

**THE STATES assembled on Tuesday,  
9th September 2003 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 –

Francis Herbert Amy, Connétable of Grouville – ill  
Philip Francis Ozouf, Connétable of St. Saviour– ill  
Maxwell Robert de la Haye, Connétable of St. Brelade– out of the Island.

Prayers

**Connétable of St. Ouen– re-election**

The Bailiff congratulated Mr. Kenneth Priaux Vibert on his re-election as Connétable of St. Ouen.

**Connétable of St. Mary– re-election**

The Bailiff congratulated Mr. Kenneth Alan Le Brun on his re-election as Connétable of St. Mary.

**Bailiff's Ruling – Standing Order 44**

The Bailiff made a statement in the following terms –

“I have been asked to make a ruling on Standing Order 44, which concerns the declaration of financial interests as it applies to the debating of Projet 117/2003 (Fief de la Fosse: proposed agreement with Les Pas Holdings Limited).

The issue which has been raised in the present case is whether a member who holds shares in CI Traders Limited has an interest which requires him, under Standing Order 44, to declare that interest and to withdraw from the Chamber.

Standing Order 44(1) provides –

*‘Where any member of the States has a direct pecuniary interest, being an interest which is immediate and personal and not merely of a general or remote character, in the subject matter of any proposition submitted to the Assembly, he shall, as soon as practicable, declare his interest and withdraw from the Chamber during the consideration of and voting on the proposition.’*

Before applying this to the present situation, it may be helpful to compare Standing Order 44 with the comparable Rule adopted by the House of Commons at Westminster to regulate its procedure with regard to the declaration of an interest. The House of Commons adopted, on 22nd May 1974, the following resolution –

*‘In any debate or proceeding of the House or its Committees or transactions or communications which a Member may have with other Members or with Ministers or servants of the Crown, he shall disclose any relevant pecuniary interest or benefit of whatever nature, whether direct or indirect, that he may have had, may have or may be expecting to have.’*

Whereas the rule in the House of Commons requires the declaration of 'any relevant pecuniary interest or benefit of whatever nature, whether direct or indirect', Standing Order 44 is much narrower in its scope, requiring the pecuniary interest to be both 'direct' and 'immediate and personal and not merely of a general or remote character'. It is to be noted, however, that whereas Standing Order 44 requires a member to withdraw once a declaration has been made, a declaration of interest in a matter under debate in the House of Commons does not necessarily debar the member from taking part in subsequent debate.

It is worth making this comparison because it helps to clarify the different approach of Standing Order 44 which is to be rigorous about the requirement for a member to withdraw from a matter under debate but only after it is established that the nature of that member's interest is both 'direct' and 'immediate and personal'.

I turn now to Projet 117/2003. It is not necessary to explore the detail of the Projet – members will be aware of this from the accompanying report. What is material is that a settlement of the litigation as to the ownership of the foreshore is proposed which involves the transfer of an asset to Les Pas Holdings Ltd with further development opportunities arising from that transfer.

There is a relationship between Les Pas Holdings and CI Traders: I am advised that 12.25 per cent of Les Pas shares are owned by the Ann Street Group Limited which is itself a wholly-owned subsidiary of CI Traders. It is clear that if this Assembly were governed by the rule adopted in the House of Commons, holding shares in CI Traders, given the relationship with Les Pas Holdings that I have just described, would constitute 'a pecuniary interest or benefit of whatever nature, whether direct or indirect'.

Whether it constitutes a pecuniary interest as defined in Standing Order 44 is a more difficult question which must be resolved by considering whether the interest is 'immediate and personal and not merely of a general or remote character'. This is capable of being argued in a number of ways.

It seems to me, however, that the acid test is whether there is a risk that any measurable financial benefit will result for shareholders in CI Traders from the adoption of this resolution. It is relevant to this question to know whether the approval of the provisional agreement would have any measurable effect upon the share price. At my request the States Treasurer sought professional advice from a leading firm of stockbrokers unconnected with any of the parties to this dispute. That advice was that –

'the approval by the States of the provisional agreement with (Les Pas Holdings Ltd) should have a negligible impact on the share price of (CI Traders Ltd).'

'Negligible' means so small or insignificant as to be ignorable.

Taking this advice into consideration it seems to me that there is no risk that a measurable financial benefit will result for shareholders in CI Traders from the adoption of Projet 117/2003, and that the pecuniary interest is not therefore 'immediate and personal'.

I, therefore, rule that Standing Order 44(1) does not require a member owning shares in CI Traders to declare this as an interest under that Standing Order and to withdraw from the Chamber during consideration of and voting on the proposition. For similar reasons I find that Standing Order 44(2) was not broken by those members of the Policy and Resources Committee who declared an interest in CI Traders but remained at Committee meetings to consider and vote on matters leading to the lodging of Projet 117/2003. I should add that, because this is an important procedural ruling, I have discussed the matter in depth with the Deputy Bailiff who agrees with these conclusions. The Privileges and Procedures Committee may wish to consider, in the light of this ruling, whether the whole approach to the definition of financial interests in Standing Order 44 should not be re-visited.

That is not, however, the end of the matter. This is not simply a question of a ruling under Standing Order 44 but of the wider perception of members' actions in connection with this debate.

Standing Order 44(1) sets out the minimum requirement relating to the declaration of financial interests. From time to time members do draw a particular interest to the attention of the Assembly and, quite properly, remain to participate in the debate and to vote upon the proposition. Although it is, of course, a matter for each member's own judgment this is not, in my view, such a case. Having regard to the importance of the subject matter of this debate, and the importance of avoiding any public misconceptions,

and as advised by the Greffier in correspondence with members last month, my strong advice is that it would not be right for any member with shares in CI Traders to participate in the debate and to vote upon the proposition even though it would not be in breach of Standing Order 44.

I would like just to add this from the chair. The question of when to declare a financial interest and when to withdraw oneself from the proceeding is very often not a black and white issue. It is a matter of judgment, and sometimes one member's conclusion will not be the same as another's. But the fact that members may have different views is not evidence of impropriety. It seems to me that each member is entitled to the presumption that he or she has acted properly and with integrity until the contrary is proved. The public expects honourable conduct from members, but members are entitled to have their conduct viewed against the same expectation, that is that they have behaved honourably.

So far as my own position is concerned, although my wife and I did have a small holding of shares in Le Riches Stores Limited which became shares in CI Traders, those shares have now been sold. Neither of us is a shareholder in the company. However, my father remains a shareholder, both directly and through an investment holding company, in CI Traders and I have a prospective beneficial interest in a family trust which holds some of those shares. For the reasons already given I have therefore disqualified myself from presiding over the forthcoming debates. As is well known, the Deputy Bailiff, while in private practice, was a legal adviser to Les Pas Holdings and has, for that reason, also disqualified himself. I have therefore asked the Greffier of the States to preside, in the forthcoming debate.”

