

**THE STATES assembled on Tuesday,
5th April 2005 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 Jean Amy Le Maistre– out of the Island
Senator Stuart Syvret – out of the Island
Senator Terence Augustine Le Sueur– out of the Island
Senator Richard Joseph Shenton – ill
Peter Nicholas Troy – Deputy of St. Brelade– out of the Island
Jennifer-Anne Bridge, Deputy of St. Helier– out of the Island
Geoffrey Peter Southern, Deputy of St. Helier– out of the Island
Carolyn Fiona Labey, Deputy of Grouville – out of the Island

Prayers

Committee Secretariats' Network – welcome

The Bailiff, on behalf of all members, welcomed representatives of the Committee Secretariats' Network representing the scrutiny function in other U.K. jurisdictions to the Chamber.

Mr. Carl Wilhelm Stenhammar, World President-elect, Rotary International – welcome

The Bailiff, on behalf of all members, welcomed Mr. Carl Wilhelm Stenhammar, World President-elect, Rotary International, Mrs. Monica Stenhammar, accompanied by Mr. David Pike, District Governor of Rotary, to the Chamber.

Tribute to the late Pope John Paul II

The Dean, on behalf of all members, paid tribute to the late Pope John Paul II, and a minute's silence was observed as a mark of respect.

Subordinate legislation tabled

The following enactment was laid before the States, namely –

Shipping (Survey and Certification) (Jersey) Order 2005.
Harbours and Airport Committee.

R&O 18/2005.

Matters presented

The following matters were presented to the States –

Administrative Decisions (Review) (Jersey) Law 1982, as amended: report of the Administrative Appeals Panel for 2003 – 2004. <i>Presented by the Privileges and Procedures Committee.</i>	R.C.19/2005.
Draft Waste Management Strategy: Shadow Scrutiny Panel Report. <i>Presented by Deputy R.C. Duhamel of St. Saviour.</i>	S.R.4/2005.
Migration: monitoring and regulation (P.25/2005) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.25/2005. Com.
Draft Competition (Jersey) Law 2005 (Appointed Day) Act 200- (P.37/2005): comments. <i>Presented by the Finance and Economics Committee.</i>	P.37/2005. 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 10th March 2005, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Education, Sport and Culture Committee, the entering into of a Deed of Arrangement with Mr. Gregory Revell Smith and Mrs. Angela Jane Smith, née Mucklow, owners of Le Huriaux Cottage, La Moye, St. Brelade, in order, (as detailed in a report dated 11th October 2004 of the Director of Property Services), to ratify and confirm clauses created in the contract of purchase by Mr. and Mrs. Smith of Les Huriaux Cottage from Mr. Nicholas Albert Le Gallais, dated 23rd May 2004 in relation to right of way and passage over the roadway or avenue belonging to Mr. Le Gallais in the area in order to come and go from Les Huriaux Cottage to La Rue de la Moie- Mr. and Mrs. Smith being charged to pay their fair proportion of the maintenance and up-keep of the said road or avenue which they would use. It was recognised that, by contract dated 5th February 1993, Mr. Le Gallais had leased to the public, (amongst other property), the land and part of the roads or avenues and strips of land described in the aforementioned report – which formed part of Les Creux Country Park. In addition, Mr. and Mrs. Smith would have the right to place, keep, maintain, upkeep, repair, replace and renew in the roadway or avenue (including the strips of land retained by Mr. Le Gallais and through which they had a right of way for all pipes, cables and conduits necessary to supply main services to Les Huriaux Cottage), with rights of access onto the roadway or avenue with or without workmen, tools and material in order to undertake such works – Mr. and Mrs. Smith being charged to undertake the work as quickly as possible to cause the least inconvenience possible to Mr. Le Gallais and to put the affected areas in a good state after completing the works, with the right to Mr. Le Gallais to join to such service which would be established by Mr. and Mrs. Smith and contributing his fair proportion of the maintenance and upkeep thereof where they would be used in common. The whole in perpetuity. Mr. and Mrs. Smith were to be responsible for the public's reasonable legal fees in connection with verifying and passing this transaction;
- (b) as recommended by the Housing Committee, the lease to Les Amis Incorporated of the property known as Westley Lodge, St. Saviour for a period of 3 years from 1st September 2004, terminable by either party serving 6 months notice in writing, at an annual rent of £6,152.64 payable monthly in advance subject to annual review in line with the percentage increase in the Jersey Retail Price Index. The occupiers of the premises were to be residentially qualified under Regulation 1(1)(a)-(h) of the Housing (Jersey) Law 1949, as amended, and the lessees would be responsible for contents insurance and would be expected to effect and maintain Public Liability Insurance cover for a sum of not less than £2 million. Each party was to be responsible for its own legal and professional fees arising from this transaction;

- (c) as recommended by the Harbours and Airport Committee, of the lease to OMG Limited of accommodation at the Cargo Centre, Jersey Airport (Lettings Nos. B123, B124, B125, B126 and B127) for a period of one year from 1st January 2005, at an annual rent of £23,940;
- (d) as recommended by the Housing Committee –
 - (i) the entering into of a Deed of Arrangement with Mr. Simon Hector and Mrs. Carol Ann Hector, né Griffin, in order to grant drainage rights to Mr. and Mrs. Hector as owners of the property known as ‘Doordie’, Trinity Hill, St. Helier, for a consideration of £4,500 and the payment of all professional and legal fees incurred by the public – estimated to be in the region of £250 and £350 respectively; and,
 - (ii) the entering into of a Deed of Arrangement with PAR Developments Limited, in order to grant drainage rights over public land at the property known as ‘Doordie’, Trinity Hill, St. Helier, for a consideration of £4,500 and the payment of all professional and legal fees incurred by the public – estimated to be in the region of £350 and £250 respectively.

Matters noted – acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee dated 24th March 2005, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Education, Sport and Culture Committee, by Act dated 23rd February 2005, had accepted a fixed-price tender from Charles Le Quesne (1956) Limited for the construction of a new Sports Facility on the former Hautlieu School site, St. Saviour at a cost of £3,185,000, in a contract period of 64 weeks.

Matters lodged

The following matters were lodged “au Greffe” –

Draft Planning and Building (Amendment No. 2) (Jersey) Law 200 (P.47/2005): amendments. <i>Presented by Deputy C.J. Scott Warren of St. Saviour.</i>	P.47/2005. Amd.
Machinery of Government: relationship between the Parishes and the Executive (P.66/2005) – amendment. <i>Presented by the Connétable of St. Helier.</i>	P.66/2005. Amd.
Island Plan 2002: amendment to policy H8 (Housing Development within the Built-up Area). <i>Presented by Deputy G.C.L. Baudains of St. Clement, and referred to the Environment and Public Services Committee.</i>	P.69/2005.
St. Helier Residents’ Parking: reduction in cost of permits. <i>Presented by the Connétable of St. Helier and referred to the Environment and Public Services Committee.</i>	P.70/2005.

