

**THE STATES assembled on Thursday,  
24th July 2003 at 9.30 a.m. under  
the Presidency of the Deputy Bailiff,  
Michael Cameron St. John Birt, Esquire.**

**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 Leonard Norman – out of the Island  
Francis Herbert Amy – Connétable of Grouville – ill  
Geoffrey William Fisher, Connétable of St. Lawrence– out of the Island  
David Leon Crespel, Deputy of Trinity – out of the Island  
Gerard Clifford Lemmens Baudains, Deputy of St. Clement– out of the Island

Prayers

**Conflict of interest – Deputy M.A. Taylor of St. Clement– statement**

Deputy Michael Andrew Taylor of St. Clement made a statement in the following terms–

“I wish to make a personal statement as I am aware that one member has raised concerns with the President of the Economic Development Committee, Deputy F.G. Voisin, about a possible conflict of interest between my position as a shellfish exporter and the various positions of responsibility I hold as a States member.

I was a commercial fisherman for 30 years but I no longer fish or own my own boat. I have operated a shellfish export business for over 10 years, exporting lobster, crab and scallops to France. Fishermen choose whether they sell their catch to me on a week by week basis and I sell the shellfish to various French merchants.

The concerns raised seem to be that in my role as Chairman of the Jersey Fishermen’s Association, Chairman of the Agriculture and Fisheries Advisory Board and Chairman of the Sea Fisheries and Marine Resources Advisory Panel, along with being a States member, I may receive privileged information which could enable me to make a financial gain.

In over 15 years as Chairman of the Jersey Fishermen’s Association and having a seat on the Sea Fisheries and Marine Resources Advisory Panel, I have never gained financially in any way whatsoever. In fact having had to attend many various meetings over many years has cost me some thousands of pounds.

I have spoken to fishing colleagues, to other exporters – my competitors, to the Bailiff, to some States members and others, and neither they, nor myself can imagine any situation where in my various roles, and having an export business that I could receive any information which could benefit me financially.

I therefore completely refute the suggestion made that I have a conflict of interest and feel strongly that I should continue in the position I currently hold unless anyone can show with examples, and/or some facts and figures, that this is inappropriate. I would add that if at any time during any of the meetings I am involved in it becomes apparent that a matter is being discussed in which I had an interest I will, of course, declare that interest in the usual way and withdraw.”

**Machinery of Government: Establishment of Scrutiny Panels and Public Accounts Committee – P.79/2003  
Comments and Amendments**

THE STATES resumed consideration of the amendments of Senator Stuart Syvret to the proposition of the Privileges and Procedures Committee regarding the Machinery of Government: Establishment of Scrutiny Panels and Public Accounts Committee and rejected the amendments that –

(1) After paragraph (b)(iv) there be inserted the following sub-paragraph –

- (v) to call in decisions of the Executive and review such decisions, and report thereon to the States and Executive;

and subsequent sub-paragraphs of paragraph (b) be renumbered accordingly.

(2) In paragraph (h)(iii) there be deleted the words ‘and, in particular, no later than 12 months after the establishment of the Scrutiny Panels, to make recommendations on the desirability or otherwise of introducing a mechanism to enable the ‘call-in’ of Executive decisions’.

Members present voted as follows –

**“Pour” (17)**

**Senators**

Le Maistre, Syvret, Kinnard, Le Claire, E. Vibert.

**Connétable**

St. Mary.

**Deputies**

Duhamel(S), Breckon(S), Dorey(H), Troy(B), Le Hérissier(S), Martin(H), Southern(H), Grouville St. Peter, Hilton(H), De Faye(H).

**“Contre” (29)**

**Senators**

Walker, Le Sueur, Lakeman, Routier, M. Vibert, Ozouf.

**Connétables**

St. Martin, St. Ouen, St. Saviour, St. Brelade, St. Peter, St. Clement, St. Helier, Trinity.

**Deputies**

Huet(H), St. Martin, Le Main(H), Dubras(L), Voisin(L), Scott Warren(S), Farnham(S), Fox(H), Bridg (H), Bernstein(B), Ferguson(B), St. Mary, St. Ouen, Ryan(H), Taylor(C).

