

**THE STATES assembled on Tuesday,
12th December 2000 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

All members were present with the exception of -

Senator Corrie Stein - ill
Senator Frank Harrison Walker - ill
Shirley Margaret Baudains, Deputy of St. Helier - ill

Prayers

Holocaust Memorial Day - 27th January 2001

The Bailiff announced that 27th January 2001, the anniversary of the liberation of Auschwitz-Birkenau Camp by Allied Forces in 1945, would be observed in the United Kingdom as Holocaust Memorial Day in memory of victims of genocide, and would represent a national commitment to oppose racism. The Island would join in this national act of remembrance and a ceremony would be held at 10.30 a.m. at the Occupation Tapestry Gallery, St. Helier.

Subordinate legislation tabled

The following enactments were laid before the States, namely -

Residential Homes (General Provisions) (Amendment No. 6) (Jersey) Order 2000. R & O 137/2000.

Nursing Homes and Residential Nursing Homes (General Provisions) (Amendment No. 6) (Jersey) Order 2000. R & O 138/2000.

Cremation (Fees) (Amendment No. 2) (Jersey) Order 2000. R & O 139/2000.

Food and Drugs (Ice-Cream Stalls etc.) (Amendment No. 21) (Jersey) Order 2000. R & O 140/2000.

Ancillary Dental Workers (Registration) (Fees No. 2) (Jersey) Order 2000. R & O 141/2000.

Nursing Agencies (General Provisions) (Amendment No. 16) (Jersey) Order 2000. R & O 142/2000.

Financial Services (Extension) (Appointed Day) (Jersey) Order 2000. R & O 143/2000.

Financial Services (Trust Company Business (Assets - Customer Money)) (Jersey) Order 2000. R & O 144/2000.

Financial Services (Trust Company Business (Exemptions No. 2)) (Jersey) Order 2000. R & O 145/2000.

Financial Services (Trust Company Business (Registration and Fees)) (Amendment) (Jersey) Order 2000. R & O 146/2000.

Employment and Social and Security Committee - appointment of member

THE STATES appointed the Connétable of St. John as a member of the Employment and Social Security Committee.

Matters presented

The following matters were presented to the States -

Human Resource Strategy - R.C.41/2000.

Presented by the Human Resources Committee.

50 Colomberie and 1 Little Green Street, St. Helier: conditions of sale (P.217/2000): comments - P.217/2000

Presented by the Finance and Economics Committee - Com.(2)

Draft Amendment (No. 25) to the Tariff of Harbour and Light Dues (P.195/2000): amendment (P.219/2000): comments - P.219/2000

Presented by the Finance and Economics Committee - Com.

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

Matters lodged

The following matters were lodged "au Greffe" -

Draft Police Force (Amendment No. 8) (Jersey) Law 2000 (Appointed Day) Act 200- - P.224/2000.

Presented by the Home Affairs Committee.

Manual Workers' Joint Council: Employers' Side membership - 2001 - P.225/2000.

Presented by the Human Resources Committee.

Draft Food Safety (Miscellaneous Provisions) (Jersey) Law 2000 (Appointed Day) Act 200- - P.226/2000.

Presented by the Health and Social Services Committee.

Arrangement of public business for the next meeting on 16th January 2001

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 16th January 2001 -

Committee of Inquiry: Pioneer Coaches Ltd., Town 'Hoppa Bus' service - P.172/2000.

Lodged: 10th October 2000.

Deputy R.G. Le Hérisssier of St. Saviour.

Committee of Inquiry: Pioneer Coaches Ltd., Town 'Hoppa Bus' service (P.172/2000): report - P.172/2000.

Presented: 21st November 2000 Rpt.

Public Services Committee.

Housing Regulations: reduction in residence period - P.212/2000.

Lodged: 21st November 2000.

Housing Committee.

Draft Housing (General Provisions) (Amendment No. 14) (Jersey) Regulations 200 - P.213/2000.

Lodged: 21st November 2000.

Housing Committee.

50 Colomberie and 1 Little Green Street, St. Helier: conditions of sale. P.217/2000

Lodged: 21st November 2000.

Public Services Committee.

50 Colomberie and 1 Little Green Street, St. Helier: conditions of sale (P.217/2000): comments. P.217/2000 Com.

Presented: 5th December 2000.

Planning and Environment Committee.

50 Colomberie and 1 Little Green Street, St. Helier: conditions of sale (P.217/2000): comments. P.217/2000 Com(2).

Presented: 12th December 2000.