Former School, Clearview Street, St. Helier: proposed sale– P.49/2004 (re-issue) – withdrawn

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Environment and Public Services Committee had instructed the Greffier of the States to withdraw the proposition regarding the Former School, Clearview Street, St. Helier, (P.49/2004(re-issue)) lodged “au Greffe” on 30th March 2004.

Dean of Jersey: cessation of membership of the States – P.49/2005 – withdrawn

THE STATES noted that, in accordance with Standing Order 22(3), Senator E.P. Vibert had instructed the Greffier of the States to withdraw the proposition regarding the Dean of Jersey: cessation of membership of the States – P.49/2005 lodged “au Greffe” on 15th March 2005.

Arrangement of public business for the present meeting

THE STATES confirmed that the following matter lodged “au Greffe” would be considered at the present meeting –

Draft Data Protection (Amendment) (Jersey) Law 200-. P.50/2005.
Lodged: 15th March 2005.
Finance and Economics Committee.

Removal of material from website – personal statement by Senator E.P. Vibert

Senator Edward Philip Vibert made a personal statement in the following terms–

“I consider that P.68/2005, due to be debated this morning, to be a complete waste of the time of this Assembly when there is so much important work to be done.

Whatever decision this Assembly makes on this issue, I will not abide by that decision if it means that I have to give up my rights of free speech; and that is what it will mean if the Assembly carries this proposition.

The place for these disputes to be settled is in the Courts. If either the Director of the JFSC or his Deputy believes that I have defamed them it is open – as it is for any citizen – to seek relief through the Court system. In my opinion, any attempt to alter this situation through this Assembly is an affront to democracy and justice and I will not be part of it.

When the item comes to be debated I will leave the Chamber and go and do some real work for my constituents which awaits me, rather than take part in a useless debate.

I take this opportunity to flag to the Assembly that I will be lodging a proposition calling for a full public inquiry into the activities of the JFSC, which are largely uncontrolled by the States.”

Arrangement of public business for the present meeting

THE STATES rejected a proposition of Deputy Jeremy Laurence Dorey of St. Helier that the Economic Development Committee be requested to withdraw the proposition regarding removal of material from website: Senator E.P. Vibert, (P.68/2005 lodged “au Greffe” on 22nd March 2005).

Members present voted as follows –

POUR: 22

Senator W. Kinnard
Senator P.V.F. Le Claire
Senator E.P. Vibert
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of Trinity

CONTRE: 22

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

ABSTAIN: 0

Connétable of Grouville	Connétable of St. Saviour
Connétable of St. John	Connétable of St. Brelade
Deputy R.C. Duhamel (S)	Connétable of St. Helier
Deputy A. Breckon (S)	Connétable of St. Lawrence
Deputy of St. Martin	Deputy of Trinity
Deputy of St. John	Deputy J.J. Huet (H)
Deputy G.C.L. Baudains (C)	Deputy T.J. Le Main (H)
Deputy J.L. Dorey (H)	Deputy M.F. Dubras (L)
Deputy C.J. Scott Warren (S)	Deputy F.G. Voisin (L)
Deputy R.G. Le Hérisssier (S)	Deputy L.J. Farnham (S)
Deputy J.A. Martin (H)	Deputy J.B. Fox (H)
Deputy J.A. Bernstein (B)	Deputy of St. Mary
Deputy S.C. Ferguson (B)	Deputy of St. Ouen
Deputy of St Peter	Deputy M.A. Taylor (C)
Deputy G.W.J. de Faye (H)	Deputy J.A. Hilton (H)

There being an equality of votes, the Bailiff, in accordance with convention, exercised his casting vote against the proposition.

Arrangement of public business for the next meeting on 19th April 2005

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 19th April 2005, and, adopting a proposition of the President of the Policy and Resources Committee, agreed that they would be considered in the following order –

Economic Growth Plan. Lodged: 1st March 2005. <i>Economic Development Committee.</i>	P.38/2005.
Equalisation of Welfare. Lodged: 20th April 2004. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.57/2004.
Equalisation of Welfare (P.57/2004): comments. Presented: 25th May 2004. <i>Policy and Resources Committee.</i>	P.57/2004. Com.
Equalisation of Welfare (P.57/2004): comments. Presented: 25th May 2004. <i>Employment and Social Security Committee.</i>	P.57/2004. Com. (2)
Machinery of Government: relationship between the Parishes and the Executive. Lodged: 22nd March 2005. <i>Policy and Resources Committee.</i>	P.66/2005.
Machinery of Government: relationship between the Parishes and the Executive (P.66/2005) – amendment. Lodged: 5th April 2005. <i>Presented by the Connétable of St. Helier.</i>	P.66/2005. Amd.
Land in St. Lawrence near Tesson Mill and Field 621, St. Brelade: rezoning. Lodged: 22nd February 2005. <i>Deputy J.A. Hilton of St. Helier.</i>	P.33/2005. <i>(re-issue)</i>

Land in St. Clement: rezoning. Lodged: 1st March 2005. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.40/2005.
Draft Planning and Building (Amendment No. 2) (Jersey) Law 200. Lodged: 15th March 2005. <i>Environment and Public Services Committee.</i>	P.47/2005.
Draft Planning and Building (Amendment No. 2) (Jersey) Law 200 (P.47/2005): amendments. Lodged: 5th April 2005. <i>Deputy C.J. Scott Warren of St. Saviour.</i>	P.47/2005. Amd.
Draft Education (Provided Schools) (Jersey) Regulations 200-. Lodged: 1st March 2005. <i>Education, Sport and Culture Committee.</i>	P.34/2005.
Draft Health Care (Registration) (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200-. Lodged: 15th March 2005. <i>Health and Social Services Committee.</i>	P.45/2005.
Draft Health Care (Registration) (No. 2) (Jersey) Regulations 200. Lodged: 15th March 2005. <i>Health and Social Services Committee.</i>	P.46/2005.
Rent Control Tribunal: appointment of members. Lodged: 22nd March 2005. <i>Housing Committee.</i>	P.52/2005.
Draft Extradition (Designated Territories) (Jersey) Regulations 200-. Lodged: 22nd March 2005. <i>Policy and Resources Committee.</i>	P.53/2005.

Inquiry into the extent of human rights compliance – question and answer (Tape No. 1017)

The Deputy of St. Martin tabled the following written question of Senator Frank Harrison Walker, President of the Policy and Resources Committee –

“Following the tabling by Austin Mitchell M.P. of an Early Day Motion calling for an inquiry to determine the extent to which the Channel Islands are compliant with human rights obligations, would the President advise whether the Island authorities acknowledged the M.P.’s interest, whether the Committee supports this call and, if not, whether the Committee considers that an inquiry of this type for Jersey should be undertaken by the States?”

The President of the Policy and Resources Committee tabled the following written answer –

“The early day motion tabled by Mr. Mitchell M.P., proposed–

‘that the governments in the [Channel] Islands remain reluctant to achieve, still less enforce, even minimal standards of human rights compliance and that the inhabitants of these British territories are denied the protection of international treaty and convention obligations ...’

