

**THE STATES assembled on Tuesday,
25th November 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 Edward Philip Vibert – out of the Island
John Baudains Germain, Connétable of St. Martin – ill
Geoffrey William Fisher, Connétable of St. Lawrence – out of the Island
Alan Breckon, Deputy of St. Saviour – ill
Jacqueline Jeannette Huet, Deputy of St. Helier – out of the Island
Peter Nicholas Troy, Deputy of St. Brelade – out of the Island
Jennifer-Anne Bridge, Deputy of St. Helier – ill

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Merchant Shipping (Small Ships Register) (Amendment No. 7) (Jersey) Order 2003.	R&O 126/2003.
Pilotage (Dues and Fees) (Jersey) Order 2003.	R&O 127/2003.
Community Provisions (Restrictive measures in respect of the Democratic Republic of Congo) (Jersey) Order 2003.	R&O 128/2003.
Community Provisions (Prohibiting the Sale, Supply and Export of Certain Equipment to, and Freezing the Funds of Certain Officials of, Burma/ Myanmar) (Amendment) (Jersey) Order 2003.	R&O 129/2003.
Lodging Houses (General Provisions) (Amendment No. 10) (Jersey) Order 2003.	R&O 130/2003.
Cremation (Fees) (Jersey) Order 2003.	R&O 131/2003.
Food and Drugs (Ice-Cream Stalls etc.) (Amendment No. 24) (Jersey) Order 2003.	R&O 132/2003.
Ancillary Dental Workers (Registration) (Fees) (Jersey) Order 2003.	R&O 133/2003.

Nursing Agencies (General Provisions) (Amendment No. 19) (Jersey) Order 2003.	R&O 134/2003.
Residential Homes (General Provisions) (Amendment No. 10) (Jersey) Order 2003.	R&O 135/2003.
Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 10) (Jersey) Order 2003.	R&O 136/2003.

Matters presented

The following matters were presented to the States –

States Members' remuneration: abolition of means testing (P.145/2003) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.145/2003. Com.(2)
States Members' remuneration: establishment of an Independent Review Body (P.146/2003) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.146/2003. Com.
Draft Road Traffic (No. 55) (Jersey) Regulations (P.157/2003): comments. <i>Presented by the Home Affairs Committee.</i>	P.157/2003. Com.

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

Matters lodged

The following matters were lodged “au Greffe” –

Draft Family Allowances (Jersey) Regulations 200-. <i>Presented by the Employment and Social Security Committee.</i>	P.167/2003.
Draft Health Insurance (Medical Benefit) (Amendment No. 58) (Jersey) Regulations 200-. <i>Presented by the Employment and Social Security Committee.</i>	P.168/2003.
Draft Parish Rate (Administration) (Amendment) (Jersey) Regulations 200-. <i>Presented by the Legislation Committee.</i>	P.169/2003.
Draft Burials and Exhumations (Jersey) Law 200-. <i>Presented by the Legislation Committee.</i>	P.170/2003.
Draft Amendment (No. 28) to the Tariff of Harbour and Light Dues. <i>Presented by the Harbours and Airport Committee.</i>	P.171/2003.
Waterfront Leisure Complex: sale of Head Lease. <i>Presented by the Finance and Economics Committee.</i>	P.172/2003.
Health Services Disciplinary Tribunal: appointment of members. <i>Presented by the Employment and Social Security Committee.</i>	P.173/2003.
Manual Workers' Joint Council: membership.	P.174/2003.

Presented by the Policy and Resources Committee.

Draft Harbours (Amendment No. 36) (Jersey) Regulations 200-. P.175/2003.
Presented by the Harbours and Airport Committee.

Bas du Mont Flats, Pier Road, St. Helier: sale to the Christians Together in Jersey (CTJ) Housing Trust. P.176/2003.
Presented by the Housing Committee.

Draft Boats and Surf-Riding (Control) (Amendment No. 25) (Jersey) Regulations 200-. P.177/2003.
Harbours and Airport Committee.

Disability Benefit System: reform. P.178/2003.
Employment and Social Security Committee.

Draft Road Traffic (No. 56) (Jersey) Regulations 200-. P.179/2003.
Deputy G.C.L. Baudains of St. Clement.

