

**THE STATES assembled on Tuesday,  
12th November 2002 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache.**

**His Excellency the Lieutenant Governor,  
Air Chief Marshal Sir John Cheshire, K.B.E., C.B.,  
was present**

All members were present with the exception of -

Senator Pierre François Horsfall - out of the Island  
Senator Nigel Lewis Quérée - out of the Island  
Derek Ryder Maltwood, Deputy of St. Mary- out of the Island  
Alan Breckon, Deputy of St. Saviour- ill  
Philip John Rondel, Deputy of St. John- out of the Island.

Prayers

**Subordinate legislation tabled**

The following enactment was laid before the States, namely -

**Road Traffic (Saint Clement) (Amendment No. 16) (Jersey) Order 2002. R&O 132/2002.**

**Matters presented**

The following matters were presented to the States -

**Jersey Police Complaints Authority: report for the year 2001 - R.C.45/2002.**  
Presented by the Home Affairs Committee.

**Jersey Labour Market at June 2002 - R.C.46/2002.**  
Presented by the Industries Committee.

**Employment and Social Security Committee: social policy - R.C.47/2002.**  
Presented by the Employment and Social Security Committee.

**Machinery of Government: composition and election of the States Assembly (P.186/2002): comments - P.186/2002. Com.**  
Presented by the Policy and Resources Committee.

**Machinery of Government: composition and election of the States Assembly (P.186/2002): comments - P.186/2002. Com.(2).**  
Presented by the Finance and Economics Committee.

**Machinery of Government: composition and election of the States Assembly (P.186/2002): comments - P.186/2002. Com.(3)**  
Presented by the Human Resources Committee.

**Machinery of Government: composition and election of the States Assembly (P.186/2002): comments -**

**P.186/2002. Com.(4)**

Presented by the Connétable of Grouville

**Jersey Airport: future funding (P.198/2002): comments - P.198/2002. Com.**

Presented by the Policy and Resources Committee.

**States Abattoir, La Collette, St. Helier: transfer of administration (P.208/2002): comments - P.208/2002. Com.**

Presented by the Harbours and Airport Committee.

**Matters lodged**

The following matters were lodged “au Greffe” -

**Draft Crime and Security (Jersey) Law 200- P.210/2002.**

Presented by the Home Affairs Committee.

**Draft Waste Management (Jersey) Law 200- P.211/2002.**

Presented by the Public Services Committee.

**Budget 2003: amendment - P.212/2002.**

Presented by Deputy G.P. Southern of St. Helier.

**Arrangement of public business for the present meeting**

THE STATES acceded to the request of the President of the Policy and Resources Committee that consideration of the proposition regarding Machinery of Government: departmental structure - allocation and monitoring of public sector manpower numbers (P.192/2002 - lodged “au Greffe” on 29th October 2002) be deferred from the present meeting to the meeting to be held on 19th November 2002.

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

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 19th November 2002 -

Draft Telecommunications (Transfer) (Jersey) Regulations 200- P.204/2002.

Lodged: 5th November 2002.

*Finance and Economics Committee.*

Draft Telecommunications (Jersey) Law 2002 (Appointed Day) (No. 2) Act 200 P.196/2002.

Lodged: 5th November 2002.

*Industries Committee.*

Jersey Airport: future funding - P.198/2002.

Lodged: 5th November 2002.

*Harbours and Airport Committee.*

Jersey Airport: future funding (P.198/2002) - comments - P.198/2002.Com.

Presented: 12th November 2002.

*Policy and Resources Committee.*

Machinery of Government: departmental structure - allocation and monitoring of public sector manpower numbers - P.192/2002.

Lodged: 29th October 2002.

*Policy and Resources Committee.*

Machinery of Government: composition and election of the States Assembly - P.186/2002.

Lodged: 8th October 2002.

*Special Committee on the Composition and Election of the States Assembly.*

Machinery of Government: composition and election of the States Assembly (P.186/2002) - comments - P.186/2002 Com.

Presented: 12th November 2002.

*Policy and Resources Committee.*

Machinery of Government: composition and election of the States Assembly (P.186/2002) - comments - P.186/2002 Com.(2).

Presented: 12th November 2002.

*Finance and Economics Committee.*

Machinery of Government: composition and election of the States Assembly (P.186/2002) - comments - P.186/2002 Com.(3).

Presented: 12th November 2002.

*Human Resources Committee.*

Machinery of Government: composition and election of the States Assembly (P.186/2002) - comments - P.186/2002 Com.(4).