Finance and Economics Committee

Draft Disability Transport Allowance (Jersey) Regulations 200-. P.222/2000
Lodged: 5th December 2000
Employment and Social Security Committee.

Manual Workers' Joint Council: Employers' Side membership - 2001. P.225/2000
Lodged: 12th December 2000.
Human Resources Committee.

Draft Food Safety (Miscellaneous Provisions) (Jersey) Law 2000 (Appointed Day) Act 200-. P.226/2000
Lodged: 12th December 2000
Health and Social Services Committee.

Projet withdrawn under Standing Order 17(6)

THE STATES noted that, in accordance with Standing Order 17(6) the following projet had been withdrawn -

Senators and Deputies: terms of office- P.199/99
Lodged: 7th December 1999.
Deputy A. Breckon of St. Saviour.

Closure of the swimming pool at Fort Regent - question and answer (Tape No. 631)

Senator Paul Vincent Francis Le Claire asked Deputy Michael Edward Vibert of St. Brelade, President of the Sport, Leisure and Recreation Committee, the following question -

“Would the President advise members whether the swimming pool at Fort Regent has to be closed before the proposed leisure pool on the Waterfront is to be opened and if the answer is in the affirmative, would he give the reasons for this decision?”

The President of the Sport, Leisure and Recreation Committee replied as follows -

“No.

On 27th July 1999 the States adopted a proposition of the Finance and Economics Committee (P.93/99), which authorised the transfer of £5.5 million from the Strategic Reserve to the Tourism Investment Fund. Part of that sum, £2.5 million, was to provide for a 25 metre, six lane competition pool, to replace the pool at Fort Regent. The inclusion of a competition pool avoids the potential capital cost of £4.5 million to refurbish the Fort Regent pool.

Following the withdrawal of Cannons, the operation of the leisure pool complex was offered to Club Carrefour. The proposed lease agreement between the States of Jersey and Club Carrefour required the Sport, Leisure and Recreation Committee to close the Fort Regent pool within 6 months of the Waterfront complex opening. This is consistent with the decision of the States when it approved P.93/99. Deputy Paul Le Claire voted ‘pour’ the proposition.”

Parish Rates Review - question and answer (Tape No. 631)

Deputy Jeremy Laurence Dorey of St. Helier asked Senator Wendy Kinnard, President of the Legislation Committee, the following question -

“Following the States’ approval on 24th May 1994 of the Parish Rates Review (P.124/93), the Parish Rates Law Working Party first met in September 1998 to consider and prepare appropriate legislation. Would the President inform the Assembly -

- (a) what progress has been made in preparing legislation, in particular to implement a fixed rateable value, in accordance with the provisions of P.124/93?
- (b) whether the Working Party has confined its deliberations to the precise terms of P.124/93, or whether it has also considered - in response to public expectation - other possible amendments to the 1946 Parish Rates Law, such as the abolition of Occupier’s Rate, the removal of rates exemptions presently enjoyed by the States and the Crown, or any other matters not specified in P.124/93?

- (c) whether there is presently any clear timescale for completion of the Working Party's task?"

The President of the Legislation Committee replied as follows -

"Great progress has been made since the Parish Rates Law Working Party was formed in September 1998. A draft Law has been drawn up by the Working Party in accordance with P.124/93.

However, the Working Party has now identified certain issues which were not agreed by the States when the Parish Rates Review (P.124/93) was debated. The Working Party considers it necessary for these matters to be resolved before drafting can be completed.

The Working Party confined its deliberations to the terms of what was decided by the States on 24th May 1994. This was following advice from the Attorney General as to its remit, although it was necessary to take into account changes caused by relevant decisions of the Rate Appeals Board.

In identifying items for further discussion and decision, the Working Party has included several issues which concern Occupiers Rates and the removal of rates enjoyed by the States Departments and the Crown. These matters will require States decisions before the final draft Law is presented to the States.

The timescale will depend upon the States decisions when the matters come before the Assembly. The Working Party expects to present the items which require States decisions to the Legislation Committee at its January meeting and the draft law should be presented to the States as soon as possible thereafter when the necessary re-drafting has been completed."

Determination of applications under the Regulation of Undertakings and Development (Jersey) Law 1973, as amended - question and answer (Tape No. 631)

Deputy Jeremy Laurence Dorey of St. Helier asked Deputy Maurice François Dubras of St. Lawrence, President of the Industries Committee, the following question -

"Under the terms of the Regulation of Undertakings and Development (Jersey) Law 1973, as amended, from January 2000 to date, how many applications have been accepted and how many rejected from persons with less than five years' residence?"

