

**THE STATES assembled on Tuesday,
12th March 2002 at 9.30 a.m. under
the Presidency of the Greffier of the States,
Miss Catherine Mary Newcombe.**

**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 Pierre François Horsfall - out of the Island
Senator Jean Amy Le Maistre - out of the Island
Francis Herbert Amy, Connétable of Grouville - out of the Island

Prayers

Tribute to the late Mr. Alfred Philip Le Feuvre, former member of the States

The Greffier of the States, on behalf of the Bailiff, paid tribute to the late Mr. Alfred Philip Le Feuvre former Connétable of St. Mary.

The States observed one minute's silence as a mark of respect.

Subordinate legislation tabled

The following enactments were laid before the States, namely -

Community Provisions (Zimbabwe - Restrictive Measures) (Jersey) Order 2002. R & O 17/2002.

Community Provisions (Prohibiting the Sale, Supply and Export of Certain Equipment to, and Freezing of Funds of Certain Officials of, Burma/Myanmar) (Amendment) (Jersey) Order 2002. R & O 18/2002.

Community Provisions (Maintaining a freeze of funds in relation to Mr. Milosevic and associated persons) (Amendment) (Jersey) Order 2002. R & O 19/2002.

Industries Committee - appointment of member

THE STATES appointed Deputy Celia Joyce Scott Warren of St. Saviour as a member of the Industries Committee.

Matters presented

The following matters were presented to the States -

Buildings of local interest: removal from register (P.185/99): report - P.185/99 Rpt.
Presented by the Planning and Environment Committee.

The Jersey Electricity Company Limited: annual report 2001.
Presented by the Finance and Economics Committee.

Public Lotteries: report for 2001 - R.C.6/2002.

Presented by the Gambling Control Committee.

Machinery of Government: establishment of a Privileges and Procedures Committee (P.23/2002) - amendments (P.23/2002 Amd.): comments - P.23/2002 Amd.Com.

Presented by the Policy and Resources Committee.

Machinery of Government: Special Committee on the Composition and Election of the States Assembly (P.26/2002): comments - P.26/2002 Com.(2).

Presented by the Finance and Economics Committee.

States Housing Rental Scheme: revision (P.29/2002): comments - P.29/2002 Com.

Presented by the Finance and Economics Committee.

The following matters were presented on 5th March 2002 -

States Housing Rental Scheme: revision (P.29/2002): report - P.29/2002 Rpt.

Presented by the Housing Committee.

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

Matters noted - land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 6th March 2002 recording the following decisions of the Treasurer of the States under delegated powers, in pursuance of Standing Orders relating to certain transactions in land -

as recommended by the Health and Social Services Committee, the lease from Mr. Jock Campbell Russell and Mrs. Susan Joy Russell, née Wilford, of the “(j)” category property known as No. 2 Oakdale Cottage, La Rue des Buttes, St. John, for a period of five years from 21st February 2002 at an annual rent of £14,500, payable monthly in advance, with annual rent reviews in line with the movement in the Jersey Retail Price Index until 2004 and thereafter to open market rental value in 2005 and 2006. Each party was to be responsible for the payment of its own legal costs arising from this transaction and no deposits were to be paid.

Matters lodged

The following matters were lodged “au Greffe” -

The Jersey Community Relations Trust - P.33/2002.

Presented by the Policy and Resources Committee.

Belle Vue, La Route des Quennevais, St. Brelade: transfer of administration to the Public Services Committee - P.34/2002.

Presented by the Planning and Environment Committee.

St. Saviour's Road to Westley Court and Salisbury Cottages: acquisition of road - P.35/2002.

Presented by the Planning and Environment Committee.

The following matters were lodged on 5th March 2002 -

Draft Parish Rate (Administration) (Jersey) Law 200- (P.206/2001): amendments - P.206/2001 Amd.

Presented by the Connétable of St. Helier.

Proposed Race Discrimination (Jersey) Law - P.32/2002.

Presented by the Legislation Committee.

Additional meeting of the States

THE STATES rejected a proposition of Deputy Harry Hallewell Baudains of St. Clement that they should meet on Wednesday 20th March 2002.

THE STATES adopted a proposition of Senator Leonard Norman and agreed to suspend Standing Order No. 4 (1) to meet if necessary during Holy Week on Tuesday 26th March 2002 for the purpose of concluding the public business set down for the next meeting on 19th March 2002.

Arrangement of public business for the next meeting on 19th March 2002

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 19th March 2002 and if necessary on 26th March 2002 in the order set out below -

Draft Main Roads (Classification) (No. 27) (Jersey) Act 200 P.30/2002.
Lodged: 26th February 2002.
Public Services Committee.

Draft Parish Rate (Administration) (Jersey) Law 200- P.206/2001.
Lodged: 18th December 2001.
Legislation Committee.

Draft Parish Rate (Administration) (Jersey) Law 200- (P.206/2001): amendments - P.206/2001 Amd.
Lodged: 5th March 2002.
Connétable of St. Helier.

States Housing Rental Scheme: revision - P.29/2002.
Lodged: 26th February 2002.
Deputy A. Breckon of St. Saviour.

States Housing Rental Scheme: revision (P.29/2002): comments - P.29/2002 Com.
Presented: 12th March 2002.
Finance and Economics Committee.

States Housing Rental Scheme: revision (P.29/2002): report - P.29/2002 Rpt.
Presented: 5th March 2002.
Housing Committee.

Machinery of Government: establishment of a Privileges and Procedures Committee - P.23/2002.
Lodged: 12th February 2002.
Policy and Resources Committee.

Machinery of Government: establishment of a Privileges and Procedures Committee (P.23/2002): amendments - P.23/2002 Amd.
Lodged: 19th February 2002.
House Committee.

Machinery of Government: establishment of a Privileges and Procedures Committee (P.23/2002): comments - P.23/2002 Com.
Presented: 26th February 2002.
Finance and Economics Committee.

Machinery of Government: establishment of a Privileges and Procedures Committee (P.23/2002): comments - P.23/2002 Com.(2).
Presented: 26th February 2002.
Human Resources Committee.

Machinery of Government: establishment of a Privileges and Procedures Committee (P.23/2002) - amendments (P.23/2002 Amd) - comments - P.23/2002 Amd.Com.

Presented: 12th March 2002.

Policy and Resources Committee.

Machinery of Government: Special Committee on the Composition and Election of the States Assembly - P.26/2002.

Lodged: 26th February 2002.

Policy and Resources Committee.

Machinery of Government: Special Committee on the Composition and Election of the States Assembly (P.26/2002): comments - P.26/2002 Com.

Presented: 26th February 2002.

Human Resources Committee.

Machinery of Government: Special Committee on the Composition and Election of the States Assembly (P.26/2002): comments - P.26/2002 Com.(2).

Presented: 12th March 2002.

Finance and Economics Committee.

Draft Proceeds of Crime (Designated Countries and Territories) (Amendment) (Jersey) Regulations 200- - P.27/2002.

Lodged: 26th February 2002.

Finance and Economics Committee.

Draft Drug Trafficking Offences (Designated Countries and Territories) (Amendment No. 2) (Jersey) Regulations 200- -P.28/2002.

Lodged 26th February 2002.

Finance and Economics Committee.