Presented: 12th November 2002.

*Connétable of Grouville.*

Machinery of Government: structure of the Executive - P.191/2002.

Lodged: 22nd October 2002.

*Policy and Resources Committee.*

Machinery of Government: structure of the Executive (P.191/2002) - comments - P.191/2002.Com.

Presented: 29th October 2002.

*Human Resources Committee.*

Machinery of Government: structure of the Executive (P.191/2002) - amendments - P.191/2002.Amd.

Presented: 5th November 2002.

*Senator S. Syvret.*

Draft Royal Bank of Canada (Jersey) Law 2000 (Appointed Day) (No. 2) Act 200 P.201/2002.

Lodged: 5th November 2002.

*Finance and Economics Committee.*

Planning and Building Core Service: strategy for future funding - P.203/2002.

Lodged: 5th November 2002.

*Planning and Environment Committee.*

Five Oaks Roundabout, St. Saviour: transfer of administration of land- P.207/2002.

Lodged: 5th November 2002.

*Housing Committee.*

States Abattoir, La Collette, St. Helier: transfer of administration- P.208/2002.

Lodged: 5th November 2002.

*Agriculture and Fisheries Committee.*

States Abattoir, La Collette, St. Helier: transfer of administration (P.208/2002) - comments - P.208/2002. Com.

Presented: 12th November 2002  
*Harbours and Airport Committee.*

Draft Island Planning (Exempt Operations) (Jersey) Regulations 200- P.209/2002. (*re-issue*).  
Lodged: 5th November 2002.  
*Planning and Environment Committee.*

THE STATES agreed to meet on 20th November 2002 if necessary, to complete the public business set down for the next meeting to be held on 19th November 2002.

**Postal charges and deliveries - questions and answers (Tape No. 788)**

Deputy Gerard Clifford Lemmens Baudains of St. Clement asked Senator Frank Harrison Walker, President of the Committee for Postal Administration, the following questions -

- “1. In view of the increase from 15 pence to 80 pence for unpaid or underpaid mail, would the President -
  - (a) confirm that a local item, if slightly overweight or under stamped by as little as a penny, would, from 1st January 2003, incur the 80 pence surcharge?
  - (b) give reasons for this 533 per cent increase in charges? and
  - (c) also account for the increased cost in re-directing mail from £30 to £192.50 per annum?
2. In relation to P.O. box numbers, would the President give figures for -
  - (a) the cost of the service?
  - (b) the number of boxes in use, for each of the last five years?
3.
  - (a) In the Parish of St. Clement, daily post can be delivered at any time between 8.30 a.m. and 4.30 p.m. Would the President explain why daily post delivery times vary so significantly?
  - (b) In previous elections, Jersey Post has offered a service to deliver flyers, including printing where appropriate, for election candidates. Will the President explain why on this occasion, the Department has advised that it is too busy to deliver Deputies’ manifestos as a ‘flyer’, but would be able to deliver them if posted either in the normal way or using Pro Mail?”

The President of the Committee for Postal Administration replied as follows -

- “1. (a) Yes, all local items that are identified as being underpaid will be subject to the surcharge fee in addition to any underpaid postage.

The process of ensuring that the correct value of postage has been paid and of raising charges for that underpayment, is extremely labour intensive. During an extensive review of all services and the efficiencies and costs of providing those services, it was identified that the previous administrative charge of 15p did not reflect the costs incurred. Consequently, the consumers who paid the correct amount were effectively subsidising those who did not.

The rate of 80p, in addition to any underpayment, is also the same as the surcharge which is applied in the U.K. by Royal Mail or is applied to any underpaid item received from the U.K.

- (c) The Residential and Business customer redirection services were reviewed in 2001 and again in 2002. The Redirection Service is extremely manpower intensive and, prior to the 2001 review, was run at a considerable loss to Jersey Post.

The increase referred to was introduced in January 2002 and applies to redirection of mail for business customers, but only to redirection of mail out of the Island for residential customers. The price increase for this service, effective 1st January 2003, is from £192.50 to £200 for a 12 month period. By comparison the cost of redirection of mail to another Jersey address for residential customers is currently £70 rising to £73 on 1st January 2003.

We have not had complaints about the increased costs of this service since they were introduced in January 2002.