### **Subordinate legislation tabled**

The following enactments were laid before the States, namely –

Health Care (Registration) (Prescribed Qualifications) (Jersey) Order 2003.	R&O 65/2003.
Road Racing (Hill Climbs and Sprint) (No. 2) (Jersey) Order 2003.	R&O 66/2003.
Terrorism (Passenger and Crew Information) (Jersey) Order 2003.	R&O 67/2003.
Terrorism (Audio Recording of Interviews) (Jersey) Order 2003.	R&O 68/2003.
Terrorism (Proscribed Organizations) (Amendment) (Jersey) Order 2003.	R&O 69/2003.
Terrorism (Proscribed Organizations – Deproscription Applications) (Jersey) Order 2003.	R&O 70/2003.
Terrorism (Carding) (Jersey) Order 2003.	R&O 71/2003.
Medicines (Clinical Trial Exemptions) (Amendment) (Jersey) Order 2003.	R&O 73/2003.
Medicines (Clinical Trial Exemptions) (No. 2) (Amendment) (Jersey) Order 2003.	R&O 74/2003.
Medicines (Prescriptions Only) (Amendment No. 5) (Jersey) Order 2003.	R&O 75/2003.
Tourism (General Provisions) (Amendment No. 10) (Jersey) Order 2003.	R&O 76/2003.
Places of Refreshment (Registration) (Fees) (Jersey) Order 2003.	R&O 77/2003.
Potatoes (Precautions Against Blight) (Amendment No. 10) (Jersey) Order 2003.	R&O 78/2003.
Export of Flowers (Amendment) (Jersey) Order 2003.	R&O 79/2003.
Export of Agricultural Produce (Amendment No. 12) (Jersey) Order 2003.	R&O 80/2003.
Gorey Fête (Jersey) Order 2003.	R&O 81/2003.
Road Traffic (Saint Brelade) (Amendment No. 14) (Jersey) Order 2003.	R&O 82/2003.

Road Traffic (Speed Limits) (Jersey) Order 2003.	R&O 83/2003.
Battle of Britain Air Display (Jersey) Order 2003.	R&O 84/2003.
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment) (Jersey) Order 2003.	R&O 85/2003.

### **Environment and Public Services Committee – resignation of member**

THE STATES noted the resignation of the Connétable of St. Helier from the Environment and Public Services Committee.

### **Matters presented**

The following matters were presented to the States –

Jersey Law Commission: report for 2002. <i>Presented by the Legislation Committee.</i>	R.C.39/2003.
General Reserve: grant of additional funds to 30th June 2003. <i>Presented by the Finance and Economics Committee.</i>	R.C.40/2003.
Migration Policy (P.102/2003): comments. <i>Presented by the Housing Committee.</i>	P.102/2003. Com.
A Tobacco Strategy for Jersey (P.109/2003): comments. <i>Presented by the Finance and Economics Committee.</i>	P.109/2003. Com.
An Alcohol Strategy for Jersey (P.110/2003): comments. <i>Presented by the Finance and Economics Committee.</i>	P.110/2003. Com.
Fief de la Fosse: proposed agreement with Les Pas Holdings Limited (P.117/2003) – addendum to report. <i>Presented by the Policy and Resources Committee.</i>	P.117/2003. Add.

The following matters were presented on 12th August 2003 –

Bas du Mont Flats, Pier Road, St. Helier: transfer of administration of land (P.112/2003) – comments. <i>Presented by the Housing Committee.</i>	P.112/2003. Com.
Fief de la Fosse: proposed agreement with Les Pas Holdings Limited (P.117/2003) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.117/2003. Com.

The following matters were presented on 19th August 2003 –

States of Jersey Audit Commission: Annual Report – 2002. <i>Presented by the Finance and Economics Committee.</i>	
States of Jersey Law 1966, as amended: delegation of functions – Housing (General Provisions) (Jersey) Regulations 1970. <i>Presented by the Housing Committee.</i>	R.C.37/2003.
Public and private sector construction workflow projections. <i>Presented by the Economic Development Committee.</i>	R.C.38/2003.
Public right of access to information, financial and other records of the States of Jersey (P.34/2003): comments.	P.34/2003. Com. (2)

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

**Matters noted – land transactions**

THE STATES noted Acts of the Finance and Economics Committee dated 30th July, 6th August and 2nd September 2003, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Environment and Public Services Committee, the purchase from Mr. Paul Edwin Vibert and Mrs. Nicola Daryl Vibert, née Rimeur, of an area of land at Field No. 77, St. Ouer (measuring 1,288 square feet), required for the construction of a sewage pumping station, for a consideration of £1,288.00, on the basis that the public would at all times have vehicular and pedestrian right of way to access and egress the site to be purchased onto the remainder of Field No. 77. In addition, Mr. and Mrs. Vibert would grant the public the use of a working area on Field No. 77, (measuring 1,550 square feet), for the duration of the construction work at no extra cost. A connection to Mr. and Mrs. Vibert's property "Les Heches" would be provided free of charge. The public would also ensure suitable access for Mr. and Mrs. Vibert to the lower part of Field No. 77, the location of which crossing was to be agreed on site at the time of construction. The existing crossing between Fields Nos. 77 and 78 would remain. The public was to be responsible for both parties' legal costs arising from the transaction;
- (b) as recommended by the Education, Sport and Culture Committee, the entering into of a Deed of Arrangement with Mrs. Joan Marion Averty, née Nérrou, in respect of Field No. 1245, La Pouquelaye St. Helier, in order to agree and record a new boundary line with the adjacent Badminton Hall, on the basis that the Committee would undertake at its own cost reasonable landscaping or tree planting on the bank in Mrs. Averty's ownership, together with a payment to Mrs. Averty of £2,500 and also her legal fees incurred, (amounting to £3,825.51), up to and including the passing of the Deed of Arrangement;
- (c) as recommended by the Harbours and Airport Committee, the renewal of the lease to F. Battrick and Sons Limited of Vivier, (Letting No. A4), Albert Pier, St. Helier Harbour, for the purpose of storing fish, for a period of three years from 31st May 2003, at an annual rent of £3,464.72, (representing a rate of £4.94 a square foot), to be reviewed annually in line with the Jersey Retail Price Index;
- (d) as recommended by the Harbours and Airport Committee, the renewal of the lease to Mr. Michael A Taylor of Vivier, (Letting No. A5), Albert Pier, St. Helier Harbour, for the purpose of storing fish, for a period of three years from 1st June 2003, at an annual rent of £3,672.02, (representing a rate of £4.94 a square foot), to be reviewed annually in line with the Jersey Retail Price Index;
- (e) as recommended by the Harbours and Airport Committee, the renewal of the lease to Channel Island Handling of an Office, (Letting No. A24A), Albert Pier, St. Helier Harbour, for a period of nine years from 1st May 2003, at an annual rent of £6,981.36, (representing a rate of £10.51 a square foot), to be reviewed annually in line with the Jersey Retail Price Index;
- (f) as recommended by the Harbours and Airport Committee, the renewal of the lease to Aqua-Mar Fisheries of Vivier, (Letting No. V6), Victoria Pier, St. Helier Harbour, for the purpose of storing fish, for a period of three years from 1st June 2003, at an annual rent of £7,185.13, (representing a rate of £4.14 a square foot), to be reviewed annually in line with the Jersey Retail Price Index;
- (g) as recommended by the Economic Development Committee, the renewal of the lease to the Royal Bank of Scotland International Limited, (trading as NatWest Bank), of the Old St. Aubin's Market, St. Brelade, for a period of nine years from 26th December 2003, at a commencing annual rent of £31,500, to be reviewed at the end of the third and sixth years of the term to Open Market Value with no allowance for a decrease in rent. The Lessee was to be able to carry out alterations subject to obtaining the Landlord's prior written consent, and to assign the whole of the demised premises or to sub-let them at the absolute discretion of the Lessor. The Lessee would be responsible for all internal repair and maintenance of the demised premises including all mechanical and electrical elements. The

Lessor would be responsible for maintaining the structure in a wind and watertight condition. The Lessee would be responsible for all services consumed on the demised premises in relation to its occupation thereof and also for the occupier's rates. Each party was to be responsible for its own legal costs arising from the transaction;