These statements are so obviously untrue that I have no hesitation in absolutely refuting them. To suggest that the residents of Jersey are denied access to even minimal standards of human rights is simply unbelievable.

The facts are that Jersey has been signed up to and compliant with many international conventions and treaties on human rights for many years. Jersey has been included in the European Convention for the Protection of Human Rights and Fundamental Freedoms since 1953; the UN Convention on the Elimination of all forms of Racial Discrimination since 1969; the European Convention against Torture since 1988; the UN Convention on Civil and Political Rights and the UN Convention on Economic, Social and Cultural Rights since 1976, and I could go on.

Mr. Mitchell's misguided motion was opposed by the United Kingdom Government. My response to the Deputy of St. Martin is also an unequivocal 'no' – I will not acknowledge that a member of the British Parliament has a legitimate interest in the supervision of Jersey's international obligations on human rights 'no' – I do not support the call for an enquiry of any sort by the U.K. government into a matter that is within the competence of Jersey's authorities and 'no' – I do not support a call for an enquiry by the States on this matter."

Ongoing costs associated with the steam clock – question and answer (Tape No. 1017)

The Deputy of St. John tabled the following written question of Senator Frank Harrison Walker, President of the Policy and Resources Committee –

"Would the President advise members of the amount spent by the Waterfront Enterprise Board Ltd. on maintenance of the steam clock since it was commissioned, giving a breakdown of the running cost year on year, together with details of the annual cost of maintaining the garden area near and around the steam clock?"

The President of the Policy and Resources Committee tabled the following written answer –

"The steam clock and the surrounding public gardens and landscaped areas were designed to compliment the Maritime Museum and were commissioned in 1997.

The original concept was determined working in partnership with the Jersey Heritage Trust which, in addition to the public art, was keen to establish an outdoor area in which static outdoor displays could be mounted by the Trust from time to time. The bulk of the expenditure was funded by a grant from the Tourism Investment Fund with the balance being funded by the Waterfront Enterprise Board Limited (WEB) who also managed the project.

The surrounding gardens were commissioned mindful of the above objectives but also in a long-term yet temporary format in anticipation of further development of the site in the future. As a consequence of this, trees are planted in free standing planting boxes.

When the project was commissioned the intention was for the Jersey Heritage Trust to take possession on completion and to assume responsibility for ongoing maintenance and running costs but in the event this never occurred and WEB took on these commitments by default.

As might be expected the maintenance of a steam engine, which was fabricated based upon historically authentic components, is a fairly specialised and labour intensive affair. The average annual costs of maintaining the steam clock in the period from 1998 to the end of 2004 was £14,000 per annum.

The running costs in the same period averaged £6,000 per annum.

The annual cost of maintaining the garden areas was £7,750 per annum.

In the period a further £17,354 was spent on landscaping and planter repairs and replacements and from the year 2000 onwards the provision of a Christmas tree and other festive decorations.

Members will be aware that the fundamental spending review led to a decision to phase out grants to WEB by

the end of 2006. In response to this the Company has taken a number of steps to reduce its estate management expenditure in ways that have the least possible impact on the provision of public service and amenity in the areas under its administrative control.

The review coincided with the specialist steam engine maintenance company used by WEB to date going out of business and so the steam clock was one high cost facility that was carefully reviewed. In essence the steam workings have been replaced with electrical fittings designed to provide the same functionality including the blowing of 'steam' at the appropriate times of the day. The cost of these fittings amounted to £2,717.

The result of these changes is to leave the public with essentially the same amenity but to reduce the annual maintenance costs by an estimated £16,000 per annum."

Agreement between the former Planning and Environment Committee and Falles Hire Cars Limited – question and answer (Tape No. 1017)

The Deputy of St. John tabled the following written question of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee –

"Would the President inform members whether any agreement exists between the former Planning and Environment Committee and Falles Hire Cars Limited such that a site in the Phase II La Collette reclamation would be provided for a garage/workshop in exchange for an agreement that the company would not build at Rue des Prés under the bad neighbour policy, and, if so, would he inform members –

- (a) whether this agreement still exists and whether it is transferable?
- (b) what size and value the site at La Collette II has?
- (c) whether the Committee is reviewing this agreement? and,
- (d) whether the site at La Collette II, which has been designated for use for garages/workshops, would be suitable for use as a coach depot?"

The President of the Environment and Public Services Committee tabled the following written answer –

"In September 2000, the States agreed to lease an area of land no less than 30,974 square feet at La Collette Phase II to Falles Holdings Limited for a period of 42 years at an appropriate rental, to be agreed with the Finance and Economics Committee, on completion of the infilling and infrastructure works.

Subsequently, the States agreed to rezone La Collette II for industrial use. At the time, the States were informed that the area would not be available for 3 to 4 years.

Falles Holdings Limited entered into the agreement in good faith and agreed to build residential units on land in their ownership at Rue des Prés and avoid a potentially bad neighbour use by not erecting their proposed building for hire car storage and maintenance. Professional and other fees already expended by the company were to be taken into account when agreeing a rental for the land on which the company would be building at La Collette.

The infilling of La Collette has not been as quick as had been expected and it is anticipated that will not now be completed before 2010 with the infrastructure work following that. In August of last year, a meeting between the President, Deputy Scott-Warren, officers of the Committee and representatives of Falles Holdings Limited was held to discuss the situation which the Company now found itself in without a site for its proposed vehicle storage building for a further number of years.

It was agreed that the Committee through its Department of Property Services would try to identify an

alternative site to lease to the Company. A site has been identified as a possibility and Falles Holdings Limited is currently in the process of producing a scheme for its required facility on that particular site for further consideration by the Committee as to its acceptability.

The infrastructure and the layout of available sites at La Collette II, apart from the Connex Bus Workshop and Garage which was connected to existing services, have not yet been designed or approved. There is no reason to suggest that a coach depot could not be included at La Collette II, depending on meeting other known needs but no progress can be made on the development of further sites in that area until infilling is complete and design of the infrastructure is complete.”

Transfer of certain responsibilities in relation to historic buildings from the Environment and Public Services Committee to the Jersey Heritage Trust – question and answer (Tape No. 1017)

The Deputy of St. John tabled the following written question of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee –

“Following the recent announcement of the transfer of certain responsibilities in relation to historic buildings from the Committee to the Jersey Heritage Trust, would the President give members precise details of the transfer and explain why the States were not asked to approve the transfer?”

The President of the Environment and Public Services Committee tabled the following written answer –

“The transfer in question relates to certain aspects of the Committee’s obligations in respect of the built heritage, specifically advice on the registration (or listing) of properties, and the raising of awareness on heritage matters. It took effect from January of this year. The services to be provided by the Trust work are the subject of a Service Level Agreement between the two parties and members are welcome to have a copy of the agreement if they wish. This transfer is a response to the Committee’s objective of delivering greater efficiency and improving quality of service with the department, which in this case will be achieved by means of a productive partnership with an established heritage body. The Committee has not delegated any decision-making powers to the Trust, nor are development control processes in any way affected. The Committee continues to fund these services.

