

**THE STATES assembled on Tuesday,
22nd October 2002 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 - out of the Island
John Baudains Germain, Connétable of St. Martin - out of the Island
Alan Breckon, Deputy of St. Saviour - ill

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely -

Community Provisions (Zimbabwe - Restrictive Measures) (No. 3) (Jersey) Order 2002. R & O 118/2002.

Civil Service Administration (General) (Jersey) Rules 1949 (Amendment No. 13) (Jersey) Order 2002. R & O 119/2002.

Matters presented

The following matters were presented to the States -

Machinery of Government: first report of the Privileges and Procedures Committee.
Presented by the Privileges and Procedures Committee.

States of Jersey Law 1966, as amended: delegation of functions - Gambling (Licensing Provisions) (Jersey) Regulations 1965, as amended - R.C. 41/2002.
Presented by the Gambling Control Committee.

Report on the 2001 Census.
Presented by the Etat Civil Committee.

Machinery of Government: election and removal of ministers and votes of confidence in ministers (P.149/2002) - comments - P.149/2002. Com.(2).
Presented by the Privileges and Procedures Committee.

Machinery of Government: structure of the Executive (P.171/2002) - comments - P.171/2002. Com.
Presented by the Human Resources Committee.

The following matters were presented on 15th October 2002 -

States of Jersey Law 1966, as amended: delegation of functions - prison - temporary release of prisoners - R.C.39/2002.
Presented by the Home Affairs Committee.

States of Jersey Law 1966, as amended: delegation of functions - requests for use of trading funds - R.C.40/2002.
Presented by the Finance and Economics Committee.

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

Matters lodged

The following matters were lodged “au Greffe” -

Draft Housing (Amendment No. 17) (Jersey) Regulations 200- (P.189/2002): amendments - P.189/2002. Amd.
Presented by Senator P.V.F. Le Claire.

La Collette Phase II: bus garage and workshop- proposed lease to Connex Transport Jersey Ltd. - P.190/2002.
Presented by the Planning and Environment Committee.

Machinery of Government: structure of the Executive - P.191/2002.
Presented by the Policy and Resources Committee.

The following matters were lodged on 15th October 2002 -

Draft Official Publications (Amendment) (Jersey) Law 200- P.188/2002.
Presented by the Legislation Committee.

Draft Housing (General Provisions) (Amendment No. 17) (Jersey) Regulations 200- P.189/2002.
Presented by the Housing Committee.

Arrangement of public business for the present meeting

THE STATES acceded to the request of the President of the Health and Social Services Committee that consideration of the proposition regarding The Haven, La Grande Route de St. Martin, St. Saviour: purchase of land. (P.185/2002 lodged “au Greffe” on 8th October 2002) be deferred from the present meeting.

Arrangement of public business for the next meeting on 5th November 2002

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 5th November 2002 -

Draft Police Procedures and Criminal Evidence (Jersey) Law 200- P.89/2002.
Lodged: 28th May 2002.
Home Affairs Committee.

Draft Police Procedures and Criminal Evidence (Jersey) Law 200- (P.89/2002): comments - P.89/2002 Com.
Presented: 11th June 2002.
Human Resources Committee.

Draft Police Procedures and Criminal Evidence (Jersey) Law 200- (P.89/2002): comments - P.89/2002 Com. (2).
Presented: 11th June 2002.
Finance and Economics Committee.

Draft Police Procedures and Criminal Evidence (Jersey) Law 200- (P.89/2002): second amendment - P.89/2002 Amd. (2).
Lodged: 1st October 2002.
Home Affairs Committee.

Draft Jersey Advisory and Conciliation (Jersey) Law 200- P.134/2002.

Lodged: 13th August 2002.
Employment and Social Security Committee.

Channel Islands Lottery: allocation of profits - P.174/2002.
Lodged: 1st October 2002.
Gambling Control Committee.

Ruxley, Longueville Road, St. Saviour: purchase- P.178/2002.
Lodged: 8th October 2002.
Home Affairs Committee.

Mrs. Aline May Moyse, née Gosney: acceptance of bequest - P.180/2002.
Lodged: 8th October 2002.
Health and Social Services Committee.

Draft Highways (Road Humps) (Jersey) Regulations 200-P.182/2002.
Lodged: 8th October 2002.
Public Services Committee.

Constitution and membership of the States: referendum - P.183/2002.
Lodged: 8th October 2002.
Senator P.V.F. Le Claire.