Income tax revenues - questions and answers (Tape No. M721)

Senator Stuart Syvret asked Senator Frank Harrison Walker, President of the Finance and Economics Committee, the following questions -

- “1. Will the President inform the Assembly of the total tax take in the Island, expressed as a percentage of GNP/GNI and will he provide the equivalent data for each European Union member state and the EU average?”
2. In response to a question asked on 12th February, the President informed the Assembly that during the period from 1989 to 2000 tax revenues from companies had increased by 110 per cent and tax revenue from salary and wage earners had risen by 179 per cent. The President went on to suggest that the reason for the greater increase in tax revenue from salary and wage earners was because of such factors as wage increases and the freezing of personal allowances and exemption limits. Will the President inform the Assembly of what proportions of the increase are attributable to each of these factors and will the President provide for the Assembly a more detailed account of the reasons for the divergence?”

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

- “1. I said on 26th February 2002 that this Question closely resembled a Supplementary Question which the Senator asked during the States meeting on 12th February 2002.

I have provided the information in answer to both Questions in the table which has now been made available to States Members.

The tax data which have been used to compile the table include contributions to the Social Security and Health Funds, so that data for the Island are comparable to the information which is available from the OECD on EU Member States. The data include direct and indirect tax revenue.

Total tax revenue as a percentage of National Income⁽¹⁾

	1998
Sweden	52.0
Denmark	49.8
Finland	46.2
Belgium	45.9
France	45.2
Austria	44.4
Italy	42.7
Luxembourg	41.5
Netherlands	41.0
United Kingdom	37.2
Germany	37.0
Portugal	34.2
Spain	34.2
Ireland	32.2
Greece	Not Available
Jersey	22.9
European Union	41.3

⁽¹⁾ National Income is measured by GDP in the case of the EU Member States and GNI in the case of Jersey.

Sources: OECD and States of Jersey Treasury

2. A complex set of interlocking factors have contributed to the increase in tax revenues from salary and wage earners.

Despite these complexities, which I will return to shortly, the Comptroller of Income Tax has made some statistical calculations and modelling on the department's computer system and has concluded that the increase in the tax revenue from employees in the decade 1990 to 2000, was due, in broad terms, to the following factors -

- freezing/not increasing the single and married persons' allowances in line with inflation - £3 million = 4%;
- freezing/not increasing the single and married persons' exemptions in line with inflation - £8 million = 14%;
- increase in employees' earnings and new employees joining the work force during the decade - £46 million = 82%.

In spite of this increased tax burden, it is a fact that the overall tax burden on wage and salary earners in Jersey is lower than that in comparable jurisdictions, particularly on low to middle earners.

As for the reasons for the divergence between the tax revenues from employees and companies, the prime factor would appear to be the significant increases in wages paid during the decade. The Jersey Average Earnings Index shows, for example, to the end of June in each year, an 8.6 per cent increase in 1991, a 6 per cent increase in 1992 and a 6.1 per cent increase in 1993. Towards the end of the decade, there were similar rises, with a 6.4 per cent increase in 1998 and a 7.6 per cent increase in 1999.

Let me now turn to the other facts which have contributed to the increase in tax revenues from wage and salary earners.

One factor that contributed to the increase is that there is likely to have been a flow of employees from the lower paid industries such as agriculture and tourism, into the higher paid finance industry.

Another factor to be borne in mind when looking at the increase in tax revenues from employees during the decade in question is that there were probably more employees in employment at the end of the decade when compared to the beginning of the decade. The Comptroller of Income Tax, for example, estimates that there was a net increase of approximately 3,700 employees assessed to tax in 1999, compared to 1989.

It is also the case that in the decade 1990 to 2000, incomes have generally been growing faster than tax allowances and exemptions. The result of this is that the average effective rates of tax on employees have been increasing. For example, the average effective rate of tax on employees in 1990 was 7.5 per cent. By the year of assessment 2000, this had increased to 9.5 per cent.

Another effect of incomes rising faster than exemption limits was that more employees were brought into the tax net, this being illustrated by the fact that 43 per cent of taxpayers were exempt from tax in 1993. By 1999, this figure of tax exempt taxpayers had fallen to 33 per cent.

When one also takes into account the fact that tax exemptions reached their high point in 1990, having benefited significantly from the bountiful tax receipts of the late 1980s, since when they have been eroded by inflation, it is a fairly straightforward matter to conclude that tax revenues from employees would increase because of the effect of all these varying factors.

I must stress, once again, that despite the increase in the tax burden on wage and salary earners, the overall tax burden suffered by many of them is lower than in other comparable jurisdictions.”

Tenants with second homes - question and answer (Tape No. M721)

The Deputy of St. John asked Deputy Terence John Le Main of St. Helier, President of the Housing Committee, the following question -

“Would the President advise members, in relation to housing tenants -

- (a) whether the Committee has a policy on housing tenants who own a property outside the Island? If a policy exists, may members be given details? If no policy is in place is it the Committee’s intention to create a policy?
- (b) to obtain information on tenants with second homes, what co-operation exists between the Housing Committee in Jersey and other jurisdictions, for example with Guernsey/United Kingdom/France Spain/Portugal/Madeira etc. If none exists, what action, if any, is being taken to create a closer working relationship?
- (c) if a Housing tenant fails to declare that he/she has a second home outside the Island, what action is taken by the Committee when this comes to light?

and in relation to private sector rent rebates -

- (d) in both the private and public sectors where either subsidised rent or rent rebate is claimed, how many tenants have a home outside Jersey? If no records are kept, would the President give details of why this information is not obtained before subsidised rent or rent rebate are agreed?”

The President of the Housing Committee replied as follows -

- “(a) The Committee has a policy in regard to tenants who own property, whether it be within or outside the Island. In general, if a tenant owns a property which is suitable and available for their own needs or could be sold to realise a capital sum sufficient to acquire another property suitable for their needs, the tenant will be required to vacate the Committee’s accommodation. However, there is a wide range of situations where tenants own property. Where the holding is of a minor nature or the value is such as to make no material difference to the tenant in being able to find alternative

accommodation, the tenant, at the discretion of the Committee, may be allowed to remain.

- (b) There is no difficulty in seeking information on the ownership of properties by tenants of the Committee when the property in question is in Guernsey or the United Kingdom. With other jurisdictions there can be difficulties arising mainly from the differences in legislation, in establishing ownership of property. The Housing Department is currently considering whether an approach through lawyers, operating in areas where obtaining information is a problem, would be cost-effective.
- (c) If a Housing tenant fails to declare that he or she has a second home outside the Island the tenant may be given notice to vacate the dwelling that they occupy.

If the tenant is in receipt of a rent subsidy this may be suspended with immediate effect and any subsidy received previously recalculated to take account of the undeclared asset.

The operational details of this policy are, however, about to be reviewed by the Committee in the light of the points made in the answer to part (a).

- (d) The Department has a record of two Committee tenants and six private sector tenants who claim rent subsidy and who own some form of residential property outside the Island. In each case an adjustment is made to the subsidy to take account of the value of the property. All tenants, both private and public, are required to answer a question on property ownership when applying for a rent subsidy.”