The services transferred are, essentially –

Managing the register of historic buildings and sites (around 4,000 entries, including archaeological sites and occupation structures) and providing detailed information to the Committee in support of the registration of individual properties, should objections be raised by owners or other parties.

Managing and developing the associated database of information in relation to the Island's heritage, and conducting further research where appropriate to develop our knowledge.

Improving public access to the above database.

Dealing with enquiries from the public about the historic buildings register and the Island's built heritage.

Developing strategies in conjunction with the Committee to promote an awareness and understanding of the built heritage.

Developing strategies to promote an awareness of archaeological matters.

The Committee will retain overall responsibility for decisions on the registration of individual buildings and sites and will continue to make all statutory decisions. The Trust will have no involvement in development control matters and will act in an advisory capacity.

The key benefits of the transfer are seen to be –

Improvement in the transparency in the processes involved in the registration of buildings.

Development and improvement in the management of, and public access to, this unique database.

Detachment of the registration processes from the development control environment, which had previously generated a perceived conflict of interest.

The Jersey Heritage Trust will work in close co-operation with the Jersey Heritage Advisory Panel, a voluntary advisory body established by the Committee to monitor standards in the registration of heritage properties. The Panel comprises representatives of the Société Jersiaise, the National Trust for Jersey, the Association of Jersey Architects, the Jersey Building & Allied Trades Employers Federation, and the Trust.

The operation of the Service Level Agreement will be managed by a senior officer in the Department and incorporates reviews on a three-monthly basis and a formal annual report.

As this transfer of functions represents a relatively minor adjustment in the way in which one aspect of the Committee's responsibilities are delivered, the Committee did not consider it necessary to seek the approval of the Assembly."

Public Sector Re-organisation: Five Year Vision for the Public Sector – question and answer (Tape No. 1017)

Deputy Gerard Clifford Lemmens Baudains of St. Clement tabled the following written question of Senator Frank Harrison Walker, President of the Policy and Resources Committee –

"The Committee's proposition on 'Public Sector Re-organisation: Five Year Vision for the Public Sector' (P.58/2004) was adopted by the States on 26th May 2004.

- (a) Paragraph (a) of the proposition stated that the purpose of the reorganisation was to seek savings of £20 million and 'value improvements' of £9 million per annum. Will the President advise whether the offer of final salary pensions and index linking of them to new employees will be reviewed as part of those savings and, if not, why not?
- (b) Paragraph (d) enabled a reduction of up to 300 posts to be achieved by various means and the accompanying report stated, at paragraph 4, that *'it is expected that the public sector will reduce by approximately 300 posts over a 5 year period'*.

In answers to oral questions on 1st March 2005, the President intimated that there might be no post reductions. Would the President therefore advise –

- (i) whether the Committee has abandoned this goal?
 - (ii) how the Committee justifies an expanding public sector headcount at a time of reducing private sector workforce and possible population reduction also?
- (c) Under the 'Red tape reform' initiative, Committees have recently been seeking examples from interested parties of areas where bureaucracy might be reduced.

Does the Committee accept that asking people to, effectively, examine their own efficiency is unlikely to achieve any real benefit towards achieving either the savings or value improvement goals in the visioning proposals and will the Committee therefore consider using part of the £9.4 million set aside for achieving the proposals to employ external persons to undertake efficiency/streamlining auditing?"

The President of the Policy and Resources Committee tabled the following written answer –

“(a) I confirm that the public sector pension scheme is not being considered in the context of the £20 million efficiency savings that have been highlighted in P.58/2004. However, I am able to assure the Deputy that the financing of the Public Employees Contributory Retirement Scheme is kept under constant review. In this context, an actuarial review is due to be held this year and the Policy and Resources Committee will be looking closely at the outcome of that review.

It is important for the Deputy to note that index linking is not guaranteed for new employees. Whilst the policy of the Committee of Management of the Scheme has been to seek to pay pension increases in line with adjustments in the Retail Price Index, this will only occur where employer and employee representatives agree that the funding of the scheme is sufficient to allow this to happen.

- (b) (i) First, it is important to note that I did not suggest in my response of 1st March that no post savings would arise as a result of P.58/2004. What I pointed out was that the total number will become clearer as the Change Programme is implemented and that it is envisaged that they will not exceed 300. However, I confirm that the principal policy objective is to deliver £20 million in savings from public sector expenditure over a 5 year period.
- (ii) Recent increases in headcount can be attributed to the front-line services of Health, Education, Police and Prison where specific service requirements led to increases in staff. These increases have, however, already been partially offset by reductions elsewhere. The Change Programme described in (i) will result in further post reductions in back office and other non-frontline operational staff. In this connection, the Committee’s policy continues to be one of reducing posts by means other than compulsory redundancy wherever possible, for example through natural wastage.
- (c) The Red Tape Reform project is one facet of the programme to improve the efficiency of the public sector. In accordance with P.134/2004, the project is aimed at reforming legislation and regulation, although, during the consultation process, when the public and organisations were invited to highlight areas which could be improved, issues unrelated to regulatory reform were also raised. In parallel, public sector employees were also encouraged to highlight areas of unnecessary bureaucracy and inefficiency. The response has been good and the suggestions are currently being considered and dealt with as part of the wider drive for improved efficiency.

As well as internal staff seconded from States departments, the Change Programme, which is responsible for reviewing processes and performance across the organisation, already has access to the services of external consultants with specific expertise where necessary.”

Oral questions

1. Deputy G.C.L. Baudains of St. Clement of the President of the Economic Development Committee:

“With reference to the websites owned by Senator E.P. Vibert, and to P.68/2005 lodged ‘au Greffe’ by the Committee, would the President give details of the research, if any, the Committee carried out to verify or disprove the content that the Committee alleges causes concern?”

Deputy F. G. Voisin (President of the Economic Development Committee):

“As President of the Committee, I inspected the evidence to rebut the allegations as provided by the Director General and Deputy Director General and was satisfied as to its authenticity. The evidence provided included a letter from the Director General’s previous employer and a letter from the Housing Department confirming that the Deputy Director General’s housing arrangements were legal. The evidence provided by both of the above, including the letters, are reproduced in the report and members are able to make up their own minds. It should be noted that at no time has Senator Vibert challenged the validity of the evidence provided by the Director General and Deputy Director General.”

1(a) Senator E.P. Vibert:

“Would the President of the Committee actually confirm, or is he aware, that I have been refused permission to ask a number of questions of him relative to all of these matters in this House by the Chair?”

Deputy F. G. Voisin:

“No, I am not aware of that. I was aware that the Senator had tried to ask other questions, but not questions relating to the evidence provided by the Director General and the Deputy Director General.”

1(b) Deputy G.C.L. Baudains:

“I take it from the President’s answers that he is stating that his Committee has actually done no independent research of their own; they have relied upon the submissions of the Jersey Financial Services Commission (JFSC)?”

Deputy F. G. Voisin:

“Was the question ‘would I confirm that?’ ”

Deputy G.C.L. Baudains:

“Yes.”

Deputy F. G. Voisin:

“Yes, I can confirm that we relied on the officers, yes.”