- (h) as recommended by the Education, Sport and Culture Committee, the lease to the Grainville Tennis Club, (formerly the 76 Tennis Club), of the Grainville pavilion and adjoining six playing courts, for a period of three years deemed to have commenced from 1st January 2003, at an initial annual rent of £6,200.00 subject to annual reviews in January each year in line with the Jersey Retail Price Index, on the basis that each party would be responsible for its own legal costs arising from the transaction.
- (i) as recommended by the Harbours and Airport Committee, the lease to Normandie Health and Safety Limited of premises at the Fuel Compound, Jersey Airport, St. Peter, comprising an office, (Letting No. B090B) and a lobby and toilets, (Letting No. B090D), together measuring a total area of 459 square feet, for a period of three years from 1st July 2003, at an initial annual rent of £4,879.17, (representing a rate of £10.63 a square foot), with annual rent reviews on 1st June in line with the Jersey Retail Price Index;
- (j) as recommended by the Harbours and Airport Committee, the lease to British Midland Airways Limited of premises at the Fuel Compound, Jersey Airport, St. Peter, comprising a tyre store/workshop, (Letting No. B090), an office, (Letting No. B090A), and restrooms and toilet (Letting No. B090C), together measuring a total area of 616 square feet, for a period of three years from 1st July 2003, at an initial annual rent of £6,548.08, (representing a rate of £10.63 a square foot), with annual rent reviews on 1st June in line with the Jersey Retail Price Index;
- (k) as recommended by the Economic Development Committee, the sale to Oakbank Limited of Field No. 442, La Mont de la Mare, St. Catherine, St. Martin, (measuring 1.03.20 vergées), for consideration of £5,000.00, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (l) as recommended by the Environment and Public Services Committee, the lease to Angia Holdings Limited of the ground floor offices at Nautilus House, 6 Caledonia Place, St. Helier, (measuring approximately 1,447 square feet), for occupation by Connex Transport (Jersey) Limited in connexion with the operation of the Island's public transport services, on an internal repairing basis with the public to be responsible for meeting an appropriate share of the servicing costs for the communal areas, for a period of nine years from 24th June 2003, at an annual rent of £27,500.00, with rent reviews to be held on the third and sixth anniversaries of the lease commencement date, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (m) as recommended by the Health and Social Services Committee, the lease from Smilax Holdings Limited of the three-bedroom property known as No. 1 The Sheilings, Gorey, Grouville, required to enable Learning Disability Services to assist in promoting the integration of clients back into a community environment, on an internal repairing basis, for a period of three years deemed to have commenced from 16th June 2003, at an annual rent of £15,600.00, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (n) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with Mr. William Payn Murray Forster in respect of the property "Brookside", La Route de la Haule, St. Lawrence, in order to clarify boundary enclosures on the land which bordered "Le Perquage", (which latter property was under the administration of the Committee), such that the terms of the Deed would be –
  - (i) that the existing walls on the northern and western sides of "Brookside" towards Le Perquage would belong, (without offset), to Mr. Forster;
  - (ii) that Mr. Forster would be conferred all necessary access rights onto Le Perquage in order to maintain those walls, subject to the usual conditions;
  - (iii) that the existing openings in the western walls could be kept as established; and

- (iv) that Mr. Forster would be responsible for the reasonable legal fees incurred by the public in relation to the drafting and passing of the contract; and,
- (o) as recommended by the Environment and Public Services Committee, the sale of land to Mrs. Daphne Joan Tomes, née Le Brun, of an area of land, (measuring approximately 1,200 square metres– as shown vertically hatched on Drawing No. 15/1756/1), adjacent to the property known as Le Talus, La Route du Nord, St. John for a consideration of £1, on the basis that the Committee would be responsible for both parties’ legal costs arising from the transaction and any reasonable additional abortive legal fees which might already have been incurred to date in respect of the transaction, as previously approved by the States on 10th December 2002.

**Matters noted – acceptance of tender**

THE STATES noted an Act of the Finance and Economics Committee dated 18th July 2003, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that the Education, Sport and Culture Committee at its meeting of 1st July 2003, had agreed to the acceptance of a tender in the sum of £444,933.88 submitted by Camerons Limited in respect of the Janvrin School building works in a contract period of 32 weeks.

**Matters lodged**

The following matters were lodged “au Greffe” –

Draft Costs in Criminal Cases (Witnesses’ Allowances) (Amendment No. 6) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.128/2003.
Parish of St. Peter: grant of a loan. <i>Presented by the Finance and Economics Committee.</i>	P.129/2003.
Draft Licensing (No. 15) (Jersey) Regulations 200. <i>Presented by the Economic Development Committee.</i>	P.130/2003.
Income Tax: introduction of higher rate. <i>Presented by Deputy G.P. Southern of St. Helier, and referred to the Finance and Economics Committee.</i>	P.131/2003.

The following matters were lodged on 29th July 2003 –

Draft Waste Management (Jersey) Law 200- (P.211/2002): second amendments. <i>Presented by the Environment and Public Services Committee.</i>	P.211/2002. Amd.(2)
Benefits paid by the Housing and Employment and Social Security Committees: protection. <i>Presented by Deputy G.P. Southern of St. Helier.</i>	P.116/2003.
Fief de la Fosse: proposed agreement with Les Pas Holdings Limited. <i>Presented by the Policy and Resources Committee.</i>	P.117/2003.

The following matter was lodged on 5th August 2003 –

A Tobacco Strategy for Jersey (P.109/2003): amendments. <i>Presented by Senator E.P. Vibert.</i>	P.109/2003. Amd.
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The following matters were lodged on 12th August 2003 –

States Resource Plan 2004 – 2008. <i>Presented by the Policy and Resources Committee.</i>	P.118/2003.
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Draft Fire Service (Amendment No. 5) (Jersey) Law 2003 (Appointed Day) Act 200-. <i>Presented by the Home Affairs Committee.</i>	P.119/2003.
Jersey Community Relations Trust. <i>Presented by the Policy and Resources Committee.</i>	P.120/2003.
Succession Rights for children born out of wedlock. <i>Presented by the Legislation Committee.</i>	P.121/2003.
Draft Transfer of Functions (Economic Development Committee) (Jersey) Act 200-. <i>Presented by the Finance and Economics Committee.</i>	P.122/2003.

The following matters were lodged on 19th August 2003 –

A Tobacco Strategy for Jersey (P.109/2003): second amendment. <i>Presented by Deputy A. Breckon of St. Saviour, and referred to the Employment and Social Security Committee.</i>	P.109/2003. Amd.(2)
Draft Sea Fisheries (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200-. <i>Presented by the Economic Development Committee.</i>	P.123/2003.
Draft Sea Fisheries (Licensing of Fishing Boats) (Jersey) Regulations 200-. <i>Presented by the Economic Development Committee.</i>	P.124/2003.
Draft Sea Fisheries (Underwater Fishing) (Jersey) Regulations 200-. <i>Presented by the Economic Development Committee.</i>	P.125/2003.
Draft Animal Welfare (Jersey) Law 200-. <i>Presented by the Economic Development Committee, and referred to the Finance and Economics Committee.</i>	P.126/2003.
Draft Licensing (Licence Fees) (Jersey) Regulations 200-. <i>Presented by the Economic Development Committee.</i>	P.127/2003.

The following matters were lodged on 2nd September 2003 –

States Resource Plan 2004 – 2008 (P.118/2003): amendment. <i>Presented by the Harbours and Airport Committee.</i>	P.118/2003. Amd.
States Resource Plan 2004-2008 (P.118/2003): second amendments. <i>Presented by the Connétable of St. Helier.</i>	P.118/2003. Amd.(2)

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

THE STATES gave leave to the President of the Home Affairs Committee to defer consideration of the draft Regulation of Investigatory Powers (Jersey) Law 200-, (P.89/2003 lodged “au Greffe” on 24th June 2003), from the present meeting to a later date, which draft Law was subsequently referred to the Economic Development Committee.

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the present meeting –

States Auditors: further extension of contract. Lodged: 22nd July 2003. <i>Finance and Economics Committee.</i>	P.113/2003.
3 Edward Place, The Parade, St. Helier: purchase. Lodged: 22nd July 2003. <i>Health and Social Services Committee.</i>	P.114/2003.