Draft Dogs (Amendment No. 2) (Jersey) Law 200-P.184/2002.
Lodged: 8th October 2002.
Legislation Committee.

The Haven, La Grande Route de St. Martin, St. Saviour: purchase of land P.185/2002.
Lodged: 8th October 2002.
Health and Social Services Committee.

La Collette Phase II: bus garage and workshop- proposed lease to Connex Transport Jersey Ltd. - P.190/2002.
Lodged: 22nd October 2002.
Planning and Environment Committee.

Machinery of Government: structure of the Executive - P.171/2002

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Policy and Resources Committee had instructed the Greffier of the States to withdraw the proposition concerning Machinery of Government: structure of the Executive (P.171/2002) lodged "au Greffe" on 24th September 2002), the Committee having lodged "au Greffe" a revised proposition at the present meeting.

Footbridge to provide pedestrian access to the west of Albert site - question and answer (Tape No. 782)

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

"With regard to the possible construction of a footbridge to provide pedestrian access to the west of Albert site, would the President -

- (a) confirm that his departmental officers are promoting the scheme and state under which policy or policies they are acting?

- (b) give details of public consultation relating to this scheme including the numbers of people canvassed and the percentage found to favour a bridge compared with more conventional alternatives?
- (c) advise members who took the decision to put the plan out to competition, who will decide the winner and whether the contestants have been given any expectation that the bridge is likely to be built?
- (d) state why, given the previous difficulties that have arisen as a result of using a design competition, that method was chosen to decide the form of a possible footbridge for the waterfront?"

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

- “(a) In answering this question, the Committee has a chance to remind members of the different roles of the Waterfront Enterprise Board Limited (WEB) and the Committee and is able to remind members of the importance to the St. Helier Waterfront of the Committee’s Design Framework. The framework includes the link from the Esplanade car park site and West of Albert to enable pedestrians to move smoothly and easily between the future housing, leisure and other developments when they are completed, irrespective of which side of the highway, town or waterside they stand. This important pedestrian link enhances the value of the land at either end.

The Committee itself has no scheme to promote. The task of procuring suitable developers, designs and agreements falls to WEB Ltd to whom the States has entrusted the long-term future.

But the Committee is also required under its statutory role in the Island Planning Law to produce a development plan and development policies for areas of the Island, including St. Helier Waterfront (*Article 3*), and determining individual applications in accord with the plan and policies (*Article 6*). To be effective, the public, all external bodies and Committees of the Island need to be informed of the Committee’s policies which affect all such development wherever it takes place.

The States have approved the Island Plan 2002, including BE4:

‘The Planning and Environment Committee will expect all developments that come forward within the Waterfront development area to be in line with the approved Development Framework. Applications that do not accord with the Development Framework will not normally be permitted.’

The Design Framework has been adopted by WEB and has been included in its Masterplan.

- (b) The draft Design Framework was the outcome of a properly informed event - the Waterfront 2000 of the Workshop held by the Committee over the weekend 23rd-25th June 2000. Seventy one participants worked with Architects Howarth Tompkins and facilitator Patricia Pegg Jones to articulate the vision for St. Helier Waterfront. The Workshop brought together designers, architects, WEB, developers, Parish States Departments, interest and lobby groups, members of the public who had responded to an advertisement and States members. There was consensus agreement to the damage to the urban environment caused by the underpass and the need to minimise its effects upon all future developments. The Design Framework seeks to provide for required infrastructure to integrate the new community with St. Helier, in the longer term.

Architects Haworth Tompkins returned to Jersey on 30th September 2000 to present and validate their interpretation of the shared vision set out in the Design Framework. All participants were invited and 45 people attended.

- they described the vision as *‘A new esplanade’ ... a gently ramping landscaped major pedestrian thoroughfare extending westwards from the old town to the new Waterfront connecting a series of public open spaces en route. A wide landscaped bridge overcomes the barrier of the dual carriageway with level changes formed with planted banks and masonry retaining walls in the tradition of Jersey building allowing the town to cross the road imperceptibly.’*