Health care - questions and answers (Tape No. M721)

Senator Corrie Stein asked Senator Stuart Syvret, President of the Health and Social Services Committee, the following questions -

- “1. On 18th July 2000 and on 27th March 2001 I asked the President questions on approaching the French authorities with a view to purchasing health care where we have long waiting lists. Can the President inform the Assembly -
 - (a) how advanced his discussions with the French authorities are;
 - (b) why is this taking so long when the UK only last autumn decided to investigate the same thing, and saw the first patients admitted in January of this year?
 - (c) in the event that the Committee agrees in principle, how long will this take to implement in Jersey?
- 2. Could the President advise members of the number of patients on the waiting list and the length of time they have been waiting to see the following consultants or service -
 - (i) orthopaedics?
 - (ii) gynaecology?
 - (iii) urology?
 - (iv) ophthalmology?
 - (v) physiotherapy?
 - (vi) general surgery, indicating the number of consultants and the patient numbers per consultant?

and would he also give the number of patients of those same specialties who are waiting for operations following their first visit, and how long they will have to wait?

3. Would the President -

- (a) give updated figures, calculated in the same way as for the answers to my questions on both previous occasions and with those figures shown in brackets so that direct comparisons can be made?
- (b) advise members what other measures have been taken to alleviate the problems of waiting lists?
- (c) state what proportion of the additional £1.787 million approved by the States on 18th September 2001 has been devoted to shortening waiting lists?"

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

- “1. (a) In December 2001, the Health and Social Services Committee considered and approved a framework for offering services in other jurisdictions to address waiting list problems. In February, the Committee received a paper outlining various Elective Care Options for achieving its waiting list targets. These included the purchase of healthcare in France, the United Kingdom, Guernsey and also explored the possibility of pursuing local initiatives. The Committee agreed, in principle, that a mixture of local initiatives and referrals to France and also the United Kingdom should be progressed during the months ahead. The Committee also approved an allocation from within resources to commence this initiative.

Discussions have taken place with three hospitals in Normandy and Brittany but issues that still require resolution include details of the rate to be charged for services, transport arrangements and medico-legal issues. We have also consulted with the Channel Primary Care Group in the UK who led the recent initiative of overseas treatment for a small number of British patients.

- (b) The Channel Primary Care Group in the UK have developed their protocols and guidelines over several months and have had support and funding from the NHS Executive. The project has been led by a full-time Project Manager supported by a team of assistants. NHS protocols and guidelines have been completed and contact has been made with the Group with a view to these being shared with Jersey's General Hospital. Resources have only been available for this project since January 2002 and we are still awaiting detailed costing proposals from France and Guernsey.
 - (c) The most important issue is the safety of patients and the continuity of their care. It is imperative that the various options are fully investigated and a site visit has already taken place in Caen. Further visits, with clinicians, to hospitals in St. Malo and Granville have been arranged. It is envisaged that patients who have been waiting in excess of the Committee's 9 month maximum "non-urgent waiting policy" will be offered an opportunity for treatment elsewhere in the near future. However, it must be accepted that this is not appropriate for all patients.
2. In reply to this question I will also provide the answer to question 3(a). Each of the figures is given for March 2002, followed, as requested in question 3(a), by the corresponding figure for March 2001 and July 2000.

(i) The waiting times in respect of Orthopaedic surgery are as follows:-

There are currently 633 (524) (526) listed for surgery; 306 (299) (272) patients have been waiting less than 3 months, 182 (156) (149) for more than 3 months but less than 6 months, 88 (36) (63) less than 9 months and 57 (33) (42) have waited over 9 months.

There are 380 (503) (417) people awaiting an outpatient consultation and the waiting times varies between 1-2 weeks for urgent referrals, whilst other patients for non-urgent consultation can wait from 11-26 weeks (22-24) (20-21) depending on the particular condition.

(ii) The waiting times in respect of Gynaecology are as follows:-

There are currently 173 (125) (131) patients listed for surgery, 107 (102) (108) patients have been waiting less than 3 months, 48 (18) (15) for more than 3 months but less than 6 months,

16 (5) (6) for more than 6 months but less than 9 months and 2 (0) (2) patients waiting over 9 months.

There are 288 (246) (207) people awaiting an outpatient consultation and the waiting times varies between 1-2 weeks for urgent referrals, whilst other patients for non-urgent consultation can wait from 10-15 (11-14) (5-6) weeks.

(iii) The waiting times in respect of Urology are as follows:-

There are currently 63 (50) (33) patients listed for surgery, 44 (48) (29) patients have been waiting less than 3 months, 16 (2) (3) for more than 3 months but less than 6 months, 3 (0) (1) for more than 6 months and 0 (0) (0) patients waiting over 9 months.

There are 185 (181) (158) people awaiting an outpatient consultation and the waiting times varies between 1-2 weeks for urgent referrals, whilst other patients for non-urgent consultation can wait up to 23 (24) (21) weeks.

(iv) The waiting times in respect of Ophthalmology are as follows:-

There are currently 264 (191) (132) patients listed for surgery, 99 (111) (50) patients have been waiting less than 3 months, 84 (74) (36) for more than 3 months but less than 6 months, 39 (6) (40) for more than 6 months and 42 (0) (6) waiting over 9 months.

There are 383 (373) (232) people awaiting an outpatient consultation and the waiting times varies between 1-2 weeks for urgent referrals, whilst other patients for non-urgent consultation can wait from 15-24 (27) (9-19) weeks.

(v) The waiting times in respect of Physiotherapy are as follows:-

Four categories of service are provided. Accident and Emergency patients are seen immediately or within 36 hours of referral. Patients newly out of plaster are seen on the same day. The orthopaedic fast track service currently has 16 (16) (24) patients who will be treated within 3-4 (3-4) weeks. There are currently 12 (15) (19) non-urgent physiotherapy patients who will be seen within a 1-2 (1-2) (1-3) week period.

The Committee is unable to determine precisely how long patients will have to wait for non-urgent elective surgery. The measures that have been described above will help meet the Committee's maximum 9 month wait.

3. (a) As identified above.

(b) There has been a steady increase in demand for services at the General Hospital over many years. However a significant step increase occurred in November 2001. The consequences of the problem are immediately apparent whilst the causes, like the measures required to address them, are complex.

Factors contributing to the deteriorating situation include increasing demand for hospital beds and increasing difficulty in discharging people home from hospital due to:-

- increase in elderly and frail population in line with demographic trends;
- increased capacity of medical science to treat a variety of conditions;
- over 170 nursing and residential home beds for the elderly have been lost from the private sector over the last 5 years
- lack of support structures in the Community due to inability to invest in a climate of resource constraint over a period of many years.

These factors are associated with an extraordinary increase in emergency medical, as opposed to surgical, admissions. These trends are not peculiar to Jersey and are being experienced throughout Britain and elsewhere.

Inevitably, these pressures have a direct bearing on our capacity to undertake elective, non-urgent surgery and measures to improve bed management and increase capacity are essential components of our response.

Initiatives which have already been included in the 2002 Development plan which will impact upon the waiting list and delayed discharge problems include the following:

	£
Physiotherapy/Occupational Therapy in the Hospital	80,000
Physiotherapy/Occupational Therapy - Discharge for Older People	132,000
Funding for Flexible Home Core Support Package	75,000
Occupational Therapy support for Disabled clients at home	65,500
Stroke care and Discharge/Outreach service	57,000
Consolidation of Day Centre Services	62,000
Social Worker Specialising in work with Disabled clients	47,000
Hospital after-care Scheme-Volunteer Service	25,000
Hospital based Social Worker (discharge planning)	44,000
Total	587,500

In addition funding has been identified for a further 52 continuing care and rehabilitation beds in both the private sector and at Overdale, which together will cost £1.68 million in a full financial year.