### **Arrangement of public business for the next meeting on 16th September 2003**

THE STATES acceded to a request of the President of the Policy and Resources Committee that the States should resolve into a Committee of the Whole House at the next meeting on 16th September 2003, in accordance with Standing Order 38A, for the purpose of considering the following matter as the first item of public business, and that the Committee of the Whole House be held in camera –

Fief de la Fosse: proposed agreement with Les Pas Holdings Limited. P.117/2003.  
Lodged: 29th July 2003.  
*Policy and Resources Committee.*

Fief de la Fosse: proposed agreement with Les Pas Holdings Limited P.117/2003.  
(P.117/2003) – comments. Com.  
Presented: 12th August 2003.  
*Finance and Economics Committee.*

THE STATES also confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 16th September 2003 –

States Resource Plan 2004-2008. P.118/2003.  
Lodged: 12th August 2003.  
*Policy and Resources Committee.*

States Resource Plan 2004-2008 (P.118/2003): amendment. P.118/2003.  
Lodged: 2nd September 2003. Amd.  
*Harbours and Airport Committee.*

States Resource Plan 2004-2008 (P.118/2003): second amendments. P.118/2003.  
Lodged: 2nd September 2003. Amd.(2)  
*Connétable of St. Helier.*

### **Jersey Harbours: progress towards the Trust Port – P.128/2003.**

THE STATES noted that, in pursuance of Standing Order 17(6), the following matter lodged “au Greffe” had been withdrawn –

Jersey Harbours: progress towards the Trust Port – P.128/2003.  
Lodged: 23rd July 2002.  
*Harbours and Airport Committee.*

### **Appointment of a Communications Consultant – question and answer (Tape No. 844)**

Senator Edward Philip Vibert asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following question –

- “(a) Would the President advise members how the appointment of a Communications Consultant to the Policy and Resources Committee fits in with the policy of spending restraint, which both the Committee and the Finance and Economics Committee are exhorting all other Committees to follow at the present time?
- (b) Would the President advise members –
- (i) whether the post of Communications Consultant was advertised and, if so, where?
  - (ii) what remuneration is being paid?
  - (iii) what professional qualifications in communications the appointee holds?”

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

- “(a) The appointment of a communications consultant is being funded from savings made by the Policy and Resources Committee. The Committee has been aware of the need to invest in improving communication and has exercised significant restraint in managing its budget to fund this development. The Committee is therefore doing exactly what is expected of all committees; namely managing its budget wisely in order to provide resources to invest in a high priority.
- (b) (i) The Committee is not employing anyone; therefore, it did not advertise a post. The Committee invited five companies, who have previously supplied or tendered to supply communication support to the States. They submitted proposals against a service specification and the contract was awarded after a competitive process. As such, the process adopted accords fully with the States procedures.
- (ii) The contract is £55,000 for a full year. It was not only the lowest price tendered, but the Committee was convinced that the quality and experience offered best matched its requirements.
- (iii) Katie Le Quesne, who is the consultant, will be well known to many members for the wide range of work she has done for the States and other public bodies in Jersey. She has extensive experience of working with the public and media on the Island. Most recently she has attended a series of courses on extending her knowledge of engaging the public and other stakeholders in a variety of fora.”

**Connex bus service – question and answer** (Tape No. 844)

Senator Edward Philip Vibert asked Deputy Maurice François Dubras of St. Lawrence, President of the Environment and Public Services Committee, the following question –

“Would the President inform members –

- (a) of the fare revenue achieved by the Connex Bus company during July and August 2003?
- (b) how many officers of the Public Services Department have been engaged in monitoring the performance of the Connex Bus Company to ensure that it is delivering the bus service in accordance with its contract?
- (c) how many representatives of the Committee travel on the buses to carry out ticket inspections, as provided by the contract, and how often this is done?
- (d) how many penalty points, if any, have been accrued by Connex for service failure and the financial value of those penalty points since the start of the Company’s operations?
- (e) of progress in implementing the improvements to the core bus service as promised by Connex in their contract for the summer of 2003, such as the introduction of a rural ‘transport on demand operation to meet the needs of the more isolated rural communities’, more journeys later in the evening, regular inner and outer loop services, a round the Island service and the provision of a ‘hop on-hop off’ service for local residents and tourists, as well as increased ridership and increased bus revenue promised through sales and marketing and a real-time information system provided both on buses and at key locations?”

The President of the Environment and Public Services replied as follows –

- “(a) The fare revenue on Connex services for the reporting period 7th July to the 3rd August 2003, was £255,239.75. The fare revenue statement for the next four-week period, covering the remainder of August 2003, will not be available until 20th September 2003. We are now entering the final 4 week period of the first year of operation. A report on the first year’s operation will be prepared and published around the end of October 2003.

- (b) The Department has one officer whose responsibilities, together with supervising managers, include monitoring the public bus service. However, the Department has insufficient resources to continually monitor the performance of the local bus operator in the operation of its contract. The Department is grateful for the role played by the Jersey Bus Users Forum, the written and verbal reports from members of the public, and the comments of those in the Department who regularly travel by bus. All input from these sources is followed up.
- (c) Provision is required in the contract to permit the Committee's officers, consultants or auditors to travel on the buses for the purpose of ticket inspections and surveys. However, using customary industry practice, the Committee relies on the four Connex bus inspectors to carry out ticket inspections on its behalf. These inspections are carried out randomly rather than at regular intervals.
- (d) Connex is required by the contract to notify the Department of all operational and administrative instances of service failures. These failures can be allocated as penalty points with a monetary value, to be exercised at the discretion of the Environment and Public Services Committee. To date, the number of penalty points is 167 over the total operating period of 47 weeks. The financial value of the points is currently nil since the threshold for application has not been breached.
- (e) Planning for improvements in the local bus service has been underway since the start of the contract. Changes have been modest at first but are accelerating as more is learned of the requirements of the public and the operation of the network. A full Island-wide survey has recently been completed, from which will stem a new core network to be progressively introduced after consultation. Members should please note –
  - (i) that the previous operator failed to make available any information relevant to the operation of the network, which has set back expected progress by approximately 12 months;
  - (ii) the contract is for a seven year rolling improvement to the local bus service; and,
  - (iii) features such as 'transport on demand' and 'real time passenger information' are not part of a core bus service and were not 'promised' for 2003. Nevertheless, they are being actively researched. Whilst the cost of on-vehicle location equipment is provided for in the full length of the contract, it will be up to the States to provide funding for the off-bus infrastructure if these features are to be fulfilled in future contract years."

**Negotiations in respect of the proposed new Guernsey fishing vessel licensing scheme – question and answer** (Tape No. 844)

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

“Will the President confirm whether the Committee has been requested to help in negotiations at the highest level between H.M. Government and the Bailiwicks of Guernsey and Jersey in respect of the proposed new Guernsey fishing vessel licensing scheme, due to come into operation on 1st October 2003, and, if so, will he provide the dates when the request was received from the Economic Development Committee for assistance in negotiations.”

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

“The Policy and Resources Committee has not been requested to help in such negotiations. However, I confirm that following an informal meeting in May of this year, which I attended along with the President of the Economic Development Committee and Deputy Laurie Morgan from Guernsey, it was agreed that the Economic Development Committee would deal with these matters directly.”

**Guernsey fishing vessel licensing scheme – question and answer** (Tape No 844)

The Deputy of St. John asked Deputy Francis Gerald Voisin of St. Lawrence, President of the Economic

Development Committee, the following question –

“(a) Would the President –

- (i) give details of dates of meetings held with his Guernsey counterparts at political level regarding the Guernsey Fishing Vessel Licensing Scheme and state which politicians from Jersey and Guernsey attended those meetings?
- (ii) advise whether the Committee has asked the Policy and Resources Committee to assist in negotiations between the U.K. Government, Guernsey and Jersey regarding the Scheme given that Committee’s responsibility for external affairs and, if so, when the request was made?