On pedestrian links:-

- *The Route de la Libération will become a 'green boulevard with wide tree lined pavements wherever possible, densely planted edges and central reservations'*
- *The level pedestrian crossings are widened*
- *The carriageways are narrowed to reduce pedestrian distances*
- *The main roundabout altered to improve pedestrian crossing widths and positions*
- *The planted banks and retaining walls which ramp up to the bridge crossings will shelter the town from traffic noise, and allow views over the road and out towards the bay*
- *Elsewhere granite walls provide psychological protection for pedestrians*
- *Cycle routes are built into the widened pavements and connected with existing routes out of town*
- *Four 'potential' locations for pedestrian bridge crossings have been identified.*

The Planning and Environment Committee Minutes taken at the conclusion of this meeting of 30th September 2000 record in relation to the bridges *'four proposed pedestrian crossings were an appropriate concept however, prioritisation and financial implications needed to be considered...'*

An exit survey of all participants asked *'How successful have architects Haworth Tompkins been in coming to Jersey, understanding the Island, capturing the feelings of the community and translating that into a form which will guide the future?'* .

47 per cent said they had been very successful, 38 per cent successful, nine per cent OK and six per cent inconclusive. All participants were either positive (54 per cent) or very positive (46 per cent) about the success of the Waterfront 2000 process.

The questionnaires completed by participants included over 150 detailed comments, ten of which related to 'bridges'. These replies reflected doubt over the need to include four pedestrian bridges. The Committee therefore decided, with the agreement of WEB Ltd., to form a Steering Group chaired by its Chief Officer to carry out an economic and financial evaluation of the Design Framework with objective analysis by Drivers Jonas. This assessed whether the development values generated by uses proposed could fully meet the costs of the infrastructure investment (including the bridges).

On 26th April 2001 the Steering Group and Drivers Jonas met with the Planning and Environment Committee and WEB Ltd to consider their conclusions. Both bodies accepted the recommendation to change the draft Design Framework to provide one bridge -

'that the proposed rampart bridge be shifted further to the east in order to follow the desire line, removing all other footbridges and introduce traffic calming measures at other crossings at grade ... but allowing the retention of the main concept' (Vision of Waterfront 2000).

The Group confirmed that the cost of infrastructure would be met from the development values generated on the Waterfront. The Committee decided that the revised Design Framework be included in the Island Plan process prior to adoption. The Draft Plan was published for consultation in June 2001 and the Framework went on public exhibition with an opportunity for comment. Professor Patrick McAuslan was appointed to carry out an independent review of the 623 representations received. No comments about the Waterfront or Policy BE4 were received.

One letter was received expressing concern at the changes made to the draft Design Framework, expressing a preference to retain all four bridges.

Taken together this lengthy and comprehensive public consultation process has highlighted the importance of good communication in the future successful development of the St. Helier Waterfront. In hindsight it is a matter of great regret that it has not been recognised that this needs to be an ongoing commitment.

- (c) The Committee is very supportive of the decision of WEB to seek international designs since this will be key to whether we can attract exciting, quality development which enhances the Island, its economy, and quality of urban life. It shows long-term vision which I hope States members of the future will share, and show like previous generations of Jersey men and women, the courage and determination to strive for important long-term goals and not be deflected by temporary considerations.

I am advised that WEB expect to receive the submissions towards the end of November 2002 and plan to put the entries on public display for comment before choosing the winning design.

- (d) I have been advised by WEB that they have had no previous difficulties with the use of design competition process - the Albert Pier housing scheme was the successful result of one such competition. WEB consider that since the aesthetics of the bridge's design are of equal importance to its function, it is difficult to see how this approach could be improved upon.

If the Deputy is referring to the report of the Committee of Inquiry into Building Costs, I am advised that the circumstances of the Haute Vallée School competition which took place many years ago has no bearing on this project.”

Change in Presidency

The Bailiff retired from the Chair prior to the question of the Deputy of St. John to the President of the Home Affairs Committee and the Deputy Bailiff, Mr. Michael Cameron St. John Birt, assumed the Presidency.

Equipment and training to deal with chemical, biological or radiological threats - question and answer (Tape No. 782)

The Deputy of St. John asked Deputy Alastair John Layzell of St. Brelade, President of the Home Affairs Committee, the following question -

- “(a) would the President advise members why it is necessary for the States Police to request £10,000 from the Emergencies Council for chemical/biological, radiological and nuclear warfare suits and training when they have a budget of £19 million? Why is the Police Force unable to fund the aforementioned out of its contingency fund?
- (b) as training is proposed for police officers in biological, radiological and nuclear warfare incidents, will the President give details on whether the Fire and Rescue Service currently has this equipment? If the answer is in the affirmative, would he advise the number of suits held by them and the number of officers trained in the aforementioned procedure?
- (c) are these suits available to other uniformed organisations in the Island, for example, the Territorial Army, and are Territorial Army personnel also trained in biological, radiological and nuclear warfare incidents?”