Cattle Street Car Park, St. Helier: transfer of administration of a part of land. P.180/2003.
Telecommunications Board.

Arrangement of public business for the next meeting on 2nd/3rd December 2003

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 2nd/3rd December 2003 –

Budget 2004.
Lodged: 4th November 2003.
Finance and Economics Committee.

Budget 2004: amendment. P.160/2003.
Lodged: 18th November 2003.
Deputy of St. John.

Budget 2004: second amendment. P.165/2003.
Lodged: 18th November 2003.
Deputy G.P. Southern of St. Helier.

Budget 2004: third amendment. P.166/2003.
Lodged: 18th November 2003.
Deputy G.P. Southern of St. Helier.

Draft Finance (Jersey) Law 200-. P.158/2003.
Lodged: 18th November 2003.
Finance and Economics Committee.

Draft Income Tax (Amendment No. 23) (Jersey) Law 200-. P.159/2003.
Lodged: 18th November 2003.
Finance and Economics Committee.

Public Employees Contributory Retirement Scheme Committee of Management:
membership.
Lodged: 11th November 2003.
Policy and Resources Committee.

P.155/2003.

Utility Services provided under roadways – question and answer (Tape No. 871)

The Deputy of St. John asked the Connétable of St. Ouen, Vice-Chairman of the Comité des Connétables, the following question –

- “(a) Over recent years the utility companies have been digging up the roads to lay services but more recently the Jersey Electricity Company Limited (JEC) has been selling the right to use the fibre optic cables placed under the Island’s roads to private companies. Would the Chairman advise members whether the JEC notified the relevant Parishes that it intended to lay the fibre optic cable when laying electrical cable under the road surface or whether notification was only given in respect of the laying of the electrical cable?
- (b) As the JEC is now charging rental on this fibre optic cable to Newtel and Jersey Telecom, would the Chairman inform members –
- (i) whether the relevant Parishes know where the cable is within the road structure of their Parish, whether there is a rental received by the Parishes for this, and, if so, whether this is a flat rental common to all relevant Parishes?
- (ii) whether the JEC, and other utility service providers, are treated as occupiers and therefore pay Parish rates on the respective services that lie under Parish roads and, if not, whether the Comité has any plans to promote a change in this area?”

The Vice-Chairman of the Comité des Connétables replied as follows –

- (a) The Electricity (Jersey) Law 1937, as amended, gives to the Jersey Electricity Company Limited the power to open and make use of roads in connection with its electricity supply business, as follows –

Article 2 provides – *the Company shall at all reasonable times have the right to break up and make use of the public roads, streets and lanes of the Island, for the development, maintenance and exploitation of an electricity supply for all purposes, whether public or private;*
.....

Article 3 provides –*theymay place and maintain in good condition underneath the said public roads, streets and lanes, such cables, mains, conduits or pipes, junction and other boxes, as they may from time to time deem necessary and expedient for the carrying on of their undertaking. Provided always that no permanent damage be caused to any pipes, sewers or gutters which may already exist in the said public roads.*

Article 4 requires the Company to give notice in writing to the Connétable of the Parish concerned but the Connétable shall not refuse consent to the carrying out of such work, unless he has valid reasons for such refusal. Except in case of emergency and in the case of connections to individual consumers, the above notices shall be delivered at least ten days before the commencement of the work.

The answer, therefore, is that each Parish Connétable will have received from the Company notice of the Company’s intention to carry out work in his Parish. The notice will not have specified whether the Company intended to lay fibre optic cable or only electrical cable under the road surface.

- (b) (i) The Parishes are not aware of the exact location of the fibre-optic cable within the road structure of their Parish but the utility companies keep detailed drawings of where the services are laid and these would be available if required. The Parishes do not receive a rent as there is no lease agreement between the Parishes and the Jersey Electricity Company Limited.
- (b) (ii) The utility companies have the use of certain structures, such as cables and pipes, located under land but a legal opinion would be required as to whether or not a utility company is thus the 'occupier' of the 'land' in accordance with the Parish Rate (Administration) (Jersey) Law 1946, as amended.