The President of the Industries Committee replied as follows -

"For the period 1st January to 30th September 2000, applications were received from new undertakings to engage 96 non-locally qualified employees, of which 75 were approved and 21 were refused.

For the same period, applications were received from existing undertakings to engage 23 non-locally qualified employees, of which 15 were approved and eight were refused."

Police procedures for the monitoring of police officers' driving, the treatment of members of the public reporting crime or seeking help, and the possible issue of C.S. gas to police officers - questions and answers (Tape No. 631)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Deputy Alastair John Layzell of St. Brelade, President of the Home Affairs Committee the following questions -

"1. Would the President advise members -

- (a) whether the Committee is considering following the United Kingdom Police Force by fitting 'black boxes' to local police vehicles in order to assist accident investigation?
- (b) whether the Committee will follow the example of the Metropolitan Police whereby all police drivers in London must undergo a new driving examination and two assessments before obtaining a driving permit?

2. Given that public confidence in the police is necessary for them to function efficiently, what

measures does the President intend to implement to ensure that -

- (a) members of the public seeking help or reporting a crime are treated courteously and without undue delay?
 - (b) in future sufficient information is made available to allay public suspicion that the police receive favourable treatment, especially with regard to motoring offences or accidents.
3. (a) The Chief Officer, States of Jersey Police Force, has intimated that he is in favour of issuing C.S. gas to his officers. Would the President advise members if this matter is currently under consideration by the Committee?
- (b) Before any decision is taken to issue police officers with this equipment, would the President agree to table a proposition in order that this matter may be debated by the Assembly, and if the answer is in the negative, would the President give his reasons?"

The President of the Home Affairs Committee replied as follows -

- "1. (a) No.
- (b) No.
2. (a) No additional measures are planned.
- (b) No additional measures are planned.
3. (a) Yes.
- (b) No. The Police Force (Jersey) Law 1974 creates a statutory duty to provide the police with equipment. That duty falls to the Home Affairs Committee, not the States."

Proposal to introduce a speed limit on Grouville's coast road, pavement alterations in St. Clement and resurfacing of roads - questions and answers (Tape No. 631)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Deputy Alan Simon Crowcroft of St. Helier, President of the Public Services Committee, the following questions -

- "1. With regard to the published decision to introduce a 30 mph speed limit on Grouville's coast road, would the President -
- (a) advise whether the decision was in response to a request from the Parish?
 - (b) confirm that as recently as July this year, the Committee agreed, in considering this speed limit proposal, that it was "Not consistent with policy" .. and that "recorded speeds suggest a 30 miles per hour limit would not produce reductions"?
 - (c) confirm that the Committee's policy accepts that, of the numerous requests it gets for changes to speed limits, "in most cases investigation determines that speeds are not generally excessive, accidents have not occurred or are not speed related, and introducing a lower limit will offer no improvement in safety"?
 - (d) confirm that the proper procedure is for a Parish, after due deliberation, to request the Committee to impose speed restrictions, and not for the President to exert pressure on a Parish to adopt a scheme and, if so, would he confirm that in future the Committee will act in line with these procedures?
2. With regard to the pavement alterations that have been carried out recently by the Committee at the junction of Green Road and St. Clement's coast road, would the President inform Members, given that a local firm can construct pavement, including resiting manholes, etc... at a rate of 70 metres a week -

- (a) why, with the same sized gang, the c.70 metre south pavement (even allowing for realigning conduits) took 9 weeks and the c.44 metre north pavement four weeks?
 - (b) In view of the difference in efficiency, whether tenders were invited for the work and if not, why not?
 - (c) whether estimates for this work were compared with known rates of local firms before deciding to do the job 'in house'?
3. With regard to the present poor state of our main roads, would the President advise -
- (a) how much resurfacing has been done this year and how that compares with preceding years?
 - (b) what progress has been made by the working party tasked to investigate the problem and, whether its conclusions will be published?"

The President of the Public Services Committee replied as follows -

- "1.(a) The Public Services Committee considered the matter of the speed limit on La Grande Route des Sablons, Grouville, following a request from the Deputy of Grouville, at its meeting on 16th October, 2000. The President of the Committee had previously discussed the matter with the Connétable of Grouville. Members were supplied with correspondence from the Connétable and the Deputy of Grouville, both addressed to the President of the Committee.

The Connétable of Grouville wrote in the following terms -

'Further to our recent conversation I can confirm that the 30mph speed limit on la Grande Route des Sablons was discussed at a recent Parish Roads Committee meeting.