(b) Would the President inform members whether the Committee has decided what action, if any, it will take to assist any Jersey fishermen who are unsuccessful in obtaining a licence under the Scheme and whether such assistance will include financial assistance to meet legal costs.”

The President of the Economic Development Committee replied as follows –

“(a) (i) A meeting was held on Wednesday 9th April 2003, with myself and the Vice-President of the Guernsey Sea Fisheries Committee.

A further meeting was held on Monday 9th June 2003, with myself and Deputy Michael A. Taylor of the Economic Development Committee, and the President of the Guernsey Sea Fisheries Committee, Deputy Clare Le Pelley and Vice-President Deputy Lyndon Trott. Officers attended from both Islands including our H.M. Attorney General.

(ii) The question refers to negotiations relating to the Guernsey Fishing Vessel Licensing Scheme; however, it should be understood that within their legislative powers, Guernsey are free to introduce a scheme of their choice. The Jersey authorities have not been involved in “negotiations” as such. Our meetings were at our request and gave us the opportunity to learn more about the proposed scheme and the basis upon which it is intended to issue licences. We also raised concerns with the Guernsey authorities that in our view their proposed scheme is unjust to Jersey fishermen, and could well breach human rights conventions if a licence is refused to an individual earning their living from the sea. During our discussions we offered an alternative system of creating a pool of licences for both Jersey and Guernsey fishermen operating in the area; this solution has not yet been accepted by Guernsey though one hopes that further discussions on this may be possible once the first round of licences have been issued.

No formal request was made to the Policy and Resources Committee for assistance in our discussions. The Law Officers that would have advised the Policy and Resources Committee have been and are still advising the Economic Development Committee. However, I discussed with the President of the Policy and Resources Committee whether he should be involved and the issue was raised at a meeting that we both attended in May of this year with Deputy Laurie Morgan from Guernsey. It was agreed that the Economic Development Committee would continue to deal with these matters with the Guernsey Sea Fisheries Committee.

(b) This is currently a hypothetical question because to date no applications have been refused. However, at the meetings with Guernsey the point was made that many Jersey fishermen had legitimate historic rights to fish in waters around Guernsey and impressed on Guernsey that they have an obligation to recognise those rights. Therefore, the Committee has sympathy for the position in which any commercial fisherman who is refused a licence will find himself. The Committee has been advised that it is only possible for a fisherman who has been refused a licence to take legal action against the Guernsey scheme and the Committee will consider what action should be taken in the light of licensing decisions taken by the Guernsey authorities.”

**Employment contract of a senior public servant – question and answer (Tape No. 844)**

Senator Edward Philip Vibert asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following question –

“Would the President confirm that a senior public servant, on a three year contract has been told in writing that his contract would not be renewed as the Department concerned ‘wishes to lower the age profile of the Department’? If this is a fact, would the President explain to members how this fits in with human rights legislation regarding age discrimination and how it fits in with the unfair dismissal legislation passed by the States only a month ago, which specifically outlaws dismissal on the grounds of age?”

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

“While I would not normally comment on an individual case, I will confirm that the decision taken in the case referred to was not influenced by the age of the person concerned, but rather was concerned with matters of manpower and succession planning.”

**Water resources survey and the proposed draft Water Resources Law – questions and answers (Tape No. 844)**

Deputy Gerald Clifford Lemmens Baudains of St. Clement, asked Deputy Maurice François Dubras of St. Lawrence, President of the Environment and Public Services Committee, the following questions –

“1. Would the President inform members –

- (a) of the total cost to date of the British Geological Survey’s investigation of Jersey’s water supplies?
- (b) of the approximate percentage of those costs attributable to water resources as opposed to water quality/pollution? and,
- (c) quantify approximately how many Departmental resources have been absorbed on water resources issues.

2. As the consultation period for the Draft Water Resources Law has finished would the President advise members which bodies/organisations the Committee consulted and the number of submissions that were made?”

The President of the Environment and Public Services replied as follows –

“1. (a) The costs of consultancy work carried out by the British Geological Survey for the Committee for the last three years is as follows –

2001	£9,100
2002	£9,866
2003	£13,500.

(The increase in costs for 2003 is to provide increased advice with regard to forthcoming legislation, to help develop data evaluation techniques in order to assist the Section in its new role as regulator and to take a more direct role in the investigation of groundwater pollution incidents under the provisions of the Water Pollution (Jersey) Law 2000.

- (b) It is quite difficult to give an exact figure for the allocation of these costs to water resources as opposed to water quality/pollution issues, as this can depend on the exact nature of the work that arises on a day to day basis and some of the work overlaps both water resource and water pollution issues. However, I am advised that approximately 50% of these figures relate purely to water resources issues.

- (c) The Water Resources Section was set up on 1st January 1998, in order to provide protection for the aquatic environment of the Island from pollution and to monitor its water resources. The Section currently has a complement of 9 staff. The work of the Section is largely concerned with the implementation and administration of the Water Pollution (Jersey) Law 2000, drinking water quality regulation, waste management regulation and related issues. However, the Section does play a vital role in the management of water resources of the Island, including the monitoring of groundwater levels and the development of legislation. I am advised that no more than 10% of the daily workload of the Section is directly concerned with water resource management issues at this time. However, this could change significantly if the draft Water Resources Law is approved and implemented.
2. The following persons, bodies and organisations have been consulted with regard to the provisions of the draft Water Resources (Jersey) Law –

of the draft Water Resources (Jersey) Law –

All States members  
the Health and Social Services Committee  
the Economic Development Committee  
the Education, Sport and Culture Committee  
the Public Services Department  
the Jersey New Waterworks Company Ltd.  
the Jersey Farmers' Union  
members of the Water Resources Steering Group  
representatives of the Well Drillers  
representatives of the Water Diviners  
the Chamber of Commerce  
the Jersey Brewery  
Golf Courses  
the Jersey Milk Marketing Board  
the British Geological Survey (BGS).

To date, 14 submissions have been received by the Committee. One consultee, namely the Jersey Farmers' Union, has asked for additional time to respond. Officers will now consider these submissions in detail, and this may include follow up meetings with respondents, before reporting back to the Committee in due course."

#### **Legislation in relation to the confiscation of alcohol – question and answer (Tape No. 844)**

The Deputy of St. Martin asked Senator Wendy Kinnard, President of the Home Affairs Committee, the following question –

"Will the President inform members when the Committee intends to present draft legislation relating to the confiscation of alcohol for the consideration of the States following the adoption of P.46/2002 on 21st May 2002, and explain why it has taken so long to present the draft legislation concerned?"

The President of the Home Affairs Committee replied as follows –

"The Deputy of St. Martin asked a similar question in March this year. At that time, I said that the Committee had been proceeding on the basis that it would be possible to achieve the required legislation by amending the Policing of Roads, Parks and Beaches Regulations. However, it became clear that the law drafting brief would need to be much tighter in order to ensure that the new powers of confiscation would be used appropriately. The intention is to prevent people drinking when they are causing a nuisance or committing an offence, or they are under age and not under the control of a parent or guardian, rather than penalising people who are drinking alcohol but are being well behaved or enjoying a family gathering.

The Home Affairs Committee considered more detailed drafting instructions at its meeting in February 2003, and subsequently submitted these to the Law Draftsman on 1st April 2003. As a result, the Committee is preparing to bring forward new legislation entitled the Confiscation of Alcohol (Jersey) Law

200-. In terms of delay, members will appreciate that it is normal practice for a new law to require several drafts before it is ready for a Committee's consideration. In this case, three drafts have been required in order to answer the Draftsman's questions of clarification and consult closely with the police. Owing to the summer recess, the Committee will be considering the draft law at its meeting on 26th September 2003.