However, the 1946 law requires a rental value to be assessed for land in a Parish but there is no "rental market" for the utility companies' property. In the 1994 judgement of Jersey New Waterworks Company Limited v. Parish of Grouville, the Court confirmed that the hereditament to be valued comprised the whole of the company's occupation, including land structures and buildings in a single hereditament, and confirmed that the "profits method" should be adopted.

As a result of this judgment the rental value for the utility companies including the Jersey Electricity Company Limited has been determined using the "profits method". The "profits method" has been in use for more than a century for the calculation of the annual rental value of certain classes of property which are very seldom if ever let. The method could perhaps be more logically described as the receipts and expenditure basis, as the profits themselves are not rated and are not rateable.

The assessment for the Jersey Electricity Company Limited takes into account the Island's electricity supply business in total and therefore, whilst utility companies do not pay 'rates' in respect of services under the roads, this property of the Company is taken into account in arriving at the rental value for the Company. The rental value assessed for the Company as a whole is then apportioned between the Parishes in relation to the assets of the Company situated in each Parish. Thus, whilst not rated as individual items, the cables, pipes and other services of the utility companies are covered as part of the total assessment for the Company which is then apportioned between the Parishes."

Expenditure on corporate IT – question and answer (Tape No. 871)

The Deputy of St. Peter asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following question –

“Would the President advise members –

- (a) whether the Committee is satisfied that corporate expenditure on IT since 2000 demonstrates value for money and has delivered tangible savings? and,
- (b) what steps, if any, is the Committee taking to demonstrate that the States will receive value for money from the £23 million budget for corporate IT identified in the proposed Budget for 2004-2008?”

The President of the Policy and Resources Committee replied as follows –

- “(a) The Committee has not been entirely satisfied that expenditure on IT has demonstrated value for money in the period from 2000-2002. This is because historically the devolved, departmental system, where the majority of expenditure was incurred, has not necessarily provided the coherence and consistency required to ensure value for money across the States.

For the period since 2003, the Committee is satisfied that appropriate mechanisms are in place to ensure best value is taken in corporate IT projects; each is supported by business cases that identify benefits and formal tender processes are used in procuring IT goods and services.

- (b) For the future there are two developments which the Committee believes will demonstrate that value for money is achieved. Firstly, the Corporate Management Board, the IT Strategy Group and the Corporate Projects Board have been established and will provide the necessary governance surrounding project approval, allocation of resources and delivery of benefit. Secondly, The IT Director has proposed a new organisation structure for IT across the States, which involves a mix of central and departmental control, with an IT Head of Profession, which is designed to ensure that IT expenditure fits with agreed States strategy and resources are allocated appropriately. This is currently being considered by the Corporate Management Board and it is hoped it will be in place early in the new year.”

Matters relating to the Guernsey Fishing Licensing Scheme – question and answer (Tape No. 871)

The Deputy of St. John asked Deputy Francis Gerald Voisin of St. Lawrence, President of the Economic Development Committee, the following question –

“Would the President advise members –

- (a) whether the high level meetings in Guernsey and in the United Kingdom to discuss the Guernsey Fishing Licensing Scheme have taken place, and, if so, the outcomes?
- (b) whether the Committee’s budget will provide financial assistance to those fishermen appealing to fish within Guernsey waters, and if not, state the reasons why? and
- (c) whether a number of Jersey fishing licences have been issued to Guernsey fishermen recently and if so, would he supply details?”

The President of the Economic Development Committee replied as follows –

- “(a) The meetings between Guernsey and the United Kingdom have not taken place yet due to key people being on leave. I am hopeful that a meeting with the Guernsey authorities will occur soon and in the meantime a meeting between officers of the Jersey Licensing Authority and the Department for Environment, Food and Rural Affairs, (DEFRA), will be taking place on 1st December 2003.
- (b) The Committee has considered the question of financial assistance and, after consultation with the Law Officers’ Department, it has agreed that individual fishermen should not be given financial assistance when making appeals against refusals to their licence applications.
- (c) No Jersey fishing licences have been issued to Guernsey fishermen. However, our stance is that we would like to issue a pool of say 30 non-transferable licences to Guernsey fishermen and have a pool of 30 non-transferable Guernsey licences for Jersey fishermen, thus ensuring that the historic activity of the Guernsey and Jersey fleets fishing in each other’s waters is safeguarded into the future. This is proving very difficult to negotiate.”