- (c) As explained in response to Question 2(b) above, reducing waiting times is a complex matter which is dependent, not only upon surgeons and operating theatre time, but also the availability of general hospital beds as well as rehabilitation and continuing care beds in other locations. As can be seen from the answer above approximately £2.26 million in a full year, will be directed towards addressing this complex matter. In order to fund these additional initiatives, implementation of the Committee's 2002 Development Plan has had to be delayed.

Meeting the full year cost of these initiatives will be the first call on my Committee's growth request for Revenue in 2003."

Battle of Flowers funding - questions and answers (Tape No. M721)

The Deputy of St. Martin asked the Deputy of Grouville, President of the Tourism Committee, the following questions -

- “1. Since 1996 the Tourism Committee grant to the Jersey Battle of Flowers Association has been £95,000. As inflation since then has risen by around 20 per cent, will the President advise the members why the grant to the Battle of Flowers Association has not increased in line with inflation?
2. Given the value the Battle has given and will continue to give to the tourism product and the tremendous community spirit that is engendered, will the President advise members whether her Committee proposes to take steps to secure future funding for the Battle so as to prevent the demise of this most prestigious event?”

The President of the Tourism Committee replied as follows -

- “1. It is quite true that the Battle of Flower Grant has not kept pace with inflation, neither has the States contribution to the Tourism Committee budget.

What also needs to be considered is that in 1990 the Island had 25,925 bed-spaces to accommodate

visitors in Battle week. In 2002 bed-spaces had reduced to 15,431 so 40 per cent less visitors can be accommodated during Battle week and demand now outstrips the supply of accommodation. Therefore the Tourism Committee's priority has to be to invest its expenditure to attract more visitors in the spring and autumn to enable us to achieve our strategic objectives.

The present Tourism Committee has had to confront this dilemma.

Its three-year support for Battle of Flowers is as follows:

In 2000 we agreed to underwrite any loss up to £25,000.

In 2001 the Tourism Committee gave the Battle of Flowers an additional grant of £25,000 making a total of £120,000.

In 2002 for the Centenary Battle the Tourism Committee has confirmed its £95,000 grant, agreed to underwrite a further £15,000 and the Finance and Economics Committee has agreed to provide the Tourism Committee with an additional £30,000 to re-instate the Exhibitors Guarantees. The Tourism Committee has also confirmed that it will support a £175,000 application to the Tourism Development Fund for infrastructure improvements.

2. I, together with Senator P. F. Horsfall, President, Policy and Resources Committee, Deputy M.E. Vibert, President, Sport Leisure and Recreation Committee, Deputy D.R. Maltwood, Vice-President, Finance and Economics Committee and Chairman of the Steering Group for the Cultural Strategy, attended a meeting on 26th January 2001 with Mr. Kevin Gollop, Chairman, Battle of Flowers Association and members of its Executive Committee to discuss the issues confronting the Battle of Flowers and its future. Following this meeting an independent report "The Future and Development of the Battle of Flowers" was produced.

The report addressed four fundamental questions:

After nearly one hundred years, what is the role of Battle in Island Life?
If the States is to increase its support for Battle, what benefit to the Island?
As the tourism market declines, which Committee should be responsible?
What barriers and opportunities does Battle face in its future development?

The report considered the role of the Tourism Committee and made ten proposals to develop Battle in the short to medium term.

It addressed the issue of Tourism's continued funding as the visitor market for Battle decreases. The priority for the Tourism Committee has to be investment in attracting visitors when bed occupancy is low. The report concluded that increased investment in Battle as a tourism attraction simply cannot be justified, a point also recognised by the Battle's Chairman."

Proposed designation of La Collette flats as a Site of Special Interest - question and answer (Tape No. M721)

The Deputy of St. John asked Deputy Terence John Le Main of St. Helier, President of the Housing Committee, the following question -

"Would the President advise members -

- (a) if the Committee has been consulted by the Planning and Environment Committee on the proposed listing of La Collette flats as a Site of Special Interest (SSI) and whether the Committee was in agreement?
- (b) if the answer to (a) is in the affirmative, was the decision unanimous?
- (c) as La Collette flats is a proposed SSI, would he detail any additional cost implications that will or may have arisen by this listing?

- (d) if the Committee has any other premises which are SSIs or proposed SSIs?
- (e) if the answer to (d) is affirmative, was the Committee consulted?"

The President of the Housing Committee replied as follows -

- “(a) La Collette flats has been listed as a Site of Special Interest since 1972. It is not known whether the Committee of the time was consulted on the matter.
- (b) Not applicable.
- (c) In carrying out maintenance of the building there may from time to time be cost implications that arise from the listing of the property although to date this has had no significant effect.
- (d) The Committee administers two other properties which are registered as SSIs, namely 79 Rouge Bouillon and 1 Commercial Buildings. Both were registered in 1972. The Committee also administers six other properties which are proposed SSIs
- (e) In regard to the properties registered in 1972 it is not known whether the Committee was consulted.

In regard to the proposed SSIs the Planning and Environment Committee has confirmed that it will be consulting the Housing Committee before the designation of these properties is approved.”

Health care funding - question and answer (Tape No. M721)

Senator Corrie Stein asked Senator Frank Harrison Walker, President of the Finance and Economics Committee, the following question -

“Would the President advise members when the Committee will introduce a proper scheme so that the Health and Social Services Committee is funded in such a way that it can provide “A standard of social services comparable with that to be found in neighbouring countries” as agreed by this Assembly when it adopted the 2000 and Beyond Strategic Policy Review 1995?”

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

“The 2000 and Beyond Strategic Policy Review 1995 contained a number of mission statements, non of which were costed and prioritised. Furthermore some of these aims including “A standard of social services comparable to that to be found in neighbouring countries”, “the maintenance of the Islands low tax status” and “balanced budgets” may even be mutually incompatible. Nevertheless the Health and Social Services Committee’s budget has grown from £72.4 million in 1998 to £103.2 million in 2002 This equates to an increase of 43 per cent over the 4 year period, and the increase in the current year alone is 13.3 per cent.

Whilst the States has agreed to all the funds requested by the Health and Social Services Committee in recent years, clearly this rate of growth in expenditure is not sustainable within the Islands present fiscal structure. Accordingly in August 2001 the Finance and Economics Committee jointly with the Health and Social Services and the Employment and Social Security Committees commissioned a review by Birmingham University Health Services Management Centre of the future funding requirements for health care in Jersey. The aims of the review are:-

- (a) to determine a method for assessing the desirable levels of total expenditure in Jersey with the aim of providing health services comparable with those of neighbouring countries,
- (b) to assess options for funding healthcare in Jersey,
- (c) to propose performance indicators and output measures for monitoring progress and value for money and to help inform future funding requirements.

Without pre-empting the outcome of this review, which is due to be completed by May, it is likely that expenditure on health care in Jersey will continue to rise in real terms in future years and, as elsewhere in Europe, new forms of funding may have to be introduced to provide the level of health care which the public expects.”