The President of the Home Affairs Committee replied as follows -

- “(a) The provision of additional equipment to deal with risks arising subsequent to 11th September 2001 is not provided for in the 2002 police budget. The equipment requested is to enable the service to undertake duties beyond the traditional rôle of the States Police. It is therefore appropriate that funding issues should be brought to the notice of the Island's Emergencies Council. The Committee is likely to take a similar view of any future additional expenditure needs which arise in consequence of the changing security situation.
- (b) No - only suits designed to enable firefighters to deal safely with hazardous materials likely to be encountered in normal circumstances.

(c) The Jersey Field Squadron has 50 such suits available and their personnel are trained in their use.”

Devon Gardens, Gorey - question and answer (Tape No. 782)

The Deputy of St. Martin asked the Deputy of St. Peter, President of the Public Services Committee, the following question -

“In response to questions asked on 26th February 2002, the President stated that a request for funding to repair the footpath and supporting walls at Devon Gardens in Gorey would be made to the Finance and Economics Committee. It was also stated that even if funding was provided, remedial work would not be able to commence until a survey of the lizards had been carried out.

Will the President advise -

- (a) whether the necessary funding has been provided?
- (b) whether the survey of the lizard population has been completed?
- (c) when the remedial work will commence?”

The President of the Public Services Committee replied as follows -

“(a) Yes.

- (b) The Environmental Services Unit (ESU) of the Planning and Environment Committee carried out a survey of the lizard population between March and September of this year. The work is now complete and work has commenced in creating safe areas for the lizards to be moved to whilst construction works are undertaken. Full consultation will continue with ESU during the construction phase of the project.
- (c) Subject to receiving the necessary Planning permission, construction work is programmed to commence in February 2003 for a two month period. It is intended that all remedial works and re-planting can be completed prior to the 2003 tourist season.”

Introduction of legislation on the reporting of incidents, diseases and dangerous occurrences - question and answer (Tape No.782)

Senator Paul Vincent Francis Le Claire asked Senator Terence Augustine Le Sueur, President of the Employment and Social Security Committee, the following question -

“On 8th October 2002 the President of the Harbours and Airport Committee informed members that legislation equivalent to the Reporting of Incidents, Diseases and Dangerous Occurrences Regulations of the United Kingdom does not exist in Jersey.

Would the President inform members whether the Committee is willing to consider, in conjunction with other Committees as appropriate, the introduction of equivalent legislation in Jersey?”

The President of the Employment and Social Security Committee replied as follows -

“The existing Health and Safety at Work (Jersey) Law 1989 imposes clear duties and responsibilities on employers and employees which, of course, includes port authorities, to act in a suitable manner in respect of health and safety. The U.K. Reporting of Incidents, Diseases and Dangerous Occurrences Regulations (RIDDOR) set out requirements for reporting accidents to the U.K. Health and Safety Authorities. There are no plans to introduce similar regulations in the Island as adequate information on accidents at work, through

the social security system, and from other sources, is already available.”

Human rights implications of senior citizens bus passes - question and answer (Tape No. 782)

Deputy Roy George Le Hérisssier of St. Saviour asked H.M. Attorney General the following question

“Would H.M. Attorney General inform members of the human rights implications of issuing Senior Citizen Bus Passes at age 60 to a large number of female senior citizens and at age 65 to male senior citizens?”

H.M. Attorney General replied as follows -

“In August this year, the United Kingdom Government reached a friendly settlement in the case of Matthews-v-U.K., before the European Court of Human Rights. Mr. Matthews had complained of breach of Article 14 of the European Convention on Human Rights, in that he was discriminated against on grounds of his sex, in relation to his right to property, under Article 1 of Protocol 1 to the European Convention on Human Rights, because he was not entitled to a concessionary bus pass until reaching 65 years of age whereas a woman could obtain a pass on reaching 60 years of age. The ECHR had already declared the complaint admissible.

The U.K. Government informed the Court, in a statement explaining the terms of the settlement, that the Travel Concessions (Eligibility) Act 2002, under which persons of either sex will be eligible for a concessionary pass at age 60, will be brought into force on 1st April 2003. It is clear from this that the U.K. Government recognised there may have been a human rights problem with the existing concession scheme and has taken steps to redress the situation.