States members’ income support – question and answer (Tape No. 871)

Senator Stuart Syvret asked Senator Christopher Gerard Pellow Lakeman, President of the Privileges and Procedures Committee, the following question –

“Would the President advise members whether any mechanism exists by which members of the States can avoid the present income supplement means test by re-arranging their financial affairs, and, if so, provide a detailed description of how this operates?”

The President of the Privileges and Procedures Committee replied as follows –

“I am able to inform members that the Treasury, which administers payments on behalf of the Finance and

Economics Committee, bases its calculations for the appropriate income support entitlement for each member on the statement of income provided by the Comptroller of Income Tax. The question pre-supposes the member has taken steps to 're-arrange' what might be perfectly legitimate arrangements already in existence. Discussions with the Comptroller confirm that, as the means test for determining income support is based on income received in the Member's own name, the amount could be legitimately reduced by certain means.

For example –

A member can transfer a bank account or dividends or property which yields income from their own name into their spouse's name. In these cases, the income is still properly declared to the Comptroller and taxed but it does not form part of the member's own income for means test purposes, as the present scheme specifically excludes the income of a spouse.

States members with companies do not have to pay all the corporate profits to themselves as director's fees. They can quite legitimately vote themselves fairly modest fees and if they choose to vote themselves less then they will receive the appropriate income supplement. Whilst all corporate profits will be taxed by the Comptroller, only the director's fees received will be included as income for means test purposes.

It is also possible for a States member to receive income which is neither taxed nor taken as part of the States members' income for means test purposes, because 4(b) of the Act of the States dated 14th July, 1998 directs that members' income is to be returned by the Comptroller under the usual rules for assessment of income for income tax purposes. This would relate to items such as maintenance payments and benefits such as family allowance, sickness, maternity grant, rent rebates etc. Therefore, if the income is not taxed because it is exempt, it does not form part of the return to the Treasury and on which the calculations for income support are based.

I would stress that, within the present rules governing income support, the above methods are legitimate.

Members will, later today, be debating the Committee's report and proposition on the removal of means testing for members remuneration altogether, which, if accepted will mean that these issues will not arise in future."

Emergencies Council – question and answer (Tape No. 871)

The Deputy of St. John asked Senator Frank Harrison Walker, Rapporteur of the Emergencies Council, the following question –

- “(a) Under the Emergency Measures Plan, historically the Island held three month’s food supply in the Island. In recent times these food stocks have been reduced. Given that all food carries a sell-by date, will the Rapporteur indicate, in weeks and months, what food stocks are held in the event of an emergency?
- (b) Earlier in 2003, I had a meeting with the Emergencies Council and was given an assurance that an updated emergency manual, namely an Emergency Measures Plan would be forthcoming. Will the Rapporteur give details of when the said Plan will be forthcoming?
- (c) Will the Rapporteur inform members whether the updated Emergency Measures Plan will be presented to the States for consideration, and , if not, the reasons why?”

The Rapporteur of the Emergencies Council replied as follows –

- “(a) The Department of Agriculture and Fisheries agreed to take responsibility for Emergency Food Planning from the former Defence Committee with effect from 1st January 1990.

Stocks of margarine, biscuits and yeast were kept in the store until 1994/1995, when, following consultations with the former Ministry for Agriculture, Food and Fisheries (MAFF), now known as the Department for Environment Food and Rural Affairs (DEFRA), and other appropriate organisations, these stocks were disposed of. This decision was made as it was felt that it was no longer appropriate to keep such stocks due to changing attitudes concerning peace time requirements and the cost of replacing them as they became out of date.

It is estimated that three weeks of food stocks, namely tinned goods, are held generally by commercial organisations in the Island at any one time.

In the event of a peace time disaster affecting the Island, support and provisions could be obtained speedily through the U.K. If the problem is caused by a worldwide conflict, certain factories and manufacturers are able to increase and stockpile necessary items which could be ordered during the lead-up to any outright war situation.