2. (a) A major review of our P.O. Box services was completed in 1999/2000, resulting in a charge that reflects the cost of the service. This is a very manpower intensive service and, prior to the 1999/2000 review, was run at a considerable loss and cost to Jersey Post. The average cost of providing a P.O. Box is £570 per box, offset by savings of approximately £350 in delivery charges. The average income is £220 per box which does no more than cover the cost of providing the service.
- (b) The number of P.O. Boxes in use varies daily as customers open and close boxes throughout the year. However, the average number of boxes in use for the last five years is as follows -

Year	Average Number of Boxes in Use
1998	830
1999	800
2000	720
2001	720
2002	710

3. (a) Under normal circumstances, all deliveries are scheduled to be completed by lunchtime, however, there are times when it is impossible to achieve this across all 102 delivery routes. Out of a total of 102 delivery routes serving the Island there are eight which cover the Parish of St. Clement.

Records show that on 10 occasions this year, of the eight deliveries serving the St. Clement's area, one has had to be performed on overtime during the afternoon as a result of sickness absence representing 4% of the total deliveries made (266). It is unfortunate that on six of the 10 occasions it was Delivery 39, which serves the Deputy's address, that was delivered in the afternoon.

- (b) The Household Delivery Service, which is the service designed to deliver non addressed items of mail, at less than normal postage rates, was fully booked throughout November some time in advance of the request from the Deputy. There is a limit on how many of these deliveries can be taken on as a result of capacity and delivery time constraints.

Other Direct Marketing services for delivery of addressed flyers and similar items of direct mail, are only cost effective and operationally practical for this type of work on a database covering a minimum of six parishes. Similarly, the database management and printing services of Jersey Post's mailing house, Promail, were unlikely to be cost effective due to the relatively small numbers.

If production of addressed items was feasible in another way then they could be posted as normal mail and sent at normal postage rates."

**Current position relating to the E.U. Tax Package - question and answer (Tape No. 788)**

Senator Paul Vincent Francis Le Claire asked Senator Frank Harrison Walker, Vice-President of the Policy and Resources Committee, the following question -

“The President made a statement to the Assembly on 17th April 2002 on recent developments concerning the E.U. Tax Package, including position of the Code of Conduct Group and the four specific harmful tax measures as identified by Ms. Dawn Primarolo U.K. Paymaster General. Would the Vice-President advise members -

- (a) what the Committee has learnt about subsequent E.U. meetings concerning Jersey and would the President supply members with the most up to date information on these issues?
- (b) whether the full Committee is briefed on these very important issues and their impact upon the deadline of 31st December 2002 for their removal?”

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

“I should like to take the two parts of the question together.

The Policy and Resources Committee is regularly briefed on all developments concerning the E.U. Tax Package, most recently at its last meeting on 7th November 2002. As can be seen readily from the newspapers lately there is intense manoeuvring going on at present in Brussels as the E.U.’s self-imposed deadline for agreement on the Tax Package - the end of this year - looms. It can also be seen from recent press reports of Mr. Gordon Brown, the U.K. Chancellor of the Exchequer’s speech in Brussels last week that the U.K. now understands Jersey’s position much more clearly. We have had ongoing discussions with the U.K. Government in recent months about Jersey’s position in relation to the Tax Package. These have been cordial and constructive but it would not be in the Island’s interests to speak publicly about these discussions at this stage, while the fate of the Tax Package as a whole hangs in the balance in Brussels. It is however my President’s intention to make a statement to the Assembly on the matter before the end of the session.”

#### **Residents’ Parking Scheme in St. Helier No. 2 district question and answer (Tape No. 788)**

Deputy Geoffrey Peter Southern of St. Helier asked the Deputy of St. Peter, President of the Public Service Committee, the following question -

“The President has referred to the Residents’ Parking Scheme now operating in St. Helier No. 2 District as ‘12 month trial Scheme’. He has also committed himself to a full review of the Scheme before extending Residents Parking to other areas.

- (a) Will the President undertake to review the Scheme, in full consultation with the residents concerned, by the end of January 2003, i.e. after a period of three months, so that the Scheme can run with maximum efficiency?
- (b) The Scheme currently contains only one disabled space, whereas United Kingdom guidelines for parking schemes of under 200 spaces require a minimum of three disabled spaces. Would the President undertake to review the number of spaces for disabled residents in consultation with the Connétable of St. Helier, to bring this Scheme up to United Kingdom minimum standards?”