Once the Committee has considered the draft law, I anticipate that it will want to consult more widely before lodging. Although this may include some outside agencies, I anticipate being able to lodge the Confiscation of Alcohol (Jersey) Law 200- by the end of the year. I should remind members that the power to confiscate alcohol is part of the Alcohol Strategy which was lodged by the Health and Social Services Committee on 15th July 2003, but for which no date has been fixed for debate. When the States adopted P.46/2002, it agreed that the Home Affairs Committee should take the matter of confiscation forward separately. Whilst accepting that this has taken some time, we are still on course to achieve the new law in advance of any other measures that the States might approve once it has debated the Alcohol Strategy."

### **Proposed user pays charges for late income tax returns – question and answer (Tape No. 844)**

Deputy Peter Nicholas Troy of St. Brelade asked Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee, the following question –

"In the report accompanying an amendment presented to the States on 24th June 2003, by the Committee regarding user pays charges, reference was made to a proposed surcharge for the late submission of income tax returns.

Would the President inform members –

- (a) whether the Committee intends to introduce a surcharge for late submission of income tax returns and, if so –
  - (i) describe the criteria that will apply to such a charge;
  - (ii) provide an estimate of the amount to be raised by such a charge;
  - (iii) provide an estimate of the costs involved in collecting such a charge?
- (b) whether consultation has taken place with accountants or tax advisors and, provide any conclusions drawn from this process, and give details of any objections raised in this regard by professionals during the consultation exercise?"

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

"(a) I can confirm that, subject to the approval of this Assembly, the Committee will introduce a penalty for late delivery of completed income tax returns with effect from the year of assessment 2003. I should perhaps mention that sanctions already exist within the Income Tax (Jersey) Law, and are set out within current tax returns, whereby a penalty may already be imposed for failure to submit a tax return.

- (i) The criteria that it is proposed will apply, is as follows –

a taxpayer who delivers his completed income tax return after 6.00 p.m. on the last Friday of May following the year of assessment will be subject to a penalty of £200;

if the taxpayer is not liable to tax, he will not be liable to the penalty. If the taxpayer has a tax bill of less than £200, the penalty will be the amount of the tax due, and any overpayment will normally be recoverable;

an appeal can be made against the imposition of the penalty to an independent tax tribunal, the Commissioners of Appeal, on the grounds that the completed income tax return was

delivered late because of death, serious illness or similar exceptional circumstance;

those taxpayers who employ a tax agent to act of their behalf will have to submit their completed income tax returns by 6.00 p.m. on the last Friday in July following the year of assessment, this extension being necessary because tax agents would not be able to handle the workload that would be imposed on them if all their clients completed income tax returns had to be submitted by the end of May.

- (ii) The amount that will be raised by the penalty is dependent on the number of taxpayers who fail to deliver their completed income tax returns by the due date. For example, if 2,500 of the 51,500 personal taxpayers on the Comptroller's current database fail to deliver their completed income tax returns on time, the yield will approach £500,000. On the other hand, if 7,500 fail to deliver on time, the yield will approach £1.5 million. (The yield will drop slightly if some of those taxpayers have liabilities of less than £200). Currently, some 14,000 personal taxpayers fail to submit their completed income tax returns by the end of May, causing considerable additional work for the staff at the Income Tax Office because of the necessity to raise estimated tax assessments during the assessing cycle and the necessity to subsequently revise these assessments, sometimes on two or three occasions, when the income tax returns and additional information to support the income tax return is actually delivered. Some taxpayers do not submit their completed income tax returns until after the issue of the tax assessment in September, thereby causing even more work at the Income Tax Office because of the filing of an appeal.
  - (iii) The estimated set up costs for the first year include computer development costs of £60,000 and additional staff costs of £32,000, making a total of £92,000. The costs for the second and subsequent years are estimated to be £32,000 per annum. The staff costs do not relate to additional permanent members of staff at the Income Tax Office. They are extensions to existing contract posts to assist with the anticipated workload arising from the due date being imposed upon taxpayers. It is possible that with tax returns being submitted in a more timely fashion, the number of staff employed could be reduced, with a resulting decrease in costs.
- (b) Considerable consultation has taken place with both the Jersey Taxation Society and the Jersey Society for Chartered and Certified Accountants. Correspondence has also been received from individual accountancy firms and other taxpayer agents who have been made aware of these proposals.

As a result of comments from these bodies, which my Committee appreciates, the original proposals have been amended. The proposals which my Committee intends to lodge in November 2003, in time for the 2004 Budget debate in December 2003, have taken on board these concerns and resulted in modifications which are now more acceptable to those professional bodies.

Members will have the opportunity to comment on these proposals when our proposition is debated in December 2003."

#### **Quality of bathing water in St. Aubin's Bay – questions and answers (Tape No. 844)**

The Deputy of St. John asked Deputy Maurice François Dubras of St. Lawrence, President of the Environment and Public Services Committee, the following question –

- “1. Would the President confirm that regular monitoring of bathing water in St. Aubin's Bay has taken place throughout the summer 2003, and, if so, whether it has passed the bathing water quality test on every occasion?
2. Would the President explain the reasons for the West Park swimming pool, known as the Victoria Pool, having been left drained for many days over the last few summer months?”

The President of the Environment and Public Services Committee replied as follows –

- “1. I can confirm that there has been regular monitoring of the bacterial water quality in St Aubin's Bay

throughout the summer of 2003, and that this monitoring will continue for a further 5 weeks to give a total of 20 weekly samples. These samples are taken at three sites; La Haule, First Tower and Victoria Pool.

Overall compliance with EU Bathing water standards cannot be judged until all 20 samples have been taken, as the standards are based on a percentage pass of all the samples. However, I can say at this stage that the results obtained so far indicate that the quality of each site is in line with previous results taken over the last 10 years. The results for the 15 samples taken so far are –

	<i>Guide Pass</i>	<i>Imperative Pass</i>	<i>Fail</i>
La Haule	11	3	1
First Tower	4	10	1
Victoria Pool	7	8	0

The failure at La Haule on 16th July 2003, followed a very heavy rainfall event on the previous evening. The failure at First Tower on 9th June 2003, has not been fully explained.

2. Due to lack of usage the Tourism Department elected to withdraw lifeguard cover for the 2003 Summer season. To ensure the safety of beach users, the Public Services Department determined that the sluice gates should remain open so that no water is retained in the pool.”

#### **Matters relating to Les Pas Holdings Limited – questions and answers (Tape No. 844)**

Senator Edward Philip Vibert asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following questions –

- “1. Would the President confirm that he has attended a series of meetings with the Chairman of C.I. Traders Limited, in the company of Senator M.E. Vibert, for the purpose of attempting to reach a settlement of the legal action with Les Pas Holdings Limited over the ownership of the foreshore within the Fief de la Fosse, and, if the answer is in the affirmative, would he advise members –
  - (a) when and where these meetings were held;
  - (b) whether any minutes were taken;
  - (c) whether H.M. Solicitor General was informed that these meetings were taking place;
  - (d) whether the Policy and Resources Committee was aware that these meetings were taking place; and,
  - (e) whether reports were given to members of the Policy and Resources Committee regarding what had been discussed.
2.
  - (a) Would the President confirm whether the former Solicitor General, Mr. T.C. Sowden Q.C., wrote to the then Chief Adviser to the States on 23rd December 1993, recording his concern at the possible serious consequences of delay in taking up his offer to help prepare the case against Les Pas?
  - (b) Would the President make this letter and any others from the same source available to members of the States prior to the debate on the proposition concerning the proposed settlement with Les Pas Holdings Limited?
3.
  - (a) Would the President provide members with a full detailed breakdown of the £7 million figure quoted in paragraph 35 of the report accompanying P.117/2003 which is stated to be the cost even if the States were to win the action, and a full detailed breakdown of the estimated cost of £12 to £14 million if the States were to lose, as stated in the report.
  - (b) Would the President further advise members of which parts of this case the States have successfully defended where it has not been awarded costs.