(c) The Deputy of St. John:

“Given the President’s reply, Sir, I have got real concerns. Would the President explain, is it usual that he relies on, in this case – I suppose you would call it – a quango to get his answers from instead of doing the research or getting his officers to do the research themselves in the respective area?”

Deputy F. G. Voisin:

“Is the Deputy suggesting that the Director General and Deputy Director General forged the letters?”

1(d) Senator P.V.F. Le Claire:

“The President intimated that the advice he received from the Housing Department in relation to the housing sale was legal. Could I ask the President where the Housing Department received its legal advice and how was that given?”

Deputy F. G. Voisin:

“I think the letter from the Housing Department is attached to the report for all to see. The letter clearly states that the arrangements that the Jersey Financial Services Commission and the Deputy Director General entered into were perfectly normal and consistent with other arrangements that have been entered into by a number of other employers.”

1(e) Senator P.V.F. Le Claire:

“That was not my question, and I have not taken the trouble to read the proposition that I am not going to take part in today. I asked a direct question. I asked a direct question, a supplementary question, about a question that has been raised in the States and I would like an answer. I ask again, where did the Law Officers from the Housing Committee, or where did the Law Officers give the Housing Committee the legal advice which the President is relying upon?”

Deputy F. G. Voisin:

“I cannot comment on whether the individual that wrote the letter from the Housing Department took legal advice before writing that letter. I would imagine that he knows what he is talking about.”

1(f) Senator E.P. Vibert:

“Would the President confirm that actually the decision that was given regarding permission regarding housing was actually permission that they were not entitled to give, bearing in mind that the people involved were not public servants according to the President of the Committee, but according to the ----”

The Bailiff:

“Senator, I am sorry, but that question is out of order because it does not fall within the responsibility of the President of the Economic Development Committee.”

Senator E.P. Vibert:

“I am asking the question relative to the main question. I am asking a supplementary of the main question.”

The Bailiff:

“You may be, but the Standing Orders apply to all supplementary questions and it must be a matter for which the President of the Economic Development Committee has responsibility. He has no responsibility for decisions of the Housing Committee.”

Senator E.P. Vibert:

“The question... I actually had not finished the question when you interrupted me. I was putting the question, or I was about to put the question.”

The Bailiff:

“Well, you were out of order so far, so perhaps you had better start again.”

Senator E.P. Vibert:

“Would the President actually confirm that the permission that was granted to the Deputy Executive Director regarding housing was only a decision that could be made if that person was not a public servant and, bearing in mind the President of Policy and Resources has frequently referred to them as public servants, did he investigate that situation?”

Deputy F. G. Voisin:

“First of all, the permission granted to the Deputy Director General would have been permission granted by the Housing Department, I believe. The other issue relating to the status of the Deputy Director General, I believe that the Deputy Director General is not a civil servant, but I have referred to them as ‘public officers’ simply because they are officers that are carrying out duties prescribed by this Assembly.”

1(g) Senator P.F.C. Ozouf:

“Would the President confirm that the websites that are under discussion here are actually called www.jerseyfsc.co.uk and www.jerseyjfsc.com? Would he also confirm that the official website of the Jersey Financial Services Commission is www.jerseyfsc.org, and would he agree with me that all this issue of advice is very interesting but actually what is the most important issue here is a member of this Assembly using website names attempting to pass them off as the official Jersey Financial Commission (JFC) website?”

Deputy F. G. Voisin:

“I can confirm that the names that the Senator describes, the names of the websites can be confused, easily confused, with that of the website operated by the Jersey Financial Services Commission, which ends in .org as opposed to .com, and I think the second issue that the Senator raises is going to be a matter for debate later on this morning.”

1(h) Deputy T.J. Le Main:

“Can I just ask the President that he will confirm that the consents given by the Housing Department to the Jersey Financial Services Commission (JFSC) in relation to this are exactly the same as given to the private sector, the public services sector as well?”

Deputy F. G. Voisin:

“I can confirm, yes.”

1(i) Senator E.P. Vibert:

“Would the President confirm that in fact, if the Jersey Financial Services Commission (JFSC) wished to have registered the websites – I cannot remember them – that the President of Environment and Public

Services referred to, that is their own fault for failing to register and anybody in a free country is entitled to register those if nobody else has registered them?"

Deputy F. G. Voisin:

"That is correct."

2. Senator P.V.F. Le Claire of the President of the Environment and Public Services Committee:

"In light of possible difficulties over the relocation of vehicles belonging to Tantivy Blue Coach, will the President outline what steps, if any, are being taken by the Committee to identify suitable alternatives for these vehicles that form an integral part of Jersey's public transportation system?"

Senator P.F.C. Ozouf (President of the Environment and Public Services Committee):

"The Committee has only just learned that the application for relocating vehicles belonging to Tantivy Blue Coach is to be withdrawn. Whilst there was a live application, there is an established process to follow and it would have been inappropriate to comment on any alternative sites whilst that proposal remained undecided. The Committee does not normally offer its services to act as a broker or agent to find alternative sites for applicants in the event that an application proves unsuccessful. However, the Committee is reviewing the Island Plan and, as part of that review, is considering the long-term development of the La Collette 2 site. The rate of infill, however, has slowed in the past two years and there is unfortunately no infrastructure on site at present. It is not possible to provide a timetable as to when exactly development of this site could be considered."

2(a) Senator E.P. Vibert:

"Could the President give the House an assurance that actually the Committee will take every step to help this company that wishes to move out from being a bad neighbour in town to find a suitable location?"

Senator P.F.C. Ozouf:

"I would need to first of all comment about the issue of bad neighbour. My understanding is that the difficulties that the company find themselves in is because they have sold their own site on the Island Site and, therefore, it couldn't really fall within the other areas where we have considered bad neighbours. The new application certainly would have created a bad neighbour and the application has been withdrawn, but the Committee did express its grave reservations for that application. But the Committee will recognise the issue and I have received a request from Deputy Le Main this morning to meet the company and we will do what we can. But the reality is that we do not normally act as property agents or brokers for private sector organisations."

2(b) Senator E.P. Vibert:

"Could the President actually clarify the situation that the reason why the company is in the position it is in is because it has sold its own site on the Island? Is he not confusing Jersey Bus with Tantivy Motors?"

Senator P.F.C. Ozouf:

"I understand that it is all part of one group. I should have said the Weighbridge indeed. Frankly, the issue remains the same. Is this Assembly to take its own property matters for private companies to try and resolve their difficulties? It is an important issue, which I don't think is always the rôle of the States. However, I have said that I am willing to meet the company and we will do what we can within the boundaries of what is acceptable for a government to do."

3. Deputy G.C.L. Baudains of St. Clement of the President of the Environment and Public Services Committee:

"Will the President (a) advise when the Committee intends to meet with the Parish of St. Clement to discuss its plans for Rue de Jambart; and (b) agree to address with some urgency the traffic problems experienced around the northern end of Rue de Jambart that have arisen following redevelopment of the Priory Inn and which may soon be exacerbated by construction of the new 'Jambart estate'?"