However (*sic*) the Committee, although sympathetic to your proposals, felt that the construction of a pavement on the Coast Road adjacent to the Pembroke was absolute priority in the provision of school and pedestrian safety in the area. I am sure that this will not deter you in your aim to have a 30 mph Island Speed limit.'

(23rd February 2000)

The Deputy of Grouville wrote in the following terms -

'When I was canvassing in Grouville last November, the issue that most concerned the residents of La Grande Route des Sablons, that is - the Coast Road, was the speed of traffic.

The problem has been highlighted by me and others many times before - and about various sections of the road. Apart from la Rocque Harbour (sea-side) families live along the entire length of La Grande Route des Sablons and some houses open almost directly on to it. At the north end, where it becomes Ville ès Renauds and alongside the Pembroke Pub, the situation is rendered even more dangerous by the location of Grouville School.

It seems to me that the only sensible solution is to impose a 30 mph speed limit along the entire length from St Clement to Gorey Village. I promised residents that I would tackle this problem as soon as possible in the New Year. Feelings are running very high about the failure of any previous Public Services Committee to even feign an interest in this matter and I would appreciate an early response to my letter.'

(26th January 2000. Copied to Connétable of Grouville, Head Teacher of Grouville school and various residents of La Grande Route des Sablons.)

- (b) At its meeting on 10th July, 2000, the Committee as previously constituted and of which the Deputy of St Clement was a member, considered a Departmental draft report on the review of speed limits policy. An appendix to that report listed 17 requests that had been received for

changes to existing speed limits in particular areas. The Department's comment in respect of the request from the Deputy of Grouville for a 30 mile per hour speed limit to be applied on the Coast Road from Gorey Village to the boundary with St Clement stated -

'Not consistent with policy, ribbon development as opposed to fully built up area, recorded speeds suggest 30 limit would not produce reductions'

However, the Committee has maintained the view that notwithstanding the fact that the current speed limits policy sets out certain parameters for the setting of particular speed limits around the Island, all requests for changes in speed limits will be given serious consideration by the Committee, and that representations from the public and the Parish authorities will be taken into account.

With regard to the specific application for La Grande Route des Sablons, the Committee was mindful of the published Tourism Strategy and the need to make Island roads more welcoming for visitors wishing to cycle or walk along them. It was pointed out to the Committee at its meeting on 16th October that whereas the West of the Island can be reached by such visitors via the Victoria Avenue promenade and the Railway Walk, no such safe facilities exist for tourists wishing to cycle or walk to the East of the Island. It was felt by the Committee that a lower speed limit on the Coast Road to Gorey would make walking and cycling along its length more welcoming for visitors. With this in mind, the Committee requested the President to write to the Connétable of St Clement to ascertain that Parish's view on extending the 30mph limit for the whole length of the Coast Road.

- (c) In providing the background to its report on reviewing speed limits policy, the Department advised the Committee that numerous requests for changes to existing speed limits are received and that these requests invariably are natural reactions from concerned residents who feel threatened by vehicles travelling along adjacent roads. It further advised that in many cases, investigation determines that speeds are generally not excessive, accidents have not occurred or are not speed related and introducing a lower speed limit, unless rigorously enforced, will offer no improvement in safety.

In developing the speed limit policy the Committee has agreed to meet with the Home Affairs Committee in the New Year, as it maintains that more rigorous enforcement of the Island's speed limits is essential. It has also agreed that steps should be taken to ensure that vehicles restricted by virtue of their type to travelling at or below 30mph should be signed to make this existing policy absolutely clear.

While the factual evidence gathered shows most drivers travel at speeds that are consistent with the character and geometry of the road, there is a small but significant proportion of drivers that consistently travel at excessive speeds for the conditions. It is a matter of fact that these drivers are involved in more accidents than the 'average' driver. In reviewing its policy on speed limits, the Committee identified that road safety would improve if all drivers recognised that driving at inappropriate speeds for the nature of the road was as unacceptable as drinking and driving. Educating the public and changing drivers' attitudes to speeding is a long term aim and is being addressed by the Home Affairs Committee as part of its Road Safety Strategy.

- (d) The question is phrased in such a way as to suggest that in the case of the speed limit reduction on La Grande Route des Sablons, the President of the Committee exerted pressure on the parish to 'adopt the scheme'. As should be clear from the answer to 1(a) above, this suggestion is not accepted.