THE STATES adopted amendments of Deputy Jeremy Laurence Dorey of St. Helier that in sub-paragraph (d)(iv) before the words “that extravagance”, there be inserted the words “and to ensure” and that in paragraph (e), after the words “a member of the Executive”, there be inserted the words “nor of a Scrutiny Panel”.

THE STATES granted leave to Deputy Jeremy Laurence Dorey of St. Helier to withdraw his amendment to delete sub-paragraph (d)(v).

THE STATES, adopting the proposition, as amended, of the Privileges and Procedures Committee referred to their Act dated 28th September 2001 in which they agreed that there should be established a small number of scrutiny committees comprised of members of the States not involved in the Executive, and a Public Accounts Committee comprised of the chairmen of the scrutiny committees together with at least one other member of the States not involved in the Executive; and to their Act dated 26th March 2002 in which they agreed that the Privileges and Procedures Committee should bring forward for approval by the States the terms of reference, conditions and facilities for scrutiny committees and the Public Accounts Committee and –

- (a) agreed that from the date of the introduction of a ministerial system of government there shall be established four scrutiny committees, to be known as Scrutiny Panels, with the following areas of responsibility –
  - (i) Corporate Services, Policies and External Relations;
  - (ii) Environment and Public Services;
  - (iii) Economic Affairs and Development;
  - (iv) Social, Education and Home Affairs;
- (b) agreed that each Scrutiny Panel, within its designated area of policy, shall have the following terms of reference –
  - (i) to hold reviews into such issues and matters of public importance as the Panel, after consultation with the Chairmen's Committee, may decide, and to report to the States with recommendations if appropriate;
  - (ii) to consider and report on the existing and proposed policy of the Executive;
  - (iii) to scrutinise all primary legislation, consider possible amendments if appropriate, and report thereon to the States before the legislation is adopted by the States;
  - (iv) to consider subordinate legislation before it is made by the States, or after it is made by a Minister as appropriate, and, if the Panel so decides, scrutinise such legislation and report thereon to the States and the Executive with recommendations;
  - (v) to scrutinise proposed international conventions and agreements before they are extended to the Island;
  - (vi) to scrutinise the draft annual Resource Plan and Budget and other financial proposals of the Executive and report thereon with recommendations;
  - (vii) to liaise with the Public Accounts Committee through the Chairmen's Committee to ensure appropriate co-ordination of the scrutiny function;
- (c) agreed that –
  - (i) each Scrutiny Panel shall be comprised of a Chairman and four other members of the States who are not members of the Executive;
  - (ii) the Chairmen of the four Panels shall be appointed by the States after the appointment of the Chief Minister, the Ministers and the Chairman of the Public Accounts Committee;
  - (iii) no member of the States shall be a member of more than one Scrutiny Panel;
- (d) agreed that the terms of reference of the Public Accounts Committee shall be as follows –