- (b) The existing Emergency Measures Plan was last updated in April 2003. The next revision of the outline responsibilities within the plan is due in February 2004, and it is anticipated that an updated Emergency Measures Plan Part I will be issued shortly thereafter. Any operational changes arising from the updated plan will be reflected in alterations to departmental major incident plans.
- (c) The current Emergency Measures Plan is classified and, as far as I know, was never presented to the States. The Emergencies Council has not considered putting the revised Plan to the States for consideration.”

Draft Road Traffic (No. 55) (Jersey) Regulations 2003 P.157/2003 (subsequently re-numbered as Amendment No. 54)

THE STATES, in pursuance of the Order in Council of 26th December 1851, and Article 49 of the Road Traffic (Jersey) Law 1956, made Regulations entitled the Road Traffic (No. 54) (Jersey) Regulations 2003.

States Members’ remuneration: abolition of means testing – P.145/2003 Comments – P.145/2003 Com., Com.(2) – P.145/2003 Com.(2), Amendment P.145/2003 Amd.

THE STATES commenced consideration of a proposition of the Privileges and Procedures Committee concerning States members' remuneration: abolition of means testing, and, adopting paragraph (a), agreed to suspend Standing Order 44(1) to enable members to discuss a matter in which they had a direct pecuniary interest.

THE STATES resumed consideration of the proposition of the Privileges and Procedures Committee and of an amendment by the Deputy of St. Mary, that in paragraph (d)(i), after the words "end of 2003" there be inserted the words ", or by 2.5%, whichever figure is the lower", which amendment was lodged "au Greffe" by Deputy Jeremy Laurence Dorey of St. Helier.

THE STATES, after discussion, rejected a proposition of Deputy Jeremy Laurence Dorey of St. Helier that the States move to the next item on the Order Paper.

Members present voted as follows –

"Pour" (7)

Senators

Norman, Le Sueur.

Connétable

St. Peter.

Deputies

Duhamel(S), Dorey(H), Ferguson(B), De Faye(H).

"Contre" (36)

Senators

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

Connétables

St. Saviour, St. Brelade, St. Mary, St. John, St. Clement, Trinity, Grouville.

Deputies

Trinity, St. Martin, St. John, Le Main(H), Dubras(L), Baudains(C), Voisin(L), Scott Warren(S), Farnham (S), Le Hérisier(S), Fox(H), Martin(H), Southern(H), Bernstein(B), St. Mary, St. Ouen, Ryan(H), Taylor (C), Grouville, St. Peter, Hilton(H).

THE STATES, having granted leave to the President of the Privileges and Procedures Committee to withdraw paragraph (f) that payments should be made to elected members monthly in arrears from 1st January 2004, and to request the Treasurer of the States to make appropriate transitional arrangements to ensure that no elected members suffered undue hardship as a result of the change to this method of payment, adopted paragraphs (b) and (c) of the proposition and –

- (b) agreed that the present arrangements regarding the provision of a means tested minimum income and an expenses allowance to elected members of the States should be replaced with effect from 1st January 2004, with a new remuneration scheme, available to all elected members irrespective of income from any other source, and that under the new scheme all elected members of the States should, on application to the Treasurer of the States, be able to receive income support and expense allowance up to a fixed maximum annual sum; and,
- (c) agreed that under the new scheme, members would make application to the Treasurer of the States

before 1st January each year indicating the sums they wished to receive for the following year, with the possibility of applying to amend those sums at any time during the year by giving at least one month's notice to the Treasurer.

Members present voted as follows –

“Pour” (33)

Senators

Le Maistre, Syvret, Norman, Kinnard, Le Claire, Lakeman, Routier, M. Vibert, Ozouf.

Connétables

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

Deputies

Trinity, St. Martin, Le Main(H), Baudains(C), Dorey(H), Scott Warren(S), Farnham(S), Le Hérissier(S), Fox(H), Southern(H), Bernstein(B), St. Mary, St. Ouen, Ryan(H), Taylor(C), Grouville, St. Peter.

“Contre” (12)

Senator

Le Sueur.

Connétables

St. Peter, Trinity, Grouville.