4. (a) Would the President advise members why the legal advice given to the Crown and the States of Jersey, on 29th August 1990, by Mr. Raymond Kidwell Q.C. and Mr. George Gadney, commissioned by H.M. Solicitor General of the time, Mr. T.C. Sowden Q.C., was never made public?
- (b) Would the President confirm that, in general terms, this advice was that –
  - (i) the claims of Mr. Falle must surely fail;
  - (ii) the Crown and the States for their respective interests may safely –
    - (A) continue their current reclamation work and use of the reclaimed land;
    - (B) continue their plans to build a marina at Havre des Pas and make such executive and legislative arrangements between the Crown and the States as will result in an unequivocal agreement and declaration of all the necessary rights; and,
    - (C) contest the claims of Mr. Falle with H.M. Attorney General representing the Crown and H.M. Solicitor General representing the States and the people of Jersey with no conflict of interest.
- (c) Would the President also confirm that the advice –
  - (i) stated that the Crown conveyed three sites to the States within the Fief de la Fosse in 1982, 1983 and 1989 and it was clear that all parties believed they had the necessary rights – the Seigneur de la Fosse did nothing;
  - (ii) pointed out that in 1966 the States passed the Seigneurial Rights (Abolition) (Jersey) Law 1966, which abolished or transferred to the Crown stated rights of the Seigneurs, so the Seigneur de la Fosse lost all rights he had enjoyed by custom.”

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

- “1. (a) Following consideration of legal advice received from H.M. Attorney General and H.M. Solicitor General on 17th January 2003, and recognising that the court case was scheduled to come before the Royal Court in March 2003, the new Policy and Resources Committee agreed that it was prepared for there to be ‘without prejudice’ discussions with representatives of Les Pas Holdings Limited with a view to seeing whether agreement to an out of court settlement might be reached. At that same meeting the Committee agreed that I and Senator M.E. Vibert should act on behalf of the Committee in this matter, in consultation with H.M. Attorney General, H.M. Solicitor General and Advocate Binnington as appropriate.

Senator Vibert and I subsequently attended meetings with Mr. Tom Scott and others representing Les Pas Holdings Limited on 21st and 31st January, 18th March, and 1st and 27th May 2003. In addition, there were two further meetings which I attended with Mr. Scott on 24th March and 15th May 2003, which, although he was aware that these meetings were taking place, were not attended by Senator M.E. Vibert due to diary clashes.

For the record, I also confirm that the process of discussion with representatives of Les Pas Holdings Limited, about a possible settlement, actually began in September 2002 with two informal and without prejudice meetings, which I attended with the then President of the Policy and Resources Committee. Those meetings were themselves inconclusive, but were instrumental in paving the way for the work the Committee had to take on, when it came into being in December last year.

- (b) Minutes of these meetings were not taken as these were informal discussion meetings.
- (c) H.M. Solicitor General was generally aware that the said meetings between 21st January and 8th May 2003, were taking place and attended the meetings of 31st January, 18th March and 1st

May 2003. She was on leave between 10th and 26th May 2003, so she would not have been specifically aware of the meeting held on 27th May 2003, until her return to work on that date.

- (d) Members of the Committee were, as far as was practical, kept aware of each forthcoming meeting. However, due to the difficulties with making arrangements to suit all attending parties, and with meetings being organised at sometimes short notice, some individual members may not have been notified of precise times of meetings before they occurred.
  - (e) The Policy and Resources Committee was at all times kept up to date with what had been discussed at each of these meetings at the next available Committee meeting. As Senator E.P. Vibert will have seen from the minutes of the Committee, the Committee considered progress on this matter at its meetings of 6th February, 6th March, 3rd April, 1st, 16th, 23rd and 29th May, 26th June and 3rd, 10th and 25th July 2003.
2. (a) I confirm that the then Chief Adviser to the States received a letter from the then Solicitor General dated 23rd December 1993.
- (b) This letter and any relevant other letters form part of the legal advice received by the Committee of the day and as such it is not possible to divulge its contents in the way requested at this time. However, the present Solicitor General will be able to advise the Assembly of all relevant legal advice available to the Policy and Resources Committee, past and present, when the States meet next week, as a Committee of the Whole House and in camera to hear such advice.
3. (a) All of the costs broadly identified within paragraphs 38-40 of the report accompanying P.117/2003, may be summarised as follows, to arrive at the quoted figure of £7 million:

<b>Estimated costs to end of trial</b>	
	£ million
External costs	2.80
Funding of Court and judiciary	0.10
Officer time and associated resources	0.20
Contingency	0.20
	<hr/>
	3.30
<b>Estimated additional costs of appeal</b>	
	£ million
External costs	2.80
Funding of Court and judiciary	0.40
Officer time and associated resources	0.30
Contingency	0.20
	<hr/>
	3.70
<b>Total estimated costs</b>	<b>£7.00 million</b>

In this answer, the term 'External costs' covers all of the litigation work carried out by external legal advisers in attending meetings with the clients and others, examining documents, carrying out research, drafting and preparing documents, making preparations for trial, attending court, etc.

The figure of £12-£14 million is simply based on advice received that should the States ultimately lose the court case, they would most likely have to bear the costs incurred by Les Pas Holdings Limited which are likely to be of a similar amount to those incurred by the States, less the Court and Officer costs.

- (b) No parts of this case have been successfully defended yet, so the question does not arise.
4. All the relevant legal advice will be fully disclosed at a later stage and I am not prepared to answer questions on the matter now as, to do so, may prejudice the States' and the Crown's case."

Deputy Gerald Clifford Lemmens Baudains of St. Clement, asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following question –

“With regard to the report accompanying P.117/2003, ‘Fief de la Fosse: proposed agreement with Les Pas Holdings Limited’, would the President –

- (a) advise whether the £10 million valuation of the land in paragraph 35 includes estimated profit from the development of approximately 100 homes on the site and, if not, could he supply an estimation of that development profit so that members can assess the true total value of the site proposed to be transferred to Les Pas Holding Limited?
- (b) inform members of the Committee’s most recent estimate of the total legal costs that will be incurred by the States if the litigation is pursued, and give a breakdown of that estimate into costs that have not yet been incurred and costs that have already been paid and will therefore be irrecoverable even if the case is settled?”

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

- “(a) Yes. The calculation of the valuation of a site, such as this, recognises the balance between potential profit and risk any developer faces, but it must be remembered that, in order to obtain any profit at all, a developer will have to invest and risk around £30 million in carrying out the development. Unless the States developed this site themselves, and took the same risks, which has never been considered, the maximum market value the public could have received would be £10 million.
- (b) The most recent estimate of potential legal costs that could be incurred are the figures identified at paragraph 35 of the report accompanying P.117/2003. The current split between costs that have already been incurred and estimated future costs is as follows –

<b>Expended and irrecoverable (to end July’03)</b>	
	£ million
External costs	1.57
Funding of Court and judiciary	0.03
Officer time and associated resources	0.10
	1.70
<b>Estimated costs to end of trial</b>	
	£ million
External costs	1.23
Funding of Court and judiciary	0.07
Officer time and associated resources	0.10
Contingency	0.20
	1.60
<b>Estimated additional costs of appeal</b>	
	£ million
External costs	2.80
Funding of Court and judiciary	0.40
Officer time and associated resources	0.30
Contingency	0.20
	3.70

**Les Pas Holdings Limited – ‘in Committee’ discussion and public relations – questions and answers**  
(Tape No. 844)

Senator Edward Philip Vibert asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following questions –

- “1. Would the President advise whether Crown Advocate Binnington will be present for the in-camera Committee of the Whole House discussion on the Les Pas Holdings matter to be held on 16th September 2003, and if not, the reasons why?”