- (i) to receive reports from the Comptroller and Auditor General on the results of the audit of the annual accounts of the States, associated organisations and companies as well as the annual accounts of the Social Security Fund, the Social Security (Reserve) Fund and the Health Insurance Fund and to report to the States on any significant issues arising from these audits;
  - (ii) to receive reports from the Comptroller and Auditor General on the adequacy of the corporate governance arrangements within the States and associated organisations and companies;
  - (iii) to receive reports from the Comptroller and Auditor General on the results of investigations into the value for money achieved by States' Departments and other public bodies, and to report to the States on any significant issues arising;
  - (iv) to assess whether public funds have been applied for the purposes intended by the States, and to ensure that extravagance and waste are eradicated and that sound financial practices are applied throughout the States administration;
  - (v) to hold hearings and to send for persons, papers and records as required for such hearings, and to report to the States as appropriate on the outcome of any such hearings;
- (e) agreed that the Chairman of the Public Accounts Committee, who shall not be a member of the Executive nor of a Scrutiny Panel, shall be appointed by the States after the appointment of the Chief Minister and the Ministers and that the Chairman shall have the power to co-opt onto the Committee other members of the States not involved in the Executive for such periods as he or she may decide;
- (f) agreed that the Scrutiny Panels and the Public Accounts Committee shall have the power to call for any papers or records relevant to the matter under consideration and the power to require any person to attend before them;
- (g) agreed that the proceedings of the Scrutiny Panels and the Public Accounts Committee shall be covered by parliamentary privilege so that no civil or criminal proceedings may be instituted against any member or officer, or against any person giving evidence to a Panel or the Public Accounts Committee, for any act done, or words spoken before, or written in a report to, or by, the Scrutiny Panels or Public Accounts Committee;
- (h) agreed that the Chairman of the Public Accounts Committee, the Chairmen of the Scrutiny Panels, and 2 other members of the States not involved in the Executive appointed by the States, shall form a Chairmen's Committee to –
- (i) act as a co-ordinating body for the work of the Public Accounts Committee and the Scrutiny Panels;
  - (ii) oversee the prioritisation and allocation of resources to the Public Accounts Committee and the Scrutiny Panels;
  - (iii) report to the Privileges and Procedures Committee on the operation of the scrutiny function and to make recommendations for change as appropriate and, in particular, no later than 12 months after the establishment of the Scrutiny Panels, to make recommendations on the desirability or otherwise of introducing a mechanism to enable the 'call-in' of Executive decisions;
- (i) agreed that adequate financial and manpower resources shall be made available to the Public Accounts Committee and the Scrutiny Panels from the date of their establishment as set out in Appendix Five to the report of the Privileges and Procedures Committee dated 10th June 2003;
- (j) agreed that two shadow Scrutiny Panels shall be established in advance of the introduction of the ministerial system of government, once appropriate resources have been identified, and requested all

Committees of the States to provide the fullest support and co-operation to the shadow Panels to enable them to operate effectively;

- (k) charged the Privileges and Procedures Committee to bring forward for approval the necessary legislation, as part of the new States of Jersey Law and Standing Orders of the States of Jersey, to give effect to the proposals in paragraphs (a) to (h) above.

Members present voted as follows –

**“Pour” (41)**

**Senators**

Le Maistre, Walker, Kinnard, Le Claire, Lakeman, Routier, M. Vibert, Ozouf, E. Vibert.

**Connétables**

St. Martin, St. Ouen, St. Mary, St. John, St. Peter, St. Clement, St. Helier, Trinity.

**Deputies**

Duhamel(S), Huet(H), St. Martin, St. John, Le Main(H), Dubras(L), Dorey(H), Troy(B), Voisin(L), Scott Warren(S), Farnham(S), Le Hérissier(S), Fox(H), Bridge(H), Bernstein(B), Ferguson(B), St. Mar. St. Ouen, Ryan(H), Taylor(C), Grouville, St. Peter, Hilton(H), De Faye(H).

**“Contre” (4)**

**Senator**

Syvret.

**Deputies**

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

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

THE STATES acceded to a request of Senator Wendy Kinnard, President of the Home Affairs Committee, that consideration of the draft Regulation of Investigatory Powers (Jersey) Law 200- (P.89/2003 lodged ‘au Greffe’ on 24th June 2003) be deferred from the present meeting until the meeting of 9th September 2003 when it would be considered as the first item of public business.

**Change in presidency**

The Deputy Bailiff retired from the Chamber during consideration of the proposition of the Privileges and Procedures Committee regarding Machinery of Government: Establishment of Scrutiny Panels and Public Accounts Committee, and the Greffier of the States took over the presidency of the meeting after the lunch adjournment.

**Draft Investigation of Fraud (Amendment No. 2) (Jersey) Law 200- P.80/2003**

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

**Draft Hire Cars (Repeal) (Jersey) Law 200- P.86/2003**

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

**Former School, Clearview Street, St. Helier: transfer of administration– P.87/2003**

THE STATES, adopting a proposition of the Education, Sport and Culture Committee approved the transfer of administration of the Former School at Clearview Street, as shown on Drawing No. 1206/03/59 from the Education, Sport and Culture Committee to the Environment and Public Services Committee for the purpose of entering into an agreement with the Scott Gibaut Housing Trust for the conversion of the building to provide an ‘Independent Assisted Living Housing Scheme’.