Senator P.F.C. Ozouf (President of the Environment and Public Services Committee):

"The proposals for Rue de Jambart, a States' main road, have been discussed with the Parish of St. Clement

When the detailed proposals are drawn up, further discussions will take place with the Parish. In relation to (b), I understand that, following discussions with the Parish and the site manager of the Jambart Lane site, it has been established that the workforce on that site are parking their vehicles within the construction site. There is no reason why this should not continue to be the case. It is also understood that most of the parking problems highlighted, which I understand from the Deputy arise from the Priory Inn site, where the workforce has no on-site parking and so have been parking on the public road. This at times conflicts with meetings at the Caldwell Hall or funerals at the church. The Priory Inn is nearing completion and any recent problems should diminish over the next few months. If, however, the Parish wishes my Committee to introduce further waiting restrictions in the area, either permanent or temporary, we would of course be happy to comply with such a request. I would, however, point out that such restrictions would impact on anybody, including people attending the Caldwell Hall and funerals wishing to park on that street in the vicinity.”

3(a) Deputy G.C.L. Baudains:

“I wonder if the President could clarify his answer to part (a) and advise us when he has agreed to meet with the Parish of St. Clement to discuss the plans for Rue de Jambart, because the Parish of St. Clement unaware of any meeting having taken place so far?”

Senator P.F.C. Ozouf:

“To clarify, I didn’t say that a meeting has been fixed. I said that when further details of the scheme would be drawn up, then we will meet with the Parish and, of course, I can confirm that we have met with the Parish. My predecessor President met with the Parish on a number of occasions, I understand, and I have been in consultation with the Parish just recently to confirm those discussions that were had. Of course we consult.”

4. Senator P.V.F. Le Claire of the President of the Economic Development Committee:

“Would the President advise members whether the Committee took legal advice, particularly in relation to potential breaches of copyright, prior to including material from Senator E.P. Vibert’s website relating to the Jersey Financial Services Commission in the report accompanying its proposition P.68/2005 and is the Committee fully confident that it is acting lawfully in relation to this matter?”

Deputy F.G. Voisin (President of the Economic Development Committee):

“The Committee did not take legal advice relating to copyright laws, because Article 37 of the States of Jersey Law 1966 provides that ‘No civil or criminal proceedings may be instituted against any member of the States for words spoken before or written in a report to the States or a Committee or by reason of any matter or thing brought by him therein by petition, bill, proposition or otherwise.’ The Committee is therefore confident it is acting lawfully.”

4(a) Senator E.P. Vibert:

“Would the President accept that actually the Jersey Financial Services Commission (JFSC), for whom he has a responsibility, is in fact grossly in breach of the copyright laws because they indeed are not covered by that privilege and in fact have breached the entry rules and regulations into the website?”

Deputy F.G. Voisin:

“Sorry, what was the question: am I aware?”

Senator E.P. Vibert:

“Absolutely, are you aware of it?”

Deputy F.G. Voisin:

“Well, there is a suggestion that the conditions upon entry are governed by Florida laws, but I am also advised that any action would have to be brought in Jersey. It is normal for any action to be brought in the country in which the person resides or, in this case, the Committee resides. So if the action was brought in Jersey, then of course we would be protected under Article 37, as is normal.”

4(b) Senator E. P. Vibert:

“You have not answered the question. Sir, the question was, were you aware, through the Chair, that there

was actually a breach of copyright that took place?”

Deputy F.G. Voisin:

“We do not believe there is a breach of copyright.”

4(c) Senator P.F.C. Ozouf:

“Would the President agree with me that copyright issues are matters for courts and would he agree that actually the central issue is actually a member of this Assembly using a name – whether or not the website was registered – using a name which clearly can be confused with the Jersey Financial Services Commission, and that is the issue that actually members should be addressing today?”

Deputy F.G. Voisin:

“I agree with that, Sir.”

4(d) Senator P.V.F. Le Claire:

“Given that the Jersey Financial Services Commission (JFSC) apparently (and I am not aware of this, but apparently) has reprinted the pages from Senator Vibert’s website on their own website, which is funded by the financial services of this Island, which are governed and regulated by the States of Jersey, have not the President and his Committee considered the fact that a publicly regulated body is actually in breach of international law, albeit to be determined in the court, but potentially in breach and does it not concern the President that a breach of copyright has potentially occurred by the Jersey Financial Services Commission (JFSC)?”

The Bailiff:

“Senator Le Claire, you cannot properly ask the President whether he is aware or thinks or believes that some other body has been in breach of the law. What you can ask him is whether he is concerned about a possible liability on behalf of the Jersey Financial Services Commission.”

Senator P.F.C. Le Claire:

“Thank you, Sir. I will ask that question, Sir. Can I ask that question and also just add at the end of it, given that they are not covered by the States of Jersey Law that protects us as individuals and Committees by reports?”

Deputy F.G. Voisin:

“I do know that the Financial Services Commission did take advice on copyright law and they were informed that, under the 1911 Copyright Law that prevails in Jersey, there is certainly no breach of copyright.”

4(e) Senator P.F.C. Ozouf:

“Could the President tell me who he thinks owns the name ‘jerseyfsc’ and ‘jpsc’, the Jersey Financial Services Commission or Senator Vibert?”

Deputy F.G. Voisin:

“We have been informed that Senator Vibert owns the jerseyfsc and jpsc.com names.”

4(f) Senator E.P. Vibert:

“Would the President confirm to the House that, to actually enter the website, it states quite clearly ‘This is not the website of the Jersey Financial Services Commission’ and if you want that website, you can press the button and get the Jersey Financial Services Commission website?”

Deputy F.G. Voisin:

“I can’t confirm that, Sir, because I haven’t ... I certainly didn’t recall, when I did look at the website, I certainly didn’t recall a button or a link to the official jerseyfsc.org website. Because I cannot recall, I cannot confirm.”

5. The Deputy of St. John to the President of the Harbours and Airport Committee:

“Over the last few weeks more than 100 bollards have been put in the roadway outside the Airport Departures Hall. Would the President explain the rationale behind this work, give the costs involved and give details of

the consultations, if any, that have taken place with the Road Traffic Engineers of Public Services, Emergency Services and Parish Roads Committee?"

Senator L. Norman (President of the Harbours and Airport Committee):

"The bollards referred to are part of a wider road safety improvement scheme being implemented as a result of many near misses, several collisions and at least two serious accidents. Following consultations and discussions with the police, the road safety officer, the Taxi Cabs Association, a representative of the restricted cabs and the bus company, we have installed bollards to stop U-turns and head-on crashes; installed Belisha beacons on the main employees' pedestrian crossing; are reducing and changing the signage; refreshing paint on most and amending some of the road markings; and creating disabled spaces inside the arrivals car park to avoid the requirement to reverse out into the main traffic flow. The total budget for the works, including our own staff time is £12,000."

5(a) Deputy T.J. Le Main:

"Could the President inform the Assembly of when the application went into Planning for permission for this work and when it was granted?"

Senator L. Norman:

"My understanding and advice is that planning consent was not required."