Deputies

Duhamel(S), St. John, Dubras(L), Voisin(L), Martin(H), Ferguson(B), Hilton(H), De Faye(H).

THE STATES, adopting paragraphs (d) and (e) of the proposition, agreed that for the year 2004 members should be entitled to receive –

- (d)(i) income support of up to £28,609 increased by a figure of 0.5% below the percentage rise in the Jersey Retail Price Index at the end of 2003; and,
- (ii) an expense allowance of up to £9,629 increased by the percentage rise in the Jersey Retail Price Index at the end of 2003; and,
- (e) agreed that for the year 2005, and for subsequent years, the maximum annual sum should be fixed following receipt of the recommendations of the States Members Remuneration Review Body to be established in accordance with the decision of the States of 13th May 2003.

THE STATES, adopting paragraph (g) of the proposition, agreed that elected States members who were liable to pay Class 2 social security contributions by virtue of receiving remuneration under the scheme should be able to apply quarterly to the Treasurer of the States for reimbursement equivalent to the secondary (employer's) element of those contributions.

Members present voted as follows –

“Pour” (39)

Senators

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

Connétables

St. Ouen, St. Saviour, St. Brelade, St. Mary, St. John, St. Peter, St. Clement, St. Helier, Grouville.

Deputies

Trinity, Duhamel(S), St. Martin, Le Main(H), Baudains(C), Dorey(H), Voisin(L), Scott Warren(S), Farnham(S), Le Hérissier(S), Fox(H), Martin(H), Southern(H), Bernstein(B), St. Mary, St. Ouen, Ryan (H), Grouville, St. Peter, Hilton(H), De Faye(H).

“Contre” (4)

Senator

Norman.

Connétable

Trinity.

Deputies

St. John, Taylor(C).

One member abstained from voting.

THE STATES, adopting paragraph (h) of the proposition, requested the Privileges and Procedures Committee, in consultation with the Finance and Economics Committee, to take the necessary steps to bring the new scheme into operation.

(The decision of the States on this matter is set out as an Appendix to these minutes).

States Members’ remuneration: establishment of an Independent Review Body – P.146/2003 Comments – P.146/2003 Com.

THE STATES, adopting a proposition of the Privileges and Procedures Committee, referred to their Act dated 13th May 2003, in which they agreed that an independent States Members’ Remuneration Review Body, comprising persons who were not members of the States, should be established, and –

(a) agreed that the Terms of Reference of the Review Body should be as follows –

to make recommendations to the Privileges and Procedures Committee on the appropriate level of remuneration to be paid to elected members of the States, following the holding of public hearings and the receipt of oral and written submissions from any persons, including members of the States, having taken account of any other matters that the Body considered to be relevant, and having taken particular account, but not being bound by, the following matters –

- (i) the principle that the level of remuneration available to elected members should be sufficient to ensure that no person should be precluded from serving as a member of the States by reason of insufficient income and that all elected members should be able to enjoy a reasonable standard of living, so that the broadest spectrum of persons were able to serve as members of the Assembly;
- (ii) the economic situation prevailing in Jersey at the time of determination and the budgetary restraints on the States of Jersey; and

- (iii) the States' inflation target, if any, for the period under review.
- (b) agreed that the Review Body should –
- (i) no later than 31st August 2004, make recommendations on the appropriate level of remuneration for the year 2005;
 - (ii) no later than 31st August 2005, make recommendations for the 3-year period 2006 to 2008; and,
 - (iii) thereafter, make recommendations for each 3-year period at least 6 months before the date of every ordinary elections for Deputies;
- (c) agreed that the Review Body should report its recommendations to the Privileges and Procedures Committee and that Committee, upon receipt of the recommendations of the Body, should forthwith report the recommendations to the States and agreed that, unless any Committee or member of the States sought a debate on the recommendations within one month of the date of presentation, the recommendations should be implemented; and,
- (d) agreed that the members of the Review Body should receive the sum of £20 for each day spent on the work of the Body.

Members present voted as follows –

“Pour” (41)

Senators

Le Maistre, Norman, Kinnard, Le Sueur, Lakeman, Routier, M. Vibert, Ozouf.