Waste oil and scrap metal disposal - questions and answers (Tape No. M721)

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked the Deputy of St. Peter, President of the Public Services Committee, the following questions -

- “1. In relation to the 30p per litre charge for disposal of waste oil at Bellozanne introduced by the Committee on 1st February 2002, would the President -
 - (a) give figures for volumes received since the charge was levied compared with a similar period previous to that charge?
 - (b) state how much per litre it costs the Committee to dispose of this oil by sending it for reclamation?
 - (c) give comparisons in costs between exporting and burning?
 - (d) explain why the Committee has chosen to export this oil instead of burning it (as a local farmer does) and thereby generating electricity from it?
 - (e) advise whether he is aware of any ‘fly tipping’ of waste oil?
 - (f) advise members whether the Committee will reconsider its decision to follow the user pays principle and charge for receiving used oil.
2. With regard to the export of scrap metal, would the President advise -
 - (a) approximately what percentage of metal received at Bellozanne is derived from motor cars and how many cars per year on average are scrapped?
 - (b) what initiatives the Committee has evaluated with a view to reducing disposal costs, with particular emphasis on loading of ships?
 - (c) whether the Committee is aware of, or evaluating, means of achieving higher prices for scrap metal?
3. Would the President advise members how many times Sustainable Transport has been on its agenda in the last year and what progress has been made in that time?”

The President of the Public Services Committee replied as follows -

- “1. (a) The quantity of oil received at Bellozanne since charges were introduced on the 1st February 2002 is 1,596 litres compared to a figure of 5,160 litres in the same period last year. It should be noted however, that the quantity delivered in the period January/February 2001 was 13,802 litres compared to a figure of 40,596 litres in the same period for 2002. These figures indicate that immediately prior to the introduction of charges large quantities were delivered free of charge and it will take some time for the monthly figures to even out.
- (b) The total quantity of waste oil disposed of to the UK in 2001 was 120,000 litres at a cost of 27p per litre, £32,400 in total. This cost is for the collection of the oil by road tanker from Bellozanne and shipping it to a reprocessing centre in England. It does not include the Public Services Staff time involved in reception duties at the Bellozanne site. In the event of all oil having to be disposed of to the UK, approximately 280,000 litres, the disposal cost would rise to 39p per litre, approximately £109,000 in total, as additional storage facilities would have to be installed at Bellozanne and staff costs would rise considerably in order to accommodate this

increased quantity.

- (c) The cost of burning all of the oil is unknown as the current agricultural contractor takes as much as is needed for greenhouse heating purposes, the remainder being reprocessed off Island by Public Services. The total quantity of oil from Public Services and the agricultural contractor would amount to approximately 280,000 litres per annum if it all had to be disposed of centrally. If a plant were to be installed to meet modern environmental emissions, it would be of considerable size for this quantity of waste oil.
 - (d) As stated above in (c), the cost of building capital plant meeting current emission limits capable of producing electricity would require a large scale power plant which would be prohibitive in cost. The oil is exported for recovery, this being considered to be a better environmental solution to burning. The internationally accepted Waste Hierarchy places recovery and recycling above incineration. This is a good example of how the Committee views the importance of minimising the amount of material having to be incinerated by adopting the Best Practicable Environmental Option for disposing of this waste product.
 - (e) I am not aware of any fly tipping of waste oil.
 - (f) No. The Committee has been working with the Finance and Economics Committee in developing the Waste Strategy which I hope to be presenting to the States in May. The Strategy will include a financial appraisal of options, a number of which include the adoption of the 'user pays' principle.
2. (a) In 2001 the total quantity of scrap metal processed by the scrap yard was 9,894 tonnes. Of this, approximately 3,800 tonnes (38 per cent) was derived from motor vehicles. On average 3,200 motor vehicles are scrapped each year.
- (b) When the price for scrap metal collapsed on a worldwide scale in 1998, the current operator suffered financial losses that under the Terms of his Contract required a subsidy to be provided by the States after he had exhausted his financial reserve. In 2000, the Committee brought in a specialist from the scrap metal industry to review the entire processing operation including shipping costs and alternative handling techniques on the docks. Due to the nature of the scrap and the proximity of the loading berth to other marine related commercial and leisure activities, the current method of loading was found to be the only effective solution for the foreseeable future. When the current La Collette reclamation site is complete an area of land has been designated in the Port Master User Plan for a dedicated aggregate and scrap metal loading facility. At that time, it will be possible to load the ships in a more efficient manner using specialist materials handling machinery.
- (c) When the operational review of the scrap processing operation was undertaken, the review considered all options for alternative methods of processing. Given the high costs associated with handling the material and shipping off island, the current operation whereby the scrap is fragmented and shipped free of any contaminating material such as rubber and plastic residue from cars produces the highest income for the operator. Alternative methods of disposal have been tried by crushing and shredding the cars and shipping the entire vehicle to a reprocessing centre in the UK for fragmenting. This option has proved to be uneconomic in the long term. The Department and the operators keep the world scrap metal price under review and the expert brought in to review the operation is available for advice to the Committee as required.
3. On the assumption that the Deputy is referring to the agendas of the main Committee meetings and that he is referring to issues surrounding the approved Sustainable Island Transport Policy, there have been 12 occasions since January 2001 to date.

In the past year, the Committee has:-

determined the costs of implementing the Transport Policy and provided this information to the Finance and Economics Committee with a view to seeking funding,

obtained approval for the Bus Strategy;

provided support to the Planning and Environment Committee in developing Sustainable Transport aspects of the Island Plan;

held a Travel Plan Seminar to which all States members and influential people from the public and private sector were invited;

progressed, within its means, Sustainable Transport measures in the department's Business Plan;

progressed in association with the Bus Strategy Steering Group the first main phase of the Bus Strategy to the point that tenders have been received from experienced operators and draft Regulations are ready to be brought to the States amending the Motor Traffic Law,

commissioned a trial residents' parking scheme which is expected to be in place this summer;

commenced deliberations on a Parking Strategy;

secured Lawdrafting time for bringing in new taxicab legislation and held a series of meetings with the taxicab industry to finalise the future operation of the industry;

supported Safer Routes to School initiatives.

If the Deputy wishes further details on any of these issues, I will be happy to provide what information is available if he wishes to meet me or write to me. I might add that I would have been happy to provide the above information if he had contacted me directly."

Information supplied to the O.E.C.D. - question and answer (Tape No. M721)

The Deputy of St. John asked Senator Frank Harrison Walker, Vice-President of the Policy and Resources Committee, the following question -

"Now that the O.E.C.D. has taken Jersey off its provisional blacklist of harmful tax havens, will members be shown -

- (a) the information required by the O.E.C.D. to achieve that position?
- (b) the most relevant O.E.C.D. correspondence so all members are fully informed?"

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

- "(a) The details of the agreement struck between the Channel Islands and the O.E.C.D. were contained in the letter to the Secretary-General of the O.E.C.D. dated 22nd February 2002 and copied to all States members by the President of the Policy and Resources Committee on 27th February, 2002.
- (b) It would be against Jersey's international interests to make such information available within the public domain. However, should the Deputy, or any other States member wish to go through it in more detail, he would be welcome to call on the Chief Executive of the Policy and Resources Department for that purpose."

Legislation to provide for security of tenure - question and answer (Tape No. M721)

Senator Corrie Stein asked Deputy Terence John Le Main of St. Helier, President of the Housing Committee the following question -

"The States, on 11th May 1999, approved a proposition of the Housing Committee (P.257/98) that a new Law should be prepared to provide, inter alia, for improved security of tenure. Would the President inform members of progress and when the Committee expects to be able to present the draft Law to the States for debate?"

The President of the Housing Committee replied as follows -

“Regretfully the preparation of detailed law drafting instructions has taken much longer than expected and little progress has been made on this matter in the last twelve months. However, a revised timetable has been agreed and law drafting instructions will be issued to the Law Draftsman by no later than June this year. The Law Draftsman has indicated that his Department is currently working on over sixty items of legislation but should be able to tackle the landlord and tenant task later this year unless there is a rush of instructions for other items in the next two months.