Under the Road Traffic (Speed Limits) (Jersey) Order 1996, as amended, responsibility for administering speed limits on roads, as defined under the Road Traffic (Jersey) Law 1956, as amended, lies solely with the Public Services Committee. It is normally the case, however, that when a request for a change in the speed limit on a road is received the relevant parish authority is consulted. The Committee would invariably accept a request from a parish authority to introduce a 30 mile per hour limit on any of its by-roads, albeit I would expect the parish authority to consider any representation from the Committee or Department in respect of the request.

2. (a) The actual scope of the works at the Green Road and St. Clement's Coast Road included for the re-aligning of the granite kerbing to the South side, new pavings, the construction of two traffic islands and provision of new paved areas to the north side.

Although the total duration of the works, which were carried out in two phases, took place over a period of nine weeks for the south side work, the actual productive time on site was in reality seven weeks. The work on the North side is incomplete at present awaiting delivery of Tact-tiles from the mainland.

The following factors should be considered -

A major priority whilst executing the works was to ensure the least disruption to traffic. Work commenced at 9.00 (normal start time 7.30), excavated material was barrowed 100 metres for disposal to a truck parked off the road and work had to be programmed in sections disruptive to preferred work patterns.

All excavations were carried out by hand due to the presence of electrical (11Kv) and TV cables.

The entire surface water system was renewed, this entailed rebuilding of seven new chambers.

Two road crossings were required for the electrical supply to island bollards.

Edgings were provided to the rear of the footpaths and tactile tiled panels at all pedestrian crossing points.

On the north side where work has been immediately alongside the facade of private properties regard has been paid to the provision of continuous access to garages and entrance doors. The drainage from the properties has been extended and the cable TV points re-sited.

All Public Services Department personnel are potentially employed to address works of an urgent nature anywhere in the Island, the men employed on this site were no exception. During the period these men were based at Grève d'Azette, they were on occasion tasked with work at other locations.

- (b) Tenders were not invited for the works. Competitive tenders require a significant level of detailing and contract documentation. Considerable savings in staff time are therefore made when the works are carried out by direct labour. When the works are relatively small scale and potentially complicated because of alterations to underground services and the like, these savings can outweigh the potential savings competitive tenders might produce.
 - (c) A comparison was made between the hourly rates charged by PSd and outside contractors for this type of work and the PSd rates are some 25 per cent less than those of the external contractors.
3. (a) In 1991, £703,705 was expended on road and footway resurfacing. In 1996, £854,235 was expended on road and footway resurfacing, the greatest amount in the past 10 years, albeit when inflation from 1991 is taken into account this figure should have been nearer to £900,000. To date in 2000, £710,000 has been expended or committed on road and footway resurfacing. Again, if inflation from 1991 was taken into account, almost £1.1million should have been allocated to resurfacing.
 - (b) The Highway Condition Working Group was established under the Chairmanship of Deputy Rondel, then Vice-President of the Public Services Committee, in April this year. The Group highlighted a number of actions that fell into three main groupings -
 1. increasing the resources available and making more effective use of existing resources in the future highway maintenance programme;
 2. re-assessing the design and maintenance standards to take into account the growth in heavy vehicles using the road;

3. improving the standards applied when the roads are dug up by service companies or as a result of nearby developments.

Work is progressing steadily in implementing these actions. For example, an application has been made to secure capital funds to implement a pavement management system whereby funds are targeted and the most cost effective treatment is used in maintaining the roads. Investigations are underway in using alternative, more sustainable materials and processes for carrying out roadworks.

While a great deal of forward planning and co-ordination takes place with the service companies to minimise disruption and damage to highways, it remains the case that there are significantly more road openings occurring now compared to 10 years ago. This has a significant effect on the highways and discussions will be taking place with the service companies to improve the co-ordination of works and the quality of reinstatement. Unfortunately, there is no quick fix for the consequences of under-investment in the past on our infrastructure. The Working Group is being re-established by the present Public Services Committee, which will receive regular reports from it, and update the States on progress and resource requirements in due course.”

Field 378, St. Saviour- question and answer (Tape No. 631)

Deputy Lyndon John Farnham of St. Saviour asked Senator Nigel Lewis Qu  r  e, President of the Planning and Environment Committee, the following question -

“In relation to the rezoning and redevelopment of Fields 378 and 379, Five Oaks, St. Saviour, would the President inform members -

- (a) whether there are sufficient utilities in the area to support the development at this time?
- (b) in light of the delays in the sale of land by the current owners to the developer, and depending on the answer to (a), when is the development likely to begin?”