The President of the Public Services Committee replied as follows -

- “(a) Yes. I am sure that the new President of the Environment and Public Services Committee will wish to review the scheme early in 2003.
- (b) Yes. The scheme already makes special provision for disabled residents, in that priority is given to all applications for permits from disabled badge holders. It was not considered necessary to provide specific disabled spaces because all permit holders should find that parking opportunities, near to where they live, are now considerably improved.

The U.K. guidelines to which the Deputy refers are, I believe, taken from the DETR Traffic Advisory Leaflet no 5/95 entitled 'Parking for Disabled People'. The leaflet gives advice on the proportion of disabled parking spaces specifically for off-street car parks - there are no similar recommendations for the number of on-street disabled bays.

However, if when the scheme has had time to settle down, there still appears to be a need to make additional provision for disabled residents, the inclusion of disabled parking spaces (with a consequent removal of permit holders' spaces) will, of course, be considered."

### **States' Launch - questions and answers** (Tape No. 788)

Senator Paul Vincent Francis Le Claire asked Senator Leonard Norman, Vice-President of the Harbours and Airport Committee, the following questions -

1. In answer to questions on 22nd October 2001, the President informed members that the States launch had been outside our territorial waters five times in the last year and identified those destinations.

Would the Vice-President now inform members -

- (a) the purpose of each journey?
  - (b) whether any of them were non-essential or of a non-departmental nature?
  - (c) in the event that any were non-departmental or non-essential, who paid for fuel and crew costs?
2. With reference to the recent unfortunate accident between another boat and one skippered by the Harbour Master, would the President -
    - (a) confirm that the Custom's RIB (rigid inflatable boat) actually passed over the boat it crashed into?
    - (b) confirm that an electrical fault has been blamed for the accident?
    - (c) explain how that electrical fault was responsible for the accident?"

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

1. The journey on 8th June 2002 was to Granville in Normandy to recover the WaveRider buoy which had broken adrift from its moorings on the south west coastal approaches and drifted to France.

The journey on July 11th, 2002 was to transport the St. Martin Rate Assessment Committee to the Ecrehous and Carteret for the annual inspection of the Ecrehous reef. The cost of about £100 for fuel was met by the Harbours Department.

The journey on July 17th 2002 to the waters south of Sark was to assist in the search for a diver reported missing. The costs were met by the Harbours Department.

The journey on 21st August 2002 to the waters around Chausey was for pilotage and navigational training.

The journey on 27th August 2002 to St. Malo was to pick up the Harbour Master whose mother had been taken critically ill and admitted to the intensive care unit at the General Hospital. Dinard Airport was closed for the night and the ferries had completed their schedules for the day. The situation was deemed, by the Hospital, serious enough to warrant taking whatever action was possible to facilitate the Harbour Master's expeditious return to the Island.

The cost of about £100 for fuel was met by the Harbours Department.

I welcome this opportunity to thank Captain Lawrence, the Duty Officer at the time of this incident, who organised the Harbour Master's speedy return and commend Captain Lamy and his crew who undertook the voyage outside of their duty hours and claimed no overtime or other costs for so doing.

2. I am unable to answer this question as the incident is the subject of an inquiry which has yet to be completed.”

### **Change in Presidency**

The Bailiff retired from the Chair prior to the consideration of the proposition of Senator Paul Vincent Francis Le Claire on the Constitution and membership of the States: referendum (P.183/2002 lodged “au Greffe” on 8th October 2002) as the proposition concerned the position of the Bailiff and the meeting continued under the Presidency of Michael Nelson de la Haye Esquire, Greffier of the States.

### **Constitution and membership of the States: referendum - P.183/2002. Comments - P.183/2002 Com. and Com. (2)**

THE STATES commenced consideration of a proposition of Senator Paul Vincent Francis Le Claire on the constitution and membership of the States: referendum, and, in accordance with Standing Order 27, Senator Leonard Norman sought leave to move without notice to the consideration of the next item on the Order Paper. The President ruled that, in accordance with Standing Order 27(1), it appeared to him that the proposition was an abuse of the procedure of the States and it was therefore disallowed.

THE STATES, after further consideration, granted leave to Senator le Claire to withdraw the proposition.

### **Draft Motor Traffic (No. 9) (Jersey) Regulations 200 P.155/2002**

THE STATES, in pursuance of the powers conferred on them by the Order in Council of 26th December 1851, and by Article 46 of the Motor Traffic (Jersey) Law 1935, as amended, made Regulations entitled the Motor Traffic (No. 9) (Jersey) Regulations 2002.

### **Change in Presidency**

The Bailiff returned to the Chamber during the consideration of the Draft Motor Traffic (No. 9) (Jersey) Regulations 200- and the meeting continued under his Presidency.