A prime target contained in the Committee’s Strategic Policy Report, lodged on 8th January 2002, is the introduction of a new Landlord and Tenant Law by no later than the end of 2003. The Committee is aiming to bring the draft Law to the States for debate in about 12 months’ time.”

Draft Public Elections (Jersey) Law 200- - question and answer (Tape No. M721)

Deputy Philip Francis Cyril Ozouf of St. Helier asked Senator Wendy Kinnard, President of the Legislation Committee, the following question -

“On 9th and 23rd October 2001, the Assembly approved the Draft Public Elections (Jersey) Law 200- (P.132/2001) together with various amendments. One amendment that was unanimously accepted by the Assembly was the addition of ‘follow up’ procedures for non-returned electoral forms. At the time, the objective was for this new law to be in force for the preparation of electoral registers for the Deputies and Senators Elections in 2002, subject to Privy Council approval. Would the President inform the Assembly -

- (a) when she expects the Law to be brought into force?
- (b) if the answer to (a) is in the affirmative, what actions remain to be completed to meet the objective, including what consultation with the Connétables is required, and whether the Legislation Committee will bring forward Regulations for States’ approval, pursuant to Article 7 of the draf Law once promulgated?”

The Connétable of St. Lawrence replied asrapporteur of the Legislation Committee as follows -

- “(a) The answer to this question will depend on whether Royal assent is given to the Public Elections (Jersey) Law 200- in time for the necessary Regulations to be laid before the States. It is hoped that the Law will be considered at the sitting of the Privy Council on 26th March, but no confirmation that this is so can currently be given. If Royal assent is not received in time for the necessary Regulations to be laid before the States, then clearly the electoral registers for the 2002 elections will have to be prepared in accordance with the provisions of the Franchise (Jersey) Law 1968, as amended.
- (b) Subject to the approval of the Law by Privy Council, the Law Draftsman is ready to submit the necessary Regulations to the Comité des Connétables for consultation, and the Legislation Committee for approval. The Regulations will then be ready to be submitted to the States.”

Work experience schemes for prisoners - question and answer (Tape No. M721)

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

“In his statement on 12th February 2002, the President referred to the operation of work experience schemes for prisoners for those who are serving the final months of their sentence. Given that he stated that the scheme costs approximately £11,500 per year to administer, with the President advise members -

- (a) the average number of prisoners who at any one time partake in the scheme?

- (b) how many hours per week each prisoner works?
- (c) whether both the employer and the employee pay social security contributions if a prisoner works in excess of eight hours per week?
- (d) where no contributions are paid, what steps have been taken by the Prison Management to ensure, where money is earned, that both the Employment and Social Security and Income Tax Departments are notified?
- (e) the weekly cost to keep a person in prison?"

The President of the Home Affairs Committee replied as follows -

- “(a) During 2001 the Prison authorities had an average of five prisoners partaking in the scheme. Currently, they have twelve in the scheme consisting of eight adult males and four adult female prisoners.
- (b) Prisoners work on average forty hours per week.
- (c) Both the employer and the employee pay social security contributions.
- (d) Employment and Social Security are informed of anyone on the scheme and all prisoners are required to inform the Prison authorities of their Social Security number before being allowed to become involved. The Prison authorities do not inform the Income Tax Department.
- (e) Based on last year’s budget, the weekly cost of keeping a prisoner at La Moye is £617.00.”

Ophthalmic and dental care for the over 65s - question and answer (Tape No. M721)

Senator Corrie Stein asked Senator Terence Augustine Le Sueur, President of the Employment and Social Security Committee, the following question -

“Would the President advise members -

- (a) how many people have taken up the scheme to subsidise the cost of ophthalmic and dental care for the over 65s adopted by the States on 24th April 2001?
- (b) how much of the agreed budget of £680,000 has been spent in 2001?
- (c) whether the Committee would consider publishing in the Jersey Gazette from time to time the advantages of the scheme so that those who qualify will be encouraged to apply?
- (d) whether the Committee would consider making the scheme available to a wider public by increasing the threshold or by widening the scope of the support, for example including footcare, should funds still be available in the scheme at year end?
- (e) whether the Department is monitoring the amount the recipients pay towards their eye and dental care so as to make sure they actually benefit by receiving support under the scheme?"

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

- “(a) 543 people have taken up membership to date. Although the amended proposal was adopted by the States in April 2001, members may recall that subsequently it was found to limit the length of the pilot and the method of administration. Following further debate on the administration, another amended proposition was eventually adopted by the States on 31st July 2001. Arrangements were finalised and claims accepted from 1st September 2001.
- (b) Up to 5th February 2002, £75,620 had been spent.

- (c) At, and prior to, its launch, the scheme received considerable publicity, including three large advertisements in the Jersey Evening Post. Publicity material has also been provided to all dentists and opticians and to the Senior Citizens' Association, the Parishes, Family Nursing and Home Care etc. I am addressing a meeting of the Senior Citizens' Association next month at which I shall remind their members of the benefits of such a scheme, which was based on the recommendations of their officers. Letters were also sent to all Residential and Nursing homes offering assistance with applications. More recently a campaign has been running on Radio 103 FM asking younger family members to inform parents and grandparents of the scheme. We are aware that many people are basically reluctant to go to the dentist so we have to be innovative in encouraging people to do so. Further publicity is planned over the coming months.
- (d) Yes, the Committee has already given this initial consideration. There are always a number of uncertainties when setting up a new scheme. In this instance, apart from census and income tax data, there was little knowledge of the numbers who would be eligible given the capital criteria, or indeed, of those eligible, who would apply to join. Therefore, a degree of caution was exercised in setting the spread and amount of benefit. The scheme was set up as a two-year pilot but in view of the relatively low take up, we have already spoken to various groups to seek views on the best way of extending the scheme, including those suggested by the Senator. This will be considered at the next Committee meeting on 21st March 2002. Any changes proposed will be subject to remaining within existing budget limits and will require an amendment to the existing proposition.
- (e) Yes, monitoring is indeed taking place. The administrators are required to produce regular information based on the cost of claims and, as the scheme progresses we will also be seeking further information from scheme members on their costs over and above claims. In addition, as one of the aims of the scheme is to improve dental health, the Health and Social Services Committee has recently undertaken a clinical audit of the dental health of older people. It is planned to repeat this audit at an appropriate interval, to establish that the money being invested in dental subsidy is in fact helping to improve the standards of dental health."

Cost of consultants - question and answer (Tape No. M721)

Senator Stuart Syvret asked Senator Frank Harrison Walker, Vice President of the Policy and Resources Committee, the following question -

"Committees of the States spend a significant sum of money in employing a number of external consultants or advisers for a variety of purposes.

For a five year period ending 31st December, 2001, will the President inform the Assembly -

- (a) the total number of consultants employed by the States?
- (b) the number of consultants employed by each Committee?
- (c) the number of reports and/or tasks commissioned from each consultancy?
- (d) the total cost to the States of employing consultants?
- (e) the total cost to each Committee of employing consultants?
- (f) the cost of each consultancy task?
- (g) the average cost per consultancy task?
- (h) the average time taken per consultancy task?

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

"The information requested by Senator Syvret is not maintained on any corporate or departmental systems and is not available to the Policy and Resources Committee. Given that there is no standard

definition of what or who is a 'consultant', administering Committees do not account for expenditure on 'consultants' on a standard or discrete basis within their revenue budgets. Nor are they required to maintain specific records of the type which would provide the level of detail which the Senator is seeking.