I conclude from this that a concessionary bus pass scheme which treats the sexes differently as regards eligibility on age grounds is possibly not compatible with the Convention rights and I recommend that the Public Services Committee consider the Travel Concessions (Eligibility) Act 2002 adopted in the United Kingdom in order to avoid a similar complaint being made against the Committee in Jersey when the Human Rights Law comes into force.”

Incident involving the Harbour Master and the use of the States launch - questions and answers (Tape No. 782)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked the Deputy of St. Mary, President of the Harbours and Airport Committee, the following questions -

- “1. On Friday, 4th October 2002, the Harbourmaster was involved in a motorboat accident. In view of the seriousness of the crash, would the President state -
 - (a) what qualifications are required to skipper a boat of this type?
 - (b) whether an investigation into the incident is to be carried out and, if so, whether it will be independent and the results made public?
 - (c) whether the cost of the accident will be covered by insurance?
2. With reference to the States’ launch, would the President advise -
 - (a) how many occasions it has been outside Jersey’s territorial waters in the last 12 months?
 - (b) the destinations and dates of those journeys?”

The President of the Harbours and Airport Committee replied as follows -

- “1.(a) RYA Advanced Power Boat Handling Certificate;
 First Aid at Sea Certificate;
 VHF radio operator’s licence;
 Sea Survival Course, plus under Jersey Harbours’ Policy, the skipper has undergone approved type rating on the specific craft.
- (b) A marine investigation has been carried out as would be done in the case of any incident of this type. The results of the investigation will be submitted to the Chief Executive of Jersey Harbours and to the Committee. They will decide whether any further independent investigation is warranted and whether the results will be made public.
- (c) Yes.
2. (a) Five.
- (b) Granville 28th June 2002
 Ecréhous and Carteret 11th July 2002
 Sark 17th July 2002
 Chausey 21st August 2002
 St. Malo 27th August 2002.”

New ‘low cost’ air services to the Island - question and answer (Tape No. 782)

The Deputy of Grouville asked the Deputy of St. Mary, President of the Harbours and Airport Committee, the following question -

“Would the President advise members of the Committee’s plans to encourage new airlines, including so called ‘low cost’ airlines, to begin air services to and from Jersey. In particular, what study has the Committee made of differential landing and passenger charges in line with OXERA’s analysis of the options for these, in order to encourage greater off-peak use of the airport, and how does the Committee intend taking forward this crucial aspect of the future Airport funding regime?”

The President of the Harbours and Airport Committee replied as follows -

“The Deputy of Grouville, as with all States members, numerous other stakeholders and interested parties and organisations had the opportunity to comment upon and be consulted about my Committee’s draft report and proposition on the Future Funding of Jersey Airport.

At present, the Airport is under instruction by the States to be financially self-sufficient.

I repeat what I have said before - that on taking over in 1999, we found that the old States’ accounting systems provided virtually no detailed information about what cost what, the extent of any cross subsidies and the revenue streams applicable to each activity.

A great deal of work went into preparing my Committee’s response to the OXERA report. What has emerged is that there are ‘community services and hidden subsidies’ amounting to some £2,277,000 paid for by passengers using the Airport. 85 per cent of these passengers emanate from outside the Island, whether on holiday or business, only 15 per cent start their journey from the Island.

Having studied all of the figures and all of the reports, my Committee is totally convinced that the Airport cannot be financially self-sufficient in the future if it is to meet the capital expenditure programmed until 2020. This was recognised by the other five Committees that attended the meeting on Friday.

I make this statement because we face a number of financial pressures not least of which is the point about

encouraging so called 'low cost' airlines to come to Jersey. We operate a discount scheme for all new routes: 50 per cent discount in the first year and 25 per cent discount in the second year on landing charges.

OXERA, in its report on Airport funding, suggested a regime of differential charging. Reduced off peak charges are only really of benefit to spread the load when the number of passengers using the Airport is greater than its capacity at peak times. This is not the case in Jersey. However, to follow up this suggestion we employed an expert firm called SH&E International Air Transport Consultancy to look at our current charging structure and alternatives to slow or even reverse the downward trend in passenger numbers.

They stated that a Growth Incentive Scheme might have a limited impact because of the percentage that Airport charges are of the total ticket price. They suggested that if one Airport reduced its charges by 50 per cent this would only produce a lower cost of about 2½ per cent on the average ticket price. It would obviously be more on the lower fares but less on the higher fares.