5(b) Deputy M.F. Dubras:

"Two questions. First of all, has the President consulted the Women's Institute at the proliferation of these bollards; and, secondly, would he agree that in fact the situation that now arises is far worse than the one that he was attempting to solve at an inordinate cost to the airport and indirectly to the public?"

Senator L. Norman:

"No, I have had no communication whatsoever with the Women's Institute. The only female who has commented to me on the matter of the bollards is my wife, who says she doesn't like them, but, then again, her taste has always been in question. I am rather surprised that the Deputy says that the situation is worse. If some changes are necessary to improve the situation further, then of course it is perfectly within our ability to do that. There are one or two areas where I certainly think they need some tidying up, but certainly the safety situation has improved and not deteriorated."

5(c) Deputy R.G. Le Hérisier:

"Given that there is maybe a need for a good 'bollarding' of someone, would the President answer exactly how much they did cost and why that number was required as opposed to a smaller number?"

Senator L. Norman:

"As I say, the total budget was £12,000. The bollards themselves were about £5,000. The number: one of the reasons for installing them outside the Departures Hall was to stop this illegal activity and this dangerous activity, which has caused problems and has caused the accidents, of drivers taking U-turns from outside the Departures Building to return to the main airport road. Clearly, because – as we heard in the debate a couple of weeks ago – people always take the shortest route that they possibly can to get where they want to go, so people were taking U-turns, which was causing problems and causing accidents, so the number of bollards was determined by the length of the Departures Hall and the space in between them had to be small enough so that cars could not pass between them. It is as simple as that."

5(d) Deputy J.A. Bernstein:

"This might sound a trivial question, but I presume these bollards can be removed in case of an accident so that the emergency services can get to the damaged cars, but, if they are removed, where are they going to be put because they roll if they are put down? Where are you going to put the bollards when you remove them?"

Senator L. Norman:

"I am sure we could find suitable accommodation for them in the Parish of St. Brelade, in the district, if we have to remove any."

5(e) The Deputy of St. John:

“The President hasn’t answered the question. In fact, I was going to come from a similar frame. In the event of a shunting accident at the airport, what relief is there for the vehicles to get out of the flow that would build up? Also, given the event of an accident, have any accidents occurred since the bollards have been put in place? Thirdly, would he give reasons why the bollards in fact don’t finish at the end of the Departures Hall? In fact, they go right down for a further 100 yards or thereabouts right around the corner towards the end of the car park? Could he give a reason why, please? Thank you.”

Senator L. Norman:

“I am not sure if I can remember all those questions. I am aware of one accident that has occurred since the bollards were introduced. I am aware of one accident. Members will recall that, just after they were installed, we had that very cold spell and one vehicle, travelling at about 10 miles an hour, hit his brakes and skidded into the bollards, which actually proved to be a safety element, because that avoided him skidding into the oncoming traffic. The bollards reach an area going towards town to avoid vehicles making U-turns or coming out of the short-term car park and turning right across three lanes of traffic. Should a vehicle break down in the single track area, the same situation would apply when a car breaks down in a single track road or leaving a car park. Fortunately, at the airport, we have significant towing equipment, enough to move a 150 tonne aeroplane, so I can assure the Deputy they would have no trouble with a Ford Fiesta or even his 4 x 4, Sir, i moving it.”

5(f) The Deputy of St. John:

“That is a horrendous reply. Could he answer the question properly? I would like to know if there are any relief points within those bollards so that traffic can keep on moving in the event of an accident.”

Senator L. Norman:

“Not so far as I am aware, Sir.”

The Bailiff:

“I had indicated that that was the last question, but the Greffier tells me that the Connétable of St. Lawrence has been signalling from the very start that he wished to ask a supplementary and, as he very rarely does so, I shall let him.”

5(g) Connétable G. W. Fisher of St. Lawrence:

It is a very simple question. Did the Committee specifically approve this expenditure or not?”

Senator L. Norman:

“Yes, they did, Sir.”

6. The Deputy of St. John to the President of the Environment and Public Services Committee:

“What problems, if any, have arisen with the Bonne Nuit Sewerage Plant in recent weeks requiring regular tanker visits to the area to remove effluent in response to automatic alarm calls, and what action is to be taken to address the situation to ensure that visitors and local residents visiting the area and using the Café are not inconvenienced?”

Senator P.F.C. Ozouf (President of the Environment and Public Services Committee:

“The effluent, which is effectively clean water, discharging from the Bonne Nuit Sewerage Treatment Plant, has recently been tankered away instead of discharging to sea because there was a reduction in the usual high quality output from this plant as a result of a reduction in the incoming sewerage load during the early part of the year. The effluent was discharged into the overflow sump located outside the public toilets. The level in this sump was monitored by telemetry and tankers visited to empty it when required. The Department has endeavoured to tanker away this effluent at times which caused least disruption to local visitors and local residents of the area generally as the first call of the day, which is approximately 7.15 in the morning. The Department undertook various improvements to the operation of the plant to enhance its performance. In addition, a major de-sludge of the plant was carried out on 14th March, which involved tanker movements for much of the day. This operation was undertaken in advance of the Easter break to minimise disruption to the residents and visitors in the area. The performance of the plant has now returned to normal and, as of 24th

March, the effluent has again been to its previous high quality and has been discharged to sea, thus reducing the number of tanking visits to only essential maintenance levels.”

The Deputy of St. John:

“I would like to thank the President for his reply. I am aware that there have been a number of problems down there and they have been trying to keep on top of it, but the residents of the area are concerned. Thank you.”

Senator P.F.C. Ozouf:

“Could I just maybe add that I am aware of the concerns of the residents. I would just remind the Assembly that this plant was put in because another solution for sewerage treatment was actually not possible, as we would have had to build a mains sewer right to Bellozanne. It is innovative technology. We remain confident of its use. It has solved the Bonne Nuit problems and actually the real fundamental reason why there have been problems is there aren’t enough properties connected to it. But, with the redevelopment of a property in the area, that is going to change and we hope and expect that there won’t be any further problems.”

The Bailiff:

“Well, that concludes question time.”

Removal of material from the website: Senator E.P. Vibert– P.68/2005

THE STATES commenced consideration of a proposition of the Economic Development Committee concerning the removal of material from the website: Senator E.P. Vibert, and rejected a proposition of Deputy Guy William John de Faye of St. Helier that, in accordance with Standing Order 46, strangers do withdraw.

Members present voted as follows –

POUR: 13

Connétable of St. Clement
Connétable of Grouville
Deputy R.C. Duhamel (S)
Deputy J.J. Huet (H)
Deputy of St. John
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy G.W.J. de Faye (H)

CONTRE: 24

Senator L. Norman
Senator F.H. Walker
Senator P.V.F. Le Claire
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Peter
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. John
Deputy of Trinity
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy T.J. Le Main(H)
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy R.G. Le Hérisier (S)
Deputy J.A. Martin (H)
Deputy M.A. Taylor (C)
Deputy J.A. Hilton (H)

ABSTAIN: 0

THE STATES, following further consideration, rejected a proposition of the Deputy of St. Martin that the States

move to the consideration of the next item on the Order Paper.