Therefore, for the level of information being sought to be made available;

1. the Senator would have to be more specific as to what constitutes a 'consultant'. For example, would such a definition include medical consultants, Her Majesty's Inspectors and education advisers?
2. each and every Committee of the States, as well as all other administrative bodies within the States, would have to agree to allocate potentially significant resources to the analysis and collation of the information, relative to their individual areas of responsibility, and;
3. the Policy and Resources Committee would then also have to divert significant resources away from the important tasks it is undertaking, such as the OECD/EU, population, etc. to compile the answers to the Senator's specific questions.

The amount of work and effort required to produce answers to the Senator's detailed questions would be enormously costly and would, in my view, be totally disproportionate to any benefit that could be derived from the answers themselves and therefore I am not prepared to agree that the Policy and Resources Committee should provide this information."

Report on Buildings of Local Interest: removal from register (P.185/99) - question and answer (Tape No. M721)

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

"Would the President inform members when the Committee's report on Buildings of Local Interest: removal from register (P.185/99) will be presented to the States?"

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

"A full report was prepared on this matter by the Planning and Environment Committee in November 2000, but remained unpublished until this week, as agreed with the Deputy of St. John.

Part of the Deputy's proposition related to his concerns about appeal provisions. This issue was, at that time, being reviewed as part the new Planning and Building Law provisions. As a result of a discussion with the Deputy of St. John at the end of 2000 our understanding was that he would not pursue his Report and Proposition if the Committee would bring into being a grant scheme for Buildings of Local Interest. This is now being done.

Now that the States has approved the proposed framework in the new Planning Law a sum of  60,000 has been approved from existing Committee budgets for the current year for a pilot scheme for repair grants for Buildings of Local Interest. The detailed terms of the grant scheme are now being formulated.

The remaining issue in the Deputy's proposition is that of full consultation with owners, a process which was under way before the proposition was lodged, but is now even more firmly in the Committee's Historic Buildings procedures."

Profit sharing - question and answer (Tape No. M721)

Deputy Shirley Margaret Baudains of St. Helier asked Deputy Paul Francis Routier of St. Helier, President of the Telecommunications Board, the following question -

"The States of Jersey still owns 100 per cent of Jersey Telecom until such time that it is fully incorporated.

Each employee of Jersey Telecom with their February salary received a sum of £1,939 in respect of profit sharing. I am not sure of the exact number of staff employed, but assuming 450 staff, this would add up to £900,000. Would the President advise members -

- (a) how much of Jersey Telecom's profits have arisen from the services provided to States of Jersey Departments?
- (b) given the fact that Departments such as Health and Social Services are struggling with their budgets and services are under threat, would the President in future consider a subsidy through profit sharing for States' Departments?"

The President of the Telecommunications Board replied as follows -

- “(a) It is not possible to calculate the profit which specifically arises from the telecommunications services provided to the States of Jersey. I am also not in a position to publicly announce the total spend by the States on telecommunications services, as this would break commercial agreements between the Board and its customers and also contravene the Data Protection Law.
- (b) No.”

Jersey Potato Export Marketing Scheme - statement

The Deputy of St. Ouen, Vice-President of the Agriculture and Fisheries Committee, made a statement in the following terms -

“On the 18th December, 2001, the States adopted the Jersey Potato Export Marketing Scheme (Approval) (Jersey) Act 2001. The coming into effect of the Scheme was dependent upon a vote by producers of potatoes. The producers voted on the 28th January, 2002, and the result of the vote was that the Scheme came into practical effect as from the 1st March, 2002, from which date with certain very minor exemptions no one would be able to export potatoes save under and in accordance with the Scheme.

A challenge has been brought to the validity of the Act and the Scheme by a company called Jersey Potato Marketing Organisation Limited. The challenge is by way of an application for judicial review, and the respondents to the proceedings are the States of Jersey and the Jersey Potato Export Marketing Board.

As part of the proceedings, Jersey Produce Marketing Organisation served a summons on the States and the Board seeking an interim order from the Court staying the application and effect of the Act and the Scheme.

The date upon which the application for a stay was to be heard was fixed as the 7th March, 2002.

It is very unusual for a stay to be granted which has the effect of suspending legislation. There was, however, one exceptional circumstance in the present case. That circumstance was that because of a combination of factors, not least the unexpectedly early season, potatoes were ready for export but the agreements necessary to enable them to be exported under the Scheme had not yet been finalised.

Accordingly, from the 1st March onward no one, whether a supporter or an opponent of the Scheme, would be able lawfully to export potatoes, but there were potatoes ready to be exported.

In the absence from the Island of the Attorney General the Solicitor General granted an amnesty from the 1st March, when the Scheme became operative, to the 7th March, when the Court was to hear the application.

The Solicitor General further advised that in the circumstances it would be appropriate to agree an interim suspension of the Scheme, and accordingly on 7th March, 2002, the Court was asked to make a consent order in agreed terms.

Those terms were that the Scheme was stayed until further order of the Court to the extent necessary to enable Jersey Potato Marketing Organisation Limited and those who wish to market through it to do so. Any of the parties, that is, Jersey Potato Marketing Organisation Limited, the States and the Board are at liberty to apply to the Court to lift the stay should circumstances change and it become desirable to do so.

As regards those parties who do not benefit from the stay, the Attorney General has granted them an amnesty against prosecution on the basis that it would be inequitable to have one set of rules for Jersey Potato Marketing Organisation Limited and those who market through it, and a different set of rules for all other growers and marketers.

Members should know that when the consent order was made by the Court, the Solicitor General made it clear in open Court that the order was only being agreed because of the exceptional circumstances which had arisen.

A date for the hearing of the substantive application has been fixed for the 30th April and 1st May, 2002, although as stated above it is open to any of the parties to apply at any time to have the stay lifted.”

Greffier of the States: appointment P.31/2002

The Greffier of the States, in accordance with Article 4 of the Departments of the Judiciary and the Legislature (Jersey) Law 1965, as amended, and in accordance with Standing Order No. 46(2), ordered the withdrawal of Strangers and the closing of the doors of the Chamber in order that the appointment of the Greffier of the States be considered in camera.

THE STATES, having deliberated thereon, proceeded to vote in public assembly and adopting a proposition of the Human Resources Committee, in accordance with the provision of Article 2(5) of the Departments of the Judiciary and the Legislature (Jersey) Law 1965, consented to the appointment of Mr. Michael Nelson de la Haye, at present Deputy Greffier of the States, to the office of Greffier of the States from 28th October 2002.

Overdale Assessment and Rehabilitation Unit: approval of drawings P.20/2002

THE STATES, adopting a proposition of the Health and Social Services Committee -

- (a) approved revised architects' drawings nos. 2985/100, 101B, 102B, 103, 104A, 105A, 106, 107, 108, 200 and 201 showing the proposed Overdale Assessment and Rehabilitation Unit;
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Draft Gambling (Gaming and Lotteries) (Amendment No. 14) (Jersey) Regulations 200 P.19/2002

THE STATES commenced consideration of the Gambling (Gaming and Lotteries) (Amendment No. 14) (Jersey) Regulations 200- and adopted the preamble.

Members present voted as follows -

“Pour” (33)

Senators

Stein, Norman, Walker, Le Sueur, Lakeman.