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

“(a) In putting forward the proposition to rezone land for the purposes of first-time buyer and social rented housing in November 1999 (P.150/99) the Planning and Environment Committee was conscious that it was working with the Housing, Finance and Economics and Policy and Resources Committees to a housing requirement to the year 2003.

The Committee undertook feasibility studies of all those sites under consideration. In respect of Fields 378 and 379 consultation with all the utility companies was carried out. Advice received from the Jersey New Waterworks Company at that time was that *'the existing pumped distribution system is inadequate to supply water to this proposed development. A new high-level gravity water distribution system and treated water service reservoir is presently under construction and connections from this system to the area of the proposed development are planned in the near future, between 2002 and 2004. A new link main and reinforcement of the distribution system will be required to supply the proposed development.'*

On the basis of this information, the report (at page 25) which was considered by the States Assembly identified the provision of water to the site as a potential constraint and noted that the provision of mains water to the site was scheduled between 2002 and 2004. More recent contact with the Jersey New Waterworks Company has indicated that the programme of works is, at present, on target and that the new water infrastructure will be available at the site in 2004, but that the existing infrastructure may be capable of supplying a phased development of the site, subject to flow and pressure tests at the existing pumping station.

- (b) The Planning and Environment Committee is very aware of the delay in procuring a comprehensive package of land that could realise the development of Fields 378 and 379. The

principal issue is a satisfactory access to the site.

In the light of these delays, and with reference to the authority granted to the Committee by the States in November last year, the Committee instructed the Property Services Department, on 26th October 2000, to enter into discussions with the owners of Fields 378 and 379 with a view to the potential acquisition of the land on behalf of the Public. At the same time, the Property Services Department was also instructed to monitor the progress of the private sector developer with regard to securing access to the site and to assess the requirement to directly intervene in this respect also, if necessary. The situation is a dynamic one and at this time, the private sector developer may be close to being able to realise the development of the site.

Monitoring of the situation is ongoing and the Committee will determine whether to directly intervene in the process in order to expedite the development of the site.

Subject to the resolution of the access issue and the testing of the ability of the existing pumping station to supply a phased development of the site, its development could commence following the submission and determination of a detailed planning application.”

Re-establishment of air links with Heathrow - question and answer (Tape No. 631)

Deputy Lyndon John Farnham of St. Saviour asked Deputy Alastair John Layzell of St. Brelade, President of the Jersey Transport Authority, the following question -

- “(a) following the recent severance of air links with Heathrow Airport, and in the interest of users of air transport, would the President inform members what steps have been taken in an effort to re-establish an air link between Jersey and Heathrow?
- (b) does the JTA have any plans or a strategy in place that could lead to the re-establishment of an air link between Jersey and Heathrow?”

The President of the Jersey Transport Authority replied as follows -

- “(a) When in May of this year the Jersey Transport Authority was informed by British Airways of its intention to withdraw the Heathrow-Jersey service at the end of October the immediate response of the Authority was to seek to persuade British Airways to remain on the route, even if only with a service more limited in extent than that previously enjoyed. When it was clear that British Airways was not for turning the Authority approached a number of airlines that already had slots at Heathrow Airport to see whether they would be prepared to use their slots to provide a Jersey service. The Authority is aware that given the pressure on slots at Heathrow Airport it is only if an existing slot holder is prepared to reallocate slots to a Jersey service is it likely, with the present slot allocation arrangements, that such a service would be re-established.

The only positive response the Authority received was from British Midland Airways. However, British Midland indicated that they would only be interested in providing a service to and from Heathrow if they could charge a very significant ‘premium’ over present fare levels to increase the value added and thereby to justify using existing slots for a Jersey rather than another service. The airline indicated that it did not consider such a ‘premium’ would be sustainable because of competition from the Gatwick route and, therefore, it was not prepared to consider the reallocation of existing slots at Heathrow to support the provision of a Jersey service. However, the airline did indicate that if the existing slot allocation arrangements are changed and it became possible for the slots required for a Jersey service to be fully protected - so they could only be used for a Jersey service - it would be interested in being the airline to whom those slots were offered.

The Jersey Transport Authority has pressed the United Kingdom Government, over a number of years, on the matter of the protection of slots at Heathrow and Gatwick airports. In September 1999 the Authority met with the Minister with responsibility for aviation matters and discussed the prospect of a change to the European Union slot allocation regulations that determine the way in which slots are allocated at Heathrow and Gatwick airports in order to give greater protection to slots to be used for a Jersey air service.