I am pleased that the Deputy refers to the 'so called low cost airlines'. Yes, these do advertise extremely low fares but you will note that the advertisements say 'from £25'. There are relatively few seats at that price - the majority are considerably more expensive and there are some that can be ten times that price on the same plane. Our existing scheduled carriers, who operate all year round, are also offering some very attractive low fares. I know many people who buy these on a regular basis but they do have to be flexible in their travel arrangements to take advantage of them.

Three so-called low cost airlines have considered Jersey. EasyJet applied and were granted a licence, but after discussions with various people including the Airport, they decided that Jersey was not a sufficiently large catchment area to be viable. Ryanair have never applied to the Jersey Transport Authority for a licence but in discussions with Tourism and the Airport earlier this year demanded a subvention amounting to £650,000 each year and they wanted a 12 year deal. The latest, bmibaby, are seeking a 75 per cent cut in airport landing and passenger charges.

These proposals give rise to three main problems -

1. All existing airlines that serve Jersey want the same rates; they do not see why their passengers should subsidise another airline's passengers.
2. Incentivising one airline could attract passengers away from existing routes and therefore make them less viable.
3. If routes are lost, we would then lose that service and the revenue.

These low cost airlines are looking to reduce their cost base and one of the ways of doing this is by seeking marketing support. This is why we are suggesting that we follow the Guernsey example of transferring the responsibility to the JTA or its successor. In 2003, the Economic Development Committee will have responsibility for the JTA and Tourism and would be best placed to administer incentives to airlines, coupled with marketing support without upsetting the level playing field that airlines demand of the Airport.

At a recent meeting with the airlines, they said that they want to do deals with the Airport but then stipulated that the same deal must apply to all airlines. So it will not actually be a deal but a change in the schedule of tariffs. Until the States as a whole understands fully the strategic folly of, on the one hand, saying 'Airport be financially self-sufficient' and on the other hand 'we support Tourism and here is a £10 million Development Fund'; I do not see a satisfactory solution to the problem.

Nearly every candidate at the St. Helierhustings last week wished to halve the landing dues. I would support that, so would my Committee, the Airport, the airlines and the passengers but, who is going to pay? At the last Decision Conference on allocating Revenue expenditure, the Presidents of the major spending Committees refused to even consider that central funds should pay for the Island's Public Meteorological Service and this is only a portion of what will ultimately have to be funded.

So, to answer the Deputy's question in a nutshell - the Airport is not in a financial position to encourage new low cost airlines until the States get to grips with the problems highlighted by OXERA and in my Committee's response to that report.

However, the Deputy will be well aware that at a meeting of six Committees on 18th October 2002 the subject of airport dues was taken on board and action is now being taken to see how a proactive stance can be adopted by the Task Force; I look forward to participating in discussions over the next two weeks. A positive message can now go out to the airlines that the States are taking a positive approach to the Airport."

Committee of Inquiry into allocation procedures by Housing Trusts: appointment of members P.139/2002

THE STATES, adopting a proposition of Deputy Shirley Margaret Baudains of St. Helier referred to their Act dated 8th October 2002 in which they agreed, in accordance with Article 36B of the States of Jersey Law 1966, as amended, that a Committee of Inquiry should be appointed to investigate fully the current procedures that are in place for the allocation of residential property by housing trusts that are supported by the Housing Development Fund, and to report back to the States with such recommendations as the Committee considers to be appropriate, and -

- (a) appointed the following persons as members of the Committee of Inquiry -
 - (i) Jurat Ernest William Herbert (President);
 - (ii) Mr. Francis Le Gresley;
 - (iii) Mrs. Iris Medora Le Feuvre MBE;
 - (iv) Mr. Ronald Peter Welling;
- (b) agreed, in accordance with Article 36B(2) of the States of Jersey Law 1966, as amended -
 - (i) that Mr. Francis Le Gresley should, if required, preside in the absence of the President; and
 - (ii) that the quorum of the Committee should be two.