Connétables

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

Deputies

St. Mary, Trinity, Duhamel(S), Routier(H), Layzell(B), Breckon(S), Grouville, Huet(H), St. Martin, St. John, Vibert(B), St. Peter, Dorey(H), Troy(B), Voisin(L), Scott Warren(S), Farnham(S), Le Hérissier(S), Ozouf(H), Fox(H), Bridge(H), Martin(H).

“Contre” (11)

Senators

Bailhache, Syvret, Kinnard, Le Claire.

Connétables

St. Martin, St. Brelade, St. Lawrence.

Deputies

H. Baudains(C), S. Baudains(H), G. Baudains(C), Southern(H).

Regulations 1 to 8 and Schedules 1 and 2 were adopted.

THE STATES, in pursuance of Article 3 of the Gambling (Jersey) Law 1964, as amended, made Regulations entitled Gambling (Gaming and Lotteries) (Amendment No. 14) (Jersey) Regulations 2002.

Draft Public Finances (Administration) (Amendment No. 10) (Jersey) Law 200 P.22/2002

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled Public Finances (Administration) (Amendment No. 10) (Jersey) Law 2002.

Machinery of Government: composition and role of Privileges and Procedure and Scrutiny Committees P.175/2001.

Amendment - P.175/2001 Amd;

Comments - P.175/2001 Com;

Comments - addendum - P.175/2001 Com. Add.;

Comments - P.175/2001 Com.(2);

Comments - P.175/2001 Com.(3)

THE STATES referred to their Act dated 28th September 2001 in which they approved proposed reforms to the machinery of government and rejected a proposition of Senator Stuart Syvret regarding the composition and role of the Privileges and Procedures and Scrutiny Committees that -

- (a) following the introduction of a ministerial system the Privileges and Procedure Committee should be comprised of members of the States not involved in the Executive;

Members present voted as follows on paragraph (a) -

“Pour” (15)

Senators

Stein, Bailhache, Syvret, Kinnard, Le Claire.

Connétables

St. Martin, St. Peter.

Deputies

Duhamel(S), Breckon(S), St. Martin, St. John, Vibert(B), Troy(B), Martin(H), Southern(H).

“Contre” (31)

Senators

Quérée, Norman, Walker, Le Sueur, Lakeman.

Connétables

St. Ouen, 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. Peter, Dubras(L), St. Ouen, Dorey(H), Voisin(L), Scott Warren(S), Farnham(S), Le Hérissier(S), Ozouf(H), Fox(H), Bridge(H).

- (b) the Privileges and Procedure Committee should be responsible, in addition to a code of conduct for members of the States, for the production of a code of conduct for the Chief Minister and Ministers;

Members present voted as follows on paragraph (b) -

“Pour” (20)

Senators

Stein, Syvret, Kinnard, Le Claire.

Connétables

St. Martin, St. Lawrence, St. Mary, St. John, St. Peter, St. Clement.

Deputies

Breckon(S), St. Martin, St. John, Vibert(B), St. Ouen, Troy(B), Scott Warren(S), Le Hérissier(Martin(H), Southern(H).

“Contre” (26)

Senators

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

Connétables

St. Ouen, St. Saviour, St. Brelade, St. Helier.

Deputies

H. Baudains(C), St. Mary, Trinity, Duhamel(S), Routier(H), Layzell(B), Grouville, Huet(H), St. Peter, Dubras(L), Dorey(H), Voisin(L), Farnham(S), Ozouf(H), Fox(H), Bridge(H).

- (c) the Hansard-type transcript should extend to the proceedings of Scrutiny Committees;

Members present voted as follows on paragraph (c) -

“Pour” (21)

Senators

Stein, Bailhache, Syvret, Kinnard, Le Claire.

Connétables

St. Martin, St. Ouen, St. Mary, St. John, St. Peter.

Deputies

Duhamel(S), Breckon(S), Huet(H), St. Martin, St. John, Vibert(B), St. Ouen, Troy(B), Scott Warr

(S), Martin(H), Southern(H).

“Contre” (25)

Senators

Quérée, Norman, Walker, Le Sueur, Lakeman.

Connétables

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

Deputies

H. Baudains(C), St. Mary, Trinity, Routier(H), Layzell(B), Grouville, St. Peter, Dubras(L), Dorey(H), Voisin(L), Farnham(S), Le Hérissier(S), Ozouf(H), Fox(H), Bridge(H).

- (d) the Privileges and Procedure and Scrutiny Committees (including the Public Accounts Committee) should be able to call for all papers and information relevant to their work, including information classified as exempt under the Code of Practice on Public Access to Official Information and, although they should normally meet in public, should also be able to meet ‘in camera’ when discussing information classified as exempt;

Members present voted as follows on paragraph (d) -

“Pour” (17)

Senators

Stein, Syvret, Kinnard, Le Claire.

Connétables

St. Martin, St. Peter.

Deputies

Duhamel(S), Breckon(S), Huet(H), St. Martin, St. John, Vibert(B), Troy(B), Scott Warren(S), Le Hérissier(S), Martin(H), Southern(H).

“Contre” (29)

Senators

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

Connétables

St. Ouen, 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, St. Peter, Dubras(L), St. Ouen, Dorey(H), Voisin(L), Farnham(S), Ozouf(H), Fox(H), Bridge(H).

- (e) the Privileges and Procedure and Scrutiny Committees (including the Public Accounts Committee) should have at their disposal powers and procedures in accordance with those currently available to a Committee of Inquiry under Part IIIA of the States of Jersey Law 1966, as amended, and such powers could be invoked providing notice of the intention to do so, including a statement of the purpose of invoking them, had been given in writing at least seven days in advance to members of the Assembly and published;

Members present voted as follows on paragraph (e) -

“Pour” (11)

Senators

Stein, Syvret, Kinnard.

Connétables

St. Peter.

Deputies

Breckon(S), St. Martin, St. John, Vibert(B), Troy(B), Martin(H), Southern(H).

“Contre” (35)

Senators

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

Connétables

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

Deputies

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

- (f) the Public Accounts Committee, in addition to its work in scrutinising expenditure, should be charged with the scrutiny of public income, and the management and valuation of public assets.

Members present voted as follows on paragraph (f) -

“Pour” (22)

Senators

Stein, Bailhache, Syvret, Kinnard, Le Claire.

Connétables

St. Martin, St. Mary, St. John, St. Peter.

Deputies

H. Baudains(C), Duhamel(S), Breckon(S), Huet(H), St. Martin, St. John, Vibert(B), St. Ouen, Dor
(H), Troy(B), Scott Warren(S), Martin(H), Southern(H).

“Contre” (24)

Senators

Quérée, Norman, Walker, Le Sueur, Lakeman.

Connétables

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

Deputies

St. Mary, Trinity, Routier(H), Layzell(B), Grouville, St. Peter, Dubras(L), Voisin(L), Farnham(S)
Le Hérissier(S), Ozouf(H), Fox(H), Bridge(H).

Changes in Presidency

THE STATES re-assembled after the lunch adjournment under the presidency of the Deputy Bailiff, Mr. Michael St. John Birt at the commencement of consideration of the Draft Gambling (Gaming and Lotteries (Amendment No. 14) (Jersey) Regulations 200, but the Greffier of the States resumed the Presidency during consideration of the Machinery of Government: composition and role of Privileges and Procedures and Scrutiny Committees.

THE STATES rose at 7.03 p.m.

M.N. DE LA HAYE

Deputy Greffier of the States.