for the words “the Bailiff, a Jurat or the Magistrate or Sous-Magistrat”.

Article 55 was adopted.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Drainage (Jersey) Law 200-.

Change in Presidency

The Bailiff retired from the Chair during consideration of Article 4 of the draft Drainage (Jersey) Law 200- of the Environment and Public Services Committee, (P.193/2003 lodged “au Greffe” on 16th December 2003), and the draft Drainage (Jersey) Law 200- (P.193/2003): amendments, also of the Environment and Public Services

Committee, lodged “au Greffe” on 20th April 2004), and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Bus Service Tendering Process: Committee of Inquiry – membership – P.165/2004

THE STATES, adopting a proposition of the Policy and Resources Committee, referred to their Act dated 9th March 2004, in which they agreed to approve the appointment of a Committee of Inquiry to investigate fully the relevant circumstances surrounding the tender process and the award of the contract for the provision of a bus service in Jersey and –

- (a) appointed the following persons as members of the Committee of Inquiry –
 - (i) Mr. Huw Owen John Richard Shepheard (President),
 - (ii) Mr. Trevor Peter Garrett, and
 - (iii) Mr. Christopher John Blackstone
- (b) agreed, in accordance with Article 36B(2) of the States of Jersey Law 1966, as amended –
 - (i) that Mr. Garrett should, if required, preside in the absence of the President; and
 - (ii) that the quorum of the Committee should be 2.

Senator Edward Philip Vibert and Deputy Maurice François Dubras of St. Lawrence declared an interest and withdrew from the Chamber prior to the consideration of the proposition of the Policy and Resources Committee concerning the Bus Service Tendering Process: Committee of Inquiry – membership.

Change in Presidency

The Bailiff returned to the Chamber during consideration of the proposition of the Environment and Public Services Committee concerning the Bus Service Tendering Process: Committee of Inquiry – membership, (P.165/2004 lodged “au Greffe” on 28th September 2004), and the meeting continued under his Presidency.

Attendance Allowance Board: appointment of member – P.164/2004

THE STATES, adopting a proposition of the Employment and Social Security Committee, appointed Dr. Rober Howard as a member of the Attendance Allowance Board in pursuance of Article 4 of the Attendance Allowance (Jersey) Law 1973, for the period ending 31st March 2006.

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

THE STATES, adopting a proposition of the Harbours and Airport Committee –

- (a) approved the transfer of administration from the Harbours and Airport Committee to the Housing Committee of an area of land totalling approximately 298 square metres (3,208 square feet) which lay in St. Brelade between the L53, L53A & L65 Garage Site, L’Avenue de la Commune, St. Peter and the access road to Le Clos Saut Falluet housing estate, St. Brelade, as shown hatched on Drawin No. 9/1698/501; and,

(b) authorised the Greffier of the States to sign the said drawing on behalf of the States.

**Draft Public Holidays and Bank Holidays (Jersey) Act 200- P.56/2004
Comments**

THE STATES commenced consideration of the draft Public Holidays and Bank Holidays (Jersey) Act 200-, and, after discussion, rejected a proposition of Deputy Francis Gerald Voisin of St. Lawrence that the matter be referred back to the Committee.

Members present voted as follows –

POUR: 17		CONTRE: 31		ABSTAIN: 1
Senator L. Norman		Senator J.A. Le Maistre		Senator E.P. Vibert
Senator F.H. Walker		Senator S. Syvret		
Senator T.A. Le Sueur		Senator W. Kinnard		
Senator P.F. Routier		Senator P.V.F. Le Claire		
Senator M.E. Vibert		Senator R.J. Shenton		
Senator P.F.C. Ozouf		Connétable of St. Ouen		
Connétable of St. Lawrence		Connétable of St. Saviour		
Deputy J.J. Huet (H)		Connétable of St. Brelade		
Deputy T.J. Le Main (H)		Connétable of St. Mary		
Deputy M.F. Dubras (L)		Connétable of St. Clement		
Deputy J.L. Dorey (H)		Connétable of Trinity		
Deputy F.G. Voisin (L)		Connétable of Grouville		
Deputy L.J. Farnham (S)		Connétable of St. John		
Deputy J.A. Bernstein (B)		Deputy of Trinity		
Deputy of St. Mary		Deputy R.C. Duhamel (S)		
Deputy P.J.D. Ryan (H)		Deputy A. Breckon (S)		
Deputy M.A. Taylor (C)		Deputy of St. Martin		
		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 Hérisier (S)		
		Deputy J.B. Fox (H)		
		Deputy J-A. Bridge (H)		
		Deputy J.A. Martin (H)		
		Deputy G.P. Southern (H)		
		Deputy of St. Ouen		
		Deputy of Grouville		
		Deputy of St. Peter		
		Deputy J.A. Hilton (H)		
		Deputy G.W.J. de Faye (H)		

THE STATES, in pursuance of Article 2 of the Public Holidays and Bank Holidays (Jersey) Law 1951, made an Act entitled the Public Holidays and Bank Holidays (Jersey) Act 2004.

Members present voted as follows –

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POUR: 30		CONTRE: 14		ABSTAIN: 0
Senator J.A. Le Maistre		Senator L. Norman		
Senator S. Syvret		Senator F.H. Walker		
Senator W. Kinnard		Senator P.F. Routier		
Senator T.A. Le Sueur		Senator M.E. Vibert		
Senator P.V.F. Le Claire		Senator P.F.C. Ozouf		
Senator E.P. Vibert		Connétable of St. Saviour		
Senator R.J. Shenton		Deputy J.J. Huet (H)		
Connétable of St. Ouen		Deputy T.J. Le Main (H)		
Connétable of St. Clement		Deputy J.L. Dorey (H)		
Connétable of Trinity		Deputy F.G. Voisin (L)		
Connétable of Grouville		Deputy L.J. Farnham (S)		
Connétable of St. John		Deputy of St. Mary		
Deputy of Trinity		Deputy P.J.D. Ryan		
Deputy R.C. Duhamel (S)		Deputy M.A. Taylor		
Deputy A. Breckon (S)				
Deputy of St. Martin				
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 Hérisier (S)				
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 of St. Ouen				
Deputy of St. Peter				
Deputy J.A. Hilton (H)				
Deputy G.W.J. de Faye (H)				

Adjournment

THE STATES then adjourned, having agreed to reconvene on Tuesday 19th October 2004, in order to continue consideration of the outstanding items of public business.

THE STATES rose at 6.35 p.m.

A.H. HARRIS

Deputy Greffier of the States.