Connétables

St. Ouen, St. Saviour, St. Brelade, St. Mary, St. John, St. Peter, St. Clement, Trinity, Grouville.

Deputies

Trinity, Duhamel(S), St. Martin, Le Main(H), Dubras(L), Baudains(C), Dorey(H), Voisin(L), Scott Warren(S), Farnham(S), Le Hérissier(S), Fox(H), Martin(H), Southern(H), Bernstein(B), Ferguson(B), St. Mary, St. Ouen, Ryan(H), Taylor(C), Grouville, St. Peter, Hilton(H), De Faye(H).

Senator

Syvret.

Deputies

St. John.

**Draft Road Traffic (No. 54) (Jersey) Regulations 200- P.151/2003
(subsequently re-numbered as Amendment No. 55)**

THE STATES, in pursuance of the Order in Council of 26th December 1851, and Article 49 of the Road Traffic (Jersey) Law 1956 made Regulations entitled the Road Traffic (No. 55) (Jersey) Regulations 2003.

Jersey 65+ Health Plan – P.153/2003

THE STATES, adopting a proposition of the Employment and Social Services Committee, referred to their Acts dated 24th April 2001, and 1st August 2001, in which they approved the establishment of a trial scheme to subsidise the cost of ophthalmic and dental care to certain persons over the age of 65, and to their Act dated 24th September 2002, in which they approved extensions to the trial scheme, and agreed that a scheme, to be known as “The Jersey 65+ Health Plan”, to subsidise dental, ophthalmic and chiropody care, should be established in Jersey, and –

- (a) agreed that –
 - (i) the scheme should be available to those people over the age of 65 who satisfied the criteria set out in paragraph 4 of the report of the Employment and Social Security Committee dated 11th November 2003;
 - (ii) the level of financial assistance available to each eligible individual should be that described in paragraph 4 of the said report;
- (b) charged the Employment and Social Security Committee to bring forward for approval the necessary legislation regarding the establishment of the scheme; and,
- (c) requested the Employment and Social Security Committee, in conjunction with the Finance and Economics Committee, to take the necessary steps to obtain funding within the resource allocation process to enable the continued operation for 2005 and beyond of the scheme.

Senator Christopher Gerard Pellow Lakeman declared an interest and withdrew from the Chamber prior to the consideration of this matter.

THE STATES rose at 3.55 p.m.

M.N. DE LA HAYE

Greffier of the States.

APPENDIX

THE STATES, adopting a proposition of the Privileges and Procedures Committee, agreed –

- (a) to suspend Standing Order 44(1) to enable members to discuss a matter in which they had a direct pecuniary interest;
- (b) that the present arrangements regarding the provision of a means tested minimum income and an expenses allowance to elected members of the States should be replaced with effect from 1st January 2004, with a new remuneration scheme, available to all elected members irrespective of income from any other source, and that under the new scheme all elected members of the States should, on application to the Treasurer of the States, be able to receive income support and expense allowance up to a fixed maximum annual sum;
- (c) that under the new scheme, members would make application to the Treasurer of the States before 1st January each year indicating the sums they wished to receive for the following year, with the possibility of applying to amend those sums at any time during the year by giving at least one month's notice to the Treasurer;
- (d) that for the year 2004 members should be entitled to receive –
 - (i) income support of up to £28,609 increased by a figure of 0.5% below the percentage rise in the Jersey Retail Price Index at the end of 2003;
 - (ii) an expense allowance of up to £9,629 increased by the percentage rise in the Jersey Retail Price Index at the end of 2003;
- (e) that for the year 2005, and for subsequent years, the maximum annual sum should be fixed following receipt of the recommendations of the States Members Remuneration Review Body to be established in accordance with the decision of the States of 13th May 2003;
- (f) that elected States members who were liable to pay Class 2 social security contributions by virtue of receiving remuneration under the scheme should be able to apply quarterly to the Treasurer of the States for reimbursement equivalent to the secondary (employer's) element of those contributions; and,
- (h) to request the Privileges and Procedures Committee, in consultation with the Finance and Economics Committee, to take the necessary steps to bring the new scheme into operation.