**Gorseland, La Rue de la Corbière, St. Brelade: proposed sale– P.88/2003**

**Comments – P.88/2003.Com.**

THE STATES, adopting a proposition of the Home Affairs Committee, referred to their Act dated 5th November 2002 in which they approved the purchase of the property known as Ruxley, Longueville Road, St. Saviour as a replacement residential property to Gorseland, La Rue de la Corbière, St. Brelade, and–

- (a) authorised the sale to Mr. Colin Ridgway Goss and Mrs. Mary Ann Goss, of the property known as Gorseland, La Rue de la Corbière, St. Brelade, administered by the Home Affairs Committee and the access track adjoining Gorseland, La Rue de la Corbière, St. Brelade administered by the Environment and Public Services Committee (shown on Drawing No. 1474/03/58 for illustration purposes only), for the sum of £575,000 with each party being responsible for their own legal fees;
- (b) authorised the Attorney General and the Greffier of the States to pass, on behalf of the Public, any contracts which might be found necessary to pass in connection with the said property referred to in paragraph (a) and any interest therein;
- (c) authorised the Treasurer of the States to receive any payment to the Public as it became due;
- (d) authorised the payment or discharge of expenses to be incurred in connection with the sale of the said property and all interests therein from the Planning and Environment vote of credit ‘Acquisition of Land – Major Reserve’ (Vote C0904).

**Waterfront Shop Units, Albert Pier, St. Helier: sale (P.92/2003)**

**Comments – P.92/2003.Com.**

THE STATES, adopting a proposition of the Housing Committee –

- (a) approved the sale of the properties known as Shop Units 1-3, Albert Pier, St. Helier totalling 2,260 square feet as shown on Drawing No. 1729/03/63 and defined as Share 149, 150 and 151 together with the private parking spaces marked as Shop Number one, two and three on the registered declaration of co-ownership to Dr. Nagy Fouad Mickhael for a total consideration of £220,000 with each party being responsible for its respective legal costs;
- (b) authorised the Greffier of the States to sign the said drawing on behalf of the States, the Attorney General and the Greffier of the States to pass as appropriate, on behalf of the public such contracts as might be necessary; and
- (c) authorised the Treasurer of the States to receive any payment to the Public as it became due.

Members present voted as follows –

**“Pour” (27)**

**Senators**

Syvret, Walker, Kinnard, Le Sueur, Le Claire, Routier, M. Vibert, E. Vibert.

**Connétables**

St. Martin, St. Ouen, St. Saviour, St. Mary, St. John, St. Clement.

**Deputies**

Huet(H), Le Main(H), Dubras(L), Dorey(H), Voisin(L), Le Hérissier(S), Bridge(H), Ferguson(B), St. Mary, Ryan(H), Taylor(C), Grouville, Hilton(H).

**“Contre” (12)**

**Senators**

Le Maistre, Ozouf.

**Deputies**

Duhamel(S), Breckon(S), St. Martin, St. John, Scott Warren(S), Fox(H), Martin(H), Southern(H), St. Peter, De Faye(H).

**Appointments Commission: re-appointment of members – P.93/2003**

THE STATES, adopting a proposition of the Policy and Resources Committee referred to their Act dated on 26th July 2002 in which they appointed Mrs. Sheila Henwood as a member of the Jersey Appointments Commission and approved the renewal of her appointment for an additional 4 years with effect from 26th July 2003.

**Draft Health Care (Registration) (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200- P.97/2003**

THE STATES, in pursuance of Article 11(2) of the Health Care (Registration) (Amendment) (Jersey) Law 2002 made an Act entitled the Health Care (Registration) (Amendment) (Jersey) Law 2002 (Appointed Day) Act 2003.