Jersey Harbours: harbour dues - P.129/2002 Comments - P.129/2002 Com., and P.129/2002 Com(2)

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

- (a) agreed, in principle, that the Harbour and Light Dues (Jersey) Law 1947, as amended, should be repealed; and
- (b) charged the Harbours and Airport Committee -
 - (i) to implement new arrangements with port users as soon as possible, in accordance with the existing powers granted to it under the Harbours (Administration) (Jersey) Law 1961, as amended and its subordinate legislation, concerning charges to be raised for commercial vessels; and
 - (ii) to bring forward for approval by the States a draft Law that will repeal the Harbour and Light Dues (Jersey) Law 1947 and that will allow sustainable long-term measures which are compatible with the Island's international obligations.

Haut de la Garenne: Incorporation of Trust, appointment of original Trustees, and lease of property to the

Trust - P.147/2002. Comments - P.147/2002 Com., Amendment- P.147/2002 Amd.

THE STATES commenced consideration of a proposition of the Planning and Environment Committee concerning Haut de la Garenne Incorporation of Trust, appointment of original Trustees, and lease of property to the Trust. After discussion Deputy Philip Francis Cyril Ozouf of St. Helier sought leave to propose that the proposition be referred back to the Planning and Environment Committee which leave was refused by the Deputy Bailiff.

THE STATES, adopting a proposition of the Planning and Environment Committee referred to their Act, dated 8th December 1998, in which they approved, in principle, the conversion and redevelopment of Haut de la Garenne, St. Martin for the purpose of establishing a residential multi-purpose centre providing for visiting and locally organised groups, and further approved, in principle, the establishment of a Trust for the purpose of managing and operating the new centre on a self-financing basis, and to receive the report, dated 29th August 2002, of the Planning and Environment Committee, and -

- (a) approved the constitution of the association, to be known as the Haut de la Garenne Trust, set out in the revised Appendix A to the said report;
- (b) subject to the sanction of Her Most Excellent Majesty in Council, granted to the association an Act of Incorporation, set out in Appendix B to the said report;
- (c) appointed the undermentioned, details of whom were set out in Appendix C to the said report, as original trustees of the association, with effect from the date of the coming into force of the Law granting the Act of Incorporation of the association -

Mr. Kenneth Charles Brierley

Mrs. Susan Roselle de Gruchy (née Dobbs)

Mr. Michael Edmund Powell

Mrs. Anne Enid Pryke (née Quénauld)

Mr. Ian Robinson

Mr. David Alexander Siddall

Mr. Kenneth Frederick Wise;

- (d) approved the lease to the Haut de la Garenne Trust of the property known as Haut de la Garenne, St. Martin, together with Fields Nos. 685, 686, 695 and 695b, shown hatched on drawing No. 1264/02/43, for a period of 21 years from the date of the completion of the redevelopment of the property and subject to the Law granting the Act of Incorporation of the association being in force, with an option to renew for a further period of 21 years, as set out in the Head of Terms shown in Appendix D to the said report, and-
 - (i) authorised the Greffier of the States to sign the said drawing on behalf of the States;
 - (ii) authorised the Attorney General and the Greffier of the States to pass the necessary contracts on behalf of the States;
 - (iii) authorised the Treasurer of the States to receive the rental as it becomes due.

Members present voted as follows -

“Pour” (32)

Senators

Horsfall, Le Maistre, Quérée, Bailhache, Syvret, Walker, Le Sueur.

Connétables

Grouville, Trinity, St. Brelade, St. Lawrence, St. Mary, St. John, St. Peter, St. Clement.

Deputies

H. Baudains(C), Trinity, Duhamel(S), Routier(H), Layzell(B), St. Martin, Le Main(H), Vibert(B)
St. Peter, Dubras(L), St. Ouen, Dorey(H), Troy(B), Scott Warren(S), Farnham(S), Fox(H), Bridge(H).

“Contre” (7)

Deputies

S. Baudains(H), St. John, G. Baudains(C), Le Hérissier(S), Ozouf(H), Martin(H), Southern(H).

One member abstained from voting.

Draft Law granting an Act of Incorporation to the Association called “The Haut de la Garenne Trust” - P.148/2002

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council adopted a Law granting an Act of Incorporation to the Association called “The Haut de la Garenne Trust”.

Machinery of Government: election and removal of ministers and votes of no confidence in ministers - P.149/2002

Comments - P.149/2002 Com.

THE STATES, rejected sub-paragraph (a)(i) of a proposition of Senator Stuart Syvret requesting them -

- (a) to refer to their Act dated 28th September 2001 in which they agreed proposed reforms to the machinery of government and to vary that Act as appropriate and agree that upon the introduction of a ministerial system of government -
 - (i) the States Assembly shall have the power to elect from amongst its members individual Ministers as alternatives to those initially proposed by the Chief Minister, with such power able to be exercised in respect of each individual Ministerial post;

Members present voted as follows -

“Pour” (9)

Senators

Syvret, Kinnard, Le Claire.