### **Draft Official Publications (Amendment) (Jersey) Law 200- P.188/2002**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Official Publications (Amendment) (Jersey) Law 2002.

Senator Frank Harrison Walker declared an interest and was not present in the Chamber during the consideration of this matter.

### **Draft Housing (General Provisions) (Amendment No. 17) (Jersey) Regulations 200 P.189/2002. Comments - P.189/2002 Com.**

**Amendments - P.189/2002 Amd.**  
**Amendments - comments - P.189/2002 Amd.Com.**  
**Amendments - report - P.189/2002 Amd. Rpt.**

THE STATES commenced consideration of the Housing (General Provisions) (Amendment No. 17) (Jersey) Regulations 2002, and adopted the preamble.

Members present voted as follows -

**“Pour” (45)**

**Senators**

Le Maistre, Stein, Bailhache, Syvret, Norman, Walker, Kinnard, Le Sueur, Le Claire, Lakeman.

**Connétables**

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

**Deputies**

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

**“Contre” (0)**

Regulations 1 to 2 were adopted, the States having rejected amendments of Senator Paul Vincent Francis Le Claire that -

in Regulation 1 paragraphs (a) and (b), for the word “fifteen” there be substituted the word “seventeen”.

Members present voted as follows -

**“Pour” (16)**

**Senators**

Stein, Kinnard, Le Sueur, Le Claire.

**Connétables**

St. Mary, St. Helier.

**Deputies**

S. Baudains(H), Duhamel(S), St. Martin, Troy(B), Scott Warren(S), Le Hérissier(S), Fox(H), Bridge(H), Martin(H), Southern(H).

**“Contre” (31)**

**Senators**

Le Maistre, Bailhache, Syvret, Norman, Walker, Lakeman.

**Connétables**

Grouville, St. Martin, St. Ouen, St. Saviour, St. Brelade, St. Lawrence, St. John, St. Peter, St. Cler Trinity.

## **Deputies**

H. Baudains(C), Trinity, Routier(H), Layzell(B), Huet(H), Le Main(H), Vibert(B), St. Peter, Dubras(L)  
St. Ouen, G. Baudains(C), Dorey(H), Voisin(L), Farnham(S), Ozouf(H).

THE STATES, in pursuance of Articles 10 and 15 of the Housing (Jersey) Law 1949, as amended, made Regulations entitled the Housing (General Provisions) (Amendment No. 17) (Jersey) Regulations 2002.

## **Draft Subordinate Legislation (Amendment No. 3) (Jersey) Law 200 P.193/2002**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Subordinate Legislation (Amendment No. 3) (Jersey) Law 2002.

## **Draft Interpretation (Amendment) (Jersey) Law 200- P.194/2002**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Interpretation (Amendment) (Jersey) Law 2002.

## **Draft Transfer of Functions (Home Affairs Committee) (Jersey) Act 200- P.195/2002**

THE STATES, in pursuance of Article 29 of the States of Jersey Law 1966, as amended, and all other powers enabling them in that behalf, made an Act entitled the Transfer of Functions (Home Affairs Committee) (Jersey) Act 2002.

## **Adjournment**

THE STATES then adjourned, having agreed to defer consideration of the proposition of the Special Committee on the Composition and Election of the States Assembly (P.186/2002, lodged "au Greffe" on 8th October 2002), and adopting a proposition of Senator Stuart Syvret agreed that the matter be not considered on 19th November 2002.

Members present voted as follows -

**"Pour" (21)**

### **Senators**

Stein, Syvret, Kinnard, Le Claire, Lakeman.

### **Connétables**

Grouville, St. Mary, St. John, St. Helier.

### **Deputies**

Trinity, Duhamel, Dorey(H), Troy(B), Voisin(L), Scott Warren(S), Farnham(S), Le Hérissier(S), Ozouf(H), Bridge(H), Martin(H), Southern(H).

**"Contre" (18)**

### **Senators**

Le Maistre, Bailhache, Norman, Le Sueur.

### **Connétables**

St. Ouen, St. Saviour, St. Brelade, St. Lawrence, St. Peter, St. Clement, Trinity.

**Deputies**

H. Baudains(C), Routier(H), Le Main(H), Vibert(B), Dubras(L), St. Ouen, Fox(H).

THE STATES rose at 5.40 p.m.

**M.N. DE LA HAYE**

*Greffier of the States.*