Members will find on their desks a detailed note on this matter of slot allocation at Heathrow and Gatwick airports. The current position is that the United Kingdom Government has advised the insular authorities that it supports the idea of regional air services being given a measure of protection in the allocation of slots at Heathrow and Gatwick airports and that a meeting will be arranged with the European Union officials when the European Commission produces a draft of the proposed revised slot allocation regulations.

I have also had put on members desk a copy of a letter I have sent to the Chief Executive of British Airways in response to the recent announcement of the outcome of that airline's review of its Gatwick services.

- (b) The Jersey Transport Authority believes that currently the best course of action in seeking the re-establishment of an air link between Jersey and Heathrow is to seek to persuade the European Union to incorporate into revised slot allocation regulations protection for regional air services such as the Heathrow - Jersey service.

Contrary to what has been suggested in some quarters it is not possible for the States of Jersey to purchase slots at Heathrow or Gatwick airports. It is of course possible that an airline holding slots at either airport might be persuaded through a substantial annual cash payment to use their slots for a Jersey service. What the cost might be - and undoubtedly other airlines serving the Island from the London airports would seek similar financial support in order to protect their competitive position - is unclear. Since slots are not supposed to be traded it is not possible to know their exact value. The Authority has been informed that four slots at Gatwick airport are said to be worth up to £20 million, and that four slots at Heathrow airport would command a much greater value. On the basis of this information it can be assumed that if the States were required to pay for four slots at Gatwick and four slots at Heathrow the cost could be in excess of £50 million. The Jersey Transport Authority is of the opinion that it would be irresponsible to contemplate such a course of action, even if it was possible to do so, when discussions are shortly to be held with European Union officials on the prospect of slot protection for a Heathrow - Jersey service which if obtained would be at no cost to the Jersey tax payer."

Employment legislation - P.99/2000

Addendum to report - P.99/2000 Rpt.; Amendments P.183/2000); (P.183/2000) - amendment - P.218/2000

THE STATES commenced consideration of a proposition of the Employment and Social Security Committee regarding employment legislation and adopted an amendment of the Industries Committee that -

- (a) after paragraph (1) there should be inserted the following paragraph -
 - “(2) to charge the Employment and Social Security Committee to consult with the Industries Committee and all other interested parties, and to present to the States as soon as possible a further report and proposition addressing the appropriate level of legislation necessary to implement a balanced and effective approach to the inter-related trade union issues identified in Part Two of the report of th Employment and Social Security Committee, and in particular -
 - (i) to provide statutory recognition and regulation of trade unions in the Island;
 - (ii) to provide for the regulation of employee/employer relations; and
 - (iii) to define and regulate legitimate industrial action.”,
- (b) paragraph (2) should be renumbered as paragraph (3); and
- (c) in the renumbered paragraph (3) sub-paragraph (a) should be deleted and sub-paragraphs (b) and (c) renumbered accordingly.

THE STATES adopting the proposition, as amended, of the Employment and Social Security Committee,

referred to their Act dated 16th March 1999 in which they approved the introduction of legislation to provide for the introduction of a minimum wage and a trainee wage and the establishment of a Jersey Advisory and Conciliation Service and an Employment Tribunal and -

1. approved the introduction of legislation as detailed in Part Two of the report of the Employment and Social Security Committee dated 8th June 2000, to -
 - (a) facilitate the introduction of the minimum wage, including provisions to introduce pay statements, and to offer protection from unfair dismissal;
 - (b) establish acceptable contractual minimum standards;
 - (c) revise the Industrial Disputes (Jersey) Law 1956, as amended, as described in the said Report;
- (2) charged the Employment and Social Security Committee to consult with the Industries Committee and all other interested parties, and to present to the States as soon as possible a further report and proposition addressing the appropriate level of legislation necessary to implement a balanced and effective approach to the inter-related trade union issues identified in Part Two of the report of the Employment and Social Security Committee, and in particular -
 - (i) to provide statutory recognition and regulation of trade unions in the Island;
 - (ii) to provide for the regulation of employee/employer relations; and
 - (iii) to define and regulate legitimate industrial action;
3. charged the Committee to develop such further measures as might be necessary, as detailed in Part Three of the Report of the Employment and Social Security Committee dated 8th June 2000, to deal with the issues of -
 - (a) redundancy, maternity, equal pay and equal opportunities and any issues regarding discrimination in the work place;
 - (b) flexible working and family friendly policies and the protection of employees involved in business mergers and acquisitions.