Connétable

Grouville.

Deputies

Duhamel(S), St. John, G. Baudains(C), Martin(H), Southern(H).

“Contre” (39)

Senators

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

Connétables

St. Ouen, Trinity, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. John, St. Clement, St. Helier.

Deputies

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

THE STATES rejected sub-paragraph (a)(ii) -

- (ii) no proposition seeking the removal of a minister shall be brought to the States for approval by the Chief Minister unless the minister concerned has been given the opportunity to speak on the matter of his or her proposed removal at a properly constituted meeting of the Council of Ministers;

Members present voted as follows -

“Pour” (21)

Senators

Le Maistre, Syvret, Kinnard, Le Claire.

Connétables

Grouville, St. Ouen, St. Mary, St. John.

Deputies

Duhamel(S), Routier(H), Huet(H), St. Martin, St. John, Vibert(B), St. Ouen, G. Baudains(C), Dorey(F) Scott Warren(S), Le Hérissier(S), Martin(H), Southern(H).

“Contre” (27)

Senators

Horsfall, Quérée, Bailhache, Norman, Walker, Le Sueur, Lakeman.

Connétables

Trinity, St. Saviour, St. Brelade, St. Lawrence, St. Clement, St. Helier

Deputies

H. Baudains(C), St. Mary, Trinity, Layzell(B), Grouville, Le Main(H), St. Peter, Dubras(L), Troy(F) Voisin(L), Farnham(S), Ozouf(H), Fox(H), Bridge(H).

THE STATES rejected sub-paragraph (a)(iii) –

- (iii) the mechanism for a vote of no confidence in the Chief Minister or an individual Minister shall be that the proposition shall be signed by the member presenting it and at least three other members, and shall contain a statement of the reason for moving the proposition; and

Members present voted as follows -

“Pour” (19)

Senators

Le Maistre, Syvret, Kinnard, Le Claire.

Connétables

Grouville, St. Ouen, St. Mary, St. John.

Deputies

H. Baudains(C), Duhamel(S), Huet(H), St. Martin, St. John, Vibert(B), St. Ouen, G. Baudains(C), Doi (H), Martin(H), Southern(H).

“Contre” (29)

Senators

Horsfall, Quérée, Bailhache, Norman, Walker, Le Sueur, Lakeman.

Connétables

Trinity, St. Saviour, St. Brelade, St. Lawrence, St. Clement, St. Helier

Deputies

St. Mary, Trinity, Routier(H), Layzell(B), Grouville, Le Main(H), St. Peter, Dubras(L), Troy(B), Voisi (L), Scott Warren(S), Farnham(S), Le Hérissier(S), Ozouf(H), Fox(H), Bridge(H).

THE STATES, having rejected paragraph (a) of the proposition, granted leave to Senator Syvret to withdraw paragraph (b).

Tax Information Exchange Agreement with the United States of America. (Paragraph (a) only) - P.172/2002

THE STATES, adopting paragraph (a) of a proposition of the Policy and Resources Committee endorsed the proposed Agreement for the exchange of information relating to taxes between the Governments of the United States of America and the States of Jersey, annexed to the report of 23rd September 2002 of the Policy and Resources Committee, and authorised the President of that Committee to sign the said Agreement on behalf of the States.

Members present voted as follows -

“Pour” (44)

Senators

Horsfall, Le Maistre, Quérée, Bailhache, Norman, Walker, Kinnard, Le Sueur, Le Claire, Lakeman.

Connétables

Grouville, St. Ouen, Trinity, St. Brelade, St. Lawrence, St. Mary, St. John, St. Clement, St. Helier.

Deputies

H. Baudains(C), St. Mary, Trinity, Duhamel(S), Routier(H), Layzell(B), Huet(H), St. Martin, St. John, Le Main(H), Vibert(B), St. Peter, Dubras(L), St. Ouen, G. Baudains(C), Dorey(H), Troy(B), Voisin(I), Scott Warren(S), Farnham(S), Le Hérissier(S), Fox(H), Bridge(H), Martin(H), Southern(H).

“Contre” (0)

THE STATES rose at 5.26 p.m.

C.M. NEWCOMBE

Greffier of the States.