Members present voted as follows –

POUR: 14

Senator W. Kinnard
Senator P.V.F. Le Claire
Connétable of St. Peter
Connétable of St. Clement
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy of St. John
Deputy G.C.L. Baudains (C)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisier (S)
Deputy J.A. Martin (H)
Deputy J.A. Bernstein (B)
Deputy of St. Peter
Deputy G.W.J. de Faye (H)

CONTRE: 28

Senator L. Norman
Senator F.H. Walker
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy J.J. Huet (H)
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy F.G. Voisin (L)
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy J.A. Hilton

ABSTAIN: 0

THE STATES, adopting a proposition of the Economic Development Committee, whereas the draft Code of Conduct for States members (P.33/2003) approved by the Assembly on 29th April 2003, provided 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 were a normal part of the political process’, requested Senator E.P. Vibert–

- (1) to observe the requirements of the draft Code of Conduct in respect of any material placed on websites controlled by him, and in particular –
 - (a) to remove from www.jerseyfsc.com and any other website controlled by him the current unsubstantiated statements relating to the Director General and Deputy Director General of the Jersey Financial Services Commission as detailed in Appendix 1 of the report dated 22nd March 2005, within 48 hours of this proposition being adopted by the States Assembly;
 - (b) to refrain from using www.jerseyfsc.com and any other website under his control to make allegations relating to the Director General and Deputy Director General of the Jersey Financial Services Commission and any other public officer without first raising and substantiating such allegations through the appropriate channels that are available to him and any other States Member;
- (2) to refrain, while he was a member of the States, from using www.jerseyfsc.com and any other website under his control which is capable of being confused with the website operated by the Jersey Financial

Services Commission.

Members present voted as follows –

POUR: 34

Senator L. Norman
Senator F.H. Walker
Senator P.F. Routier

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

CONTRE: 5

Senator W. Kinnard
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy R.G. Le Hérisssier (S)
Deputy G.W.J. de Faye (H)

ABSTAIN: 1

Deputy R.C. Duhamel (S)

Draft Bankruptcy (Netting) Contractual Subordination and Non-Petition Provisions) (Jersey) Law 200-P.30/2005

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Bankruptcy (Netting) Contractual Subordination and Non-Petition Provisions) (Jersey) Law 200-.

**Draft Employment Tribunal (Jersey) Regulations 200- P.36/2005
Comments**

THE STATES, in pursuance of Articles 82 and 104 of the Employment (Jersey) Law 2003, made Regulations entitled the Employment Tribunal (Jersey) Regulations 2005.

Maufant Village, St. Martin: transfer of estate roads and footpaths– rescindment – P.51/2004

THE STATES, adopting a proposition of the Housing Committee, referred to their Act dated 29th July 1980, in which they approved the transfer of ownership of certain estate roads and footpaths in the development at Maufant Village, Maufant, St. Martin and St. Saviour, from the public of the Island to the Parishes of St. Martin and St. Saviour, and authorised the Attorney General and the Greffier of the States to pass the necessary contracts in the matter and agreed to rescind the said Act.

Field 690A, Maufant, St. Martin: sale of rights– P.20/2005

Comments and Amendments

THE STATES commenced consideration of a proposition of the Housing Committee concerning Field 690A Maufant, St. Martin: sale of rights, and adopted an amendment of the Deputy of St. Martin that in paragraph (1) for the word “sale”, there be substituted the word “gift” and for the words “for the sum of £10 in each case, with each party to bear its respective legal and professional fees” there be substituted the words “with the public to be responsible for all legal and professional fees associated with the transactions”.

THE STATES, adopting a proposition of the Housing Committee, as amended –

- (a) approved the sale of rights by the public, as owner of certain estate roadways at Maufant, St. Martin/St. Saviour, by being party to the conveyance of Field 690A, St. Martin, between the own Vernon Alfred de Gruchy and the developer Stephen James Marett, or such nominee as shall be beneficially owned by him, in order to grant the necessary access and service rights to enable the construction of approximately 40 dwellings, subject to the necessary development permissions, for a consideration of £100,000 plus £10,000 per unit to be built upon this re-zoned site, as shown on drawing No. 305/04/94 together with the Public’s reasonable professional fees;
- (b) approved the gift by the Public of certain roadways, footpaths, landscaped areas and street-lighting at Maufant Village to the parishes of St. Martin and St. Saviour with the public to be responsible for all legal and professional fees associated with the transactions;
- (c) authorised the Attorney General and the Greffier of the States to pass and the Greffier of the States to sign as appropriate on behalf of the Public the said drawing and contracts or agreements as might be necessary; and
- (d) authorised the Treasurer of the States to receive any payments to the public as they became due.

Draft Community Provisions (Animal Feeding) (Jersey) Regulations 200- P.27/2005

THE STATES, in pursuance of Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996, made Regulations entitled the Community Provisions (Animal Feeding) (Jersey) Regulations 2005.

Draft Fertilisers and Feeding Stuffs (Amendment) (Jersey) Law 200- P.28/2005

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

Draft Diseases of Animals (Amendment No. 6) (Jersey) Law 200 P.29/2005

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Diseases of Animals (Amendment No. 6) (Jersey) Law 200.

Draft Competition (Jersey) Law 2005 (Appointed Day) Act 200- P.37/2005

THE STATES, in pursuance of Article 64 of the Competition (Jersey) Law 2005, made an Act entitled the Competition (Jersey) Law 2005 (Appointed Day) Act 2005.

Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 2) (Jersey) Regulations 200- P.41/2005

THE STATES, in pursuance of Articles 2, 6 and 8 of the Sea Fisheries (Jersey) Law 1994, having consulted with the Secretary of State and obtained the Secretary's concurrence, made Regulations entitled the Sea Fisheries (Minimum Size Limits) (Amendment No. 2) (Jersey) Regulations 2005.

Projet de Loi (Amendement No. 5) sur la Propriété Foncière- P.42/2005 (re-issue)

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Projet de Loi (Amendement No. 5) sur la Propriété Foncière.

Health and Safety Appeal Tribunal: appointment of Members – P. 48/2005

THE STATES, adopting a proposition of the Employment and Social Security Committee, appointed the undermentioned as members of the Health and Safety Appeal Tribunal, in pursuance of Article 17 of the Health and Safety at Work (Jersey) Law 1989, and the Health and Safety at Work (Appeal Tribunal) (Jersey) Regulations 1989, for a period of 3 years commencing 1st May 2005–

Advocate Charles Malcolm Bedford Thacker, M.A., Chairman,
Mr. Philip William Syvret, LL.B (Lond), Solicitor, Deputy Chairman,
Dr. Gwyn Llewelin, M.B., B.S., M.R.C.S., L.R.C.P., M.R.C.G.P.

Draft Data Protection (Amendment) (Jersey) Law 200- P.50/2005

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

THE STATES rose at 5.15 p.m.

A.H. HARRIS

Deputy Greffier of the States.