Members present voted as follows -

“Pour” (36)

Senators

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

Connétables

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

Deputies

H. Baudains(C), St. Mary, Trinity, Routier(H), Layzell(B), Breckon(S), Huet(H), St. Martin, Le Mai (H), Vibert(B), St. Peter, Dubras(L), St. Ouen, Voisin(L), Scott Warren(S), Farnham(S), Le Hérisse (S), Ozouf(H), Fox(H), Martin(H).

“Contre” (7)

Senators

Norman.

Connétables

Grouville, St. Saviour, St. Clement.

Deputies

St. John, G. Baudains(C), Troy(B).

One member abstained from voting.

Draft Harbours (Amendment No. 31) (Jersey) Regulations 200 - P.175/2000; Comments - P.175/2000 Com.

THE STATES, in pursuance of Article 4 of the Harbours (Administration) (Jersey) Law 1961, as amended, made Regulations entitled the Harbours (Amendment No. 31) (Jersey) Regulations 2000.

Draft Amendment (No. 25) to the Tariff of Harbour and Light Dues - P.195/2000; Amendment - P.219/2000

THE STATES resumed consideration of a proposition of the Harbours and Airport Committee concerning the Draft Amendment (No. 25) to the Tariff of Harbour and Light Dues which had been discontinued on 21st November 2000 and granted leave to Deputy Philip Francis Cyril Ozouf of St. Helier to withdraw an amendment that in the proposed new Section A5, after sub-paragraph (b), there should be inserted the following sub-paragraph -

“(ba) For each metric tonne of ready-made concrete building blocks unloaded from a ship on importation into the Island £1.00”.

that in sub-paragraph (c), after the words “or 5(b)” there should be inserted the words “or 5(ba)”; and that in the proposed new Section A.5(c) after the word “refers” there should be inserted the words “, or agricultural produce being loaded for export from the Island”.

THE STATES, in pursuance of Article 6 of the Harbour and Light Dues (Jersey) Law 1947, as amended, approved the draft Amendment (No. 25) to the Tariff of Harbour and Light Dues.

**Draft Boats and Surf-Riding (Control) (Amendment No. 20) (Jersey) Regulations 200- - P.196/2000
Comments - P.196/2000 Com.**

THE STATES, in exercise of the powers conferred on them by Article 4 of the Harbours (Administration) (Jersey) Law 1961, as amended, made Regulations entitled the Boats and Surf-Riding (Control) (Amendment No. 20) (Jersey) Regulations 2000.

Draft Subordinate Legislation (Amendment No. 2) Law 200 - P.205/2000

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Subordinate Legislation (Amendment No. 2) Law 200 .

Draft Criminal Justice (Compensation Orders) (Jersey) Regulations 200- - P.206/2000; Addendum - P.206/2000 Rpt.

THE STATES, in pursuance of Article 2(3) of the Criminal Justice (Compensation Orders) (Jersey) Law 1994, as amended, made Regulations entitled the Criminal Justice (Compensation Orders) (Jersey) Regulations 2000.

Draft Family Allowances (Jersey) Regulations 200- - P.202/2000; Comments - P.202/2000 Com.

THE STATES, in pursuance of Article 7 of the Family Allowances (Jersey) Law 1972, as amended, made Regulations entitled the Family Allowances (Jersey) Regulations 2000.

Health Services Disciplinary Tribunal: appointment of members - P.221/2000

THE STATES, adopting a proposition of the Employment and Social Security Committee, and in pursuance of Articles 1 and 36 of the Health Insurance (Jersey) Law 1967, as amended, appointed the following as members of the Health Services Disciplinary Tribunal, for a period of three years commencing on 1st January 2001 -

Advocate David Eldon Le Cornu - Chairman
Conrad Edwin Coutanche - Deputy Chairman
Mrs. Ruth Janet Syvret
Mr. Philip Ralph Daubeney
Mrs. Patricia Anne Henwood

Mr. Colin Henry Letto.

Compliments of the season

Senator Pierre François Horsfall, O.B.E., on behalf of the Senators, Connétable Malcolm Cedric Pollard, on behalf of the Connétables, and Deputy Harry Hallewell Baudains of St. Clement, on behalf of the Deputies, wished the Bailiff and Lady Bailhache, the Law Officers and the officers of the States, the compliments of the season.

The Bailiff, in return, wished the members of the States and their families a Merry Christmas and a Peaceful New Year.

THE STATES rose at 12.48 p.m.

C.M. NEWCOMBE

Greffier of the States.