**Catherine Quirke House, 6 Gloucester Street, St. Helier: redevelopment– P.98/2003**

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

- (a) (i) authorised the transfer to Coolwater Limited of the property known as Catherine Quirke House, 6 Gloucester Street, St. Helier (shown on Drawing No. 23/03/61) currently valued at approximately £700,000, in exchange for the ownership by flying freehold in a new development being constructed on the same site of 1,500 square feet of ground floor clinic space, to include internal fitting out, together with 5 purpose-built one-bedroom flats, on the second floor at no further cost to the Public with each party to be responsible for its own legal fees;
- (ii) authorised the entering into a Development Agreement between the Public and Coolwater Limited for the purposes of providing an area of the ground floor of approximately 1,500 square feet for the provision of a clinic, including internal fit-out of this area and 5 one-bedroom flats on the second floor which combined interests were estimated to be valued at approximately £1,200,000;

- (b) authorised the Attorney General and the Greffier of the States to pass, on behalf of the public, any contracts which might be found necessary to pass in connection with the said property referred to in paragraph (a) and any interest therein;
- (c) authorised the payment or discharge of expenses to be incurred in connection with the sale of the said property and all interests therein from the Environment and Public Services vote of credit 'Acquisition of Land – Major Reserve' (Vote C0904).

**Public Lotteries Board: appointment of members – P.99/2003**

THE STATES, adopting a proposition of the Economic Development Committee, and in pursuance of Regulation 3(2) of the Gambling (Channel Islands Lottery) (Jersey) Regulations 1975, as amended, appointed the following as members of the Public Lotteries Board for the period 27th July 2003 to 26th July 2008, namely –

Mr. Ian Timothy Barnes (Chairman)  
Mr. Peter Scott Cruickshank  
Mr. Geoffrey James Roscouet  
Mr. Derek Arthur Wallis  
Mrs. Mary Ellen Horton  
Mr. Jeremy Arnold  
Miss Catherine Mary Newcombe.

**Draft Transfer of Functions (Environment and Public Services Committee) (Jersey) Act 200- P.100/2003  
Comments – P.100/2003.Com.**

THE STATES, in pursuance of Article 29 of the States of Jersey Law 1966, made an Act entitled the Transfer of Functions (Environment and Public Services Committee) (Jersey) Act 2003.

**Former St. Aubin's Market, St. Aubin, St. Brelade transfer of administration – P.101/2003  
Comments – P.101/2003.Com.**

THE STATES, adopting a proposition of the Environment and Public Services Committee, authorised the transfer of administration of the building formally known as the St. Aubin's Market, St. Aubin, St. Brelade, from the Economic Development Committee to the Environment and Public Services Committee.

Members present voted as follows –

**“Pour” (37)**

**Senators**

Le Maistre, Syvret, Walker, Kinnard, Le Sueur, Le Claire, Routier, M. Vibert, Ozouf, E. Vibert.

**Connétables**

St. Martin, St. Saviour, St. Brelade, St. Mary, St. John, St. Clement.

**Deputies**

Duhamel(S), Breckon(S), St. Martin, St. John, Le Main(H), Dubras(L), Dorey(H), Voisin(L), Scott Warren(S), Le Hérissier(S), Fox(H), Martin(H), Southern(H), St. Mary, St. Ouen, Ryan(H), Tayl (C), Grouville, St. Peter, Hilton(H), De Faye(H).

**“Contre” (0)**

## **Appointment of a press officer – questions and answer**

THE STATES recalled that Senator Edward Philip Vibert had asked Senator Terence Augustine Le Sueur President of the Finance and Economics Committee, the following question on 22nd July 2003 –

Would the President advise members whether the Committee has recently appointed a press officer? If the answer is in the affirmative, would the President advise the Assembly –

(c) of the terms and conditions of the post?”

Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee, having earlier advised the States that the Finance and Economics Committee used the services of a public relations firm in relation to communicating to the public its tax and spending policies, its Fiscal Strategy, and related matters, gave further clarification relating to question (c) as follows –

“During question time in the States on 22nd July 2003, I was asked to disclose money paid to Addendum Media Limited, the firm of communication advisers appointed by my Committee who advise on the promotion of our tax and spending policies and related matters.

I declined to do so at that time in case there were any legal or contractual problems in so doing. Having now taken advice to satisfy myself that no such problems arise, I can confirm to members that the amount payable to date to Addendum Media Limited, including disbursements, total £20,566.

The contract is based on an hourly rate and, as previously indicated, is on a trial basis subject to review at the end of December 2003.”

THE STATES rose at 4.35 p.m.

**M.N. DE LA HAYE**

*Greffier of the States.*