2. (a) Would the President confirm that at the Policy and Resources Committee's meeting on 23rd May 2003, that two representatives of Addendum Public Relations attended to discuss the tactics and time-scale of releasing information to States members and the media in relation to the proposed settlement with Les Pas Holdings, and, if so, whether the Committee considers there to be a difference between "tactics and timing" in the release of information and "spin doctoring" which he has denied will be practised by the Committee?
- (b) Would the President inform members –
  - (i) how much the Committee has spent with Addendum Public Relations in the last six months? and,
  - (ii) whether or not members of staff of Addendum have signed a confidentiality agreement prior to being given highly confidential information in advance of States members on the Les Pas matter?"

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

- “1. Crown Advocate Binnington will not be present.

Article 38 of the States of Jersey Law 1966 provides that no stranger shall be entitled as of right to enter or remain within the precincts of the States. Furthermore the same Law does not envisage that anyone other than a member of the States shall have the right to speak. There have been very rare occasions when strangers are allowed into the Assembly to speak. Typically these are occasions when there is a foreign or U.K. dignitary who is a special guest of the Island – such as when the Right Hon Geoffrey Rippon M.P. addressed the Assembly in 1973 on the U.K.'s accession to the European Economic Community. There is nothing in the view of the Policy and Resources Committee which would suggest that such an unusual course be taken in this case. Not only does the Assembly generally look to its own Law Officers for legal advice, but in this case in particular the Solicitor General is especially well placed to advise given that she has had an extensive knowledge of the case going back over a considerable period and accordingly is well able to give the Assembly the legal advice which it requires for the purposes on a decision on P.117/2003.

2. (a) I confirm that two representatives of Addendum Public Relations attended upon the Policy and Resources Committee on 23rd May, following an invitation by the Committee to discuss what, if any, advice and support that company could provide to the Committee as it considered how it might best inform States members and the public, through the media, of the situation regarding the Les Pas Holdings Limited claim and the agreement that was to be proposed to the States.

In response to the second half of the Senator's question (a) I confirm that the Committee, along with any clear thinking person, does recognise that there is a world of difference between 'tactics and timing' and 'spin doctoring'.

The discussion of 'tactics and timing' is a wholly positive activity, which my Committee does seek to undertake at all times, where it is appropriate. Such discussions are about deciding the best format and the most appropriate sequence for the dissemination of factual information with due regard to the background litigation, and with striking a balance between getting as much information as possible out into the public domain, without breaching any legal rules.

On the other hand, 'spin doctoring' is about the careful or careless manipulation of the facts in order to only present information which is supportive of a stance being taken or a view expressed or, worse still, deliberately omits or hides facts which are not supportive of such a stance or view. We have unfortunately witnessed much 'spin doctoring' from others of late in relation to the proposed agreement with Les Pas Holdings, with much misleading or misinformation being broadcast. In contrast my Committee has not been party to such activity and has, within the legal constraints imposed upon it, tried at all times to be punctilious in presenting the facts – and only the facts.

- (b) (i) £1,518.75.

- (ii) Agreement to confidentiality was secured through professional undertakings given by that company's representatives to the Committee, at the meeting of 23rd May 2003, prior to any of the matters pertaining to the Les Pas case being discussed. The Committee was content that, given that the information being dealt with was all going to be published, that all States members were to be apprised of the situation via email and that Addendum's involvement was to be very short term, that such professional assurances on confidentiality were sufficient."

**Les Pas Holdings Limited – declaration of interest – question and answer (Tape No.844)**

Senator Edward Philip Vibert asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following question –

- “(a) Would the President confirm that at its meeting of 17th January 2003, three members of the Committee namely Deputy M.F. Dubras, Connétable K.P. Vibert and Senator T.A. Le Sueur declared their interest in C.I. Traders Limited?
- (b) Would the President inform members whether H.M. Attorney General declared his interest in C.I. Traders on the same date, and whether, and if so, why the Committee continued to seek his advice after that declaration of interest?”

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

- “(a) Yes. At that time the Committee considered the interests to be of a minor nature and thus determined that those members could remain and participate in further consideration of the matter.

The Committee is in any case of the view that the declared interests are not covered by Standing Orders. Standing Order 44 of the States' Standing Orders requires that '*... a direct pecuniary interest, being an interest which is immediate and personal and not merely of a general or remote character...*' must be declared prior to a member with such an interest withdrawing from further consideration of the matter. With the support of legal advice, the Committee considers that the declared interests are neither '*direct*' nor '*immediate*' as they are in C.I. Traders Limited and not in Les Pas Holdings Limited and, in the case of one member, were through a third company which holds shares in C.I. Traders Limited. The Committee is therefore satisfied that there has not been a technical breach of Standing Orders.

The Committee is further of the view that the spirit of Standing Orders has not been breached either because –

all of the interests of the members had been acquired by family inheritance and had not been actively traded during the period of the foreshore dispute;

the Committee was not, at any time, deciding to enter into any binding agreements on behalf of the States. It was simply agreeing to participate in 'without prejudice' talks with Les Pas Holdings with a view to seeing whether an agreement could be formulated which it could consider recommending to the States as an alternative to proceeding with litigation.

The actual interests of members are outlined at the Appendix to this set of answers and it may be seen that they are very minor indeed; in each case less than 0.01% of the shares in C.I. Traders Limited., and hence equivalent to an even smaller (eight times smaller) percentage of the shares in Les Pas Holdings Limited.

The Committee was and remains of the view, therefore, that there has been and continues to be no breach of Standing Orders, either technically or in spirit, and that in no way has the work of the Committee or, more importantly, the interests of the public been compromised by these members' very minor and fully declared, indirect, interests.

In closing this particular answer, I wish to state for the record, that the Committee and all of its members have at all times acted scrupulously in the best interests of the public and for anyone to

suggest otherwise is totally inaccurate and misleading. I have complete and total faith in the members concerned and in their integrity. This Committee has dealt with this difficult matter in the most professional manner. Despite not being at all happy at finding itself in the position of having to broker and recommend a settlement agreement to the States, the Committee has worked hard to bring forward the best deal achievable and has fulfilled its duty in bringing this to the States, so that this Assembly can decide how the matter will be taken forward.

However, also for the record I confirm that, recognising the sensitivities of these matters and that the public's perception of how they are to be resolved is vital, the two Committee members, who retain interests in C.I. Traders, have indicated that they will not take part in any of the States' discussions or the debate on P.117 when the actual decision will be taken.

- (b) Yes, the Attorney General did declare his interests on the same date. The Committee did not doubt that the Attorney General had acted with absolute integrity in this matter and it accepted completely that the advice it had received had been uninfluenced by these shareholdings. The Committee noted furthermore that the advice was the joint advice of the Attorney General and Solicitor General and, at its meeting of 21<sup>st</sup> January, the Committee sought the views of the Solicitor General and Advocate A.R. Binnington, and was assured that they agreed with the advice it had received to date.

The Committee agreed that as, in any case, it was the Solicitor General who was maintaining oversight of the case, she would continue to provide advice to it and that it would seek further advice from the Attorney General only where his involvement was necessary because the Solicitor General was away from the island or for some other appropriate reason, it was content to proceed on this basis.

## Appendix

### P.117/2003 – Declaration of Committee members' interests

**Senator T.A. Le Sueur** has never held shares in C.I. Traders Limited or any connected company, but his wife had a holding of 13,570 ordinary shares in C.I. Traders Limited. This equates to 0.0059% of the shares of C.I. Traders Limited (which would have had a current value of £11,206) and would have equated to a 0.0007% holding in Les Pas Holdings Limited. This share holding has now been disposed of by Mrs. Le Sueur.

**Connétable K.P. Vibert** and his wife hold 20,520 ordinary shares in C.I. Traders Limited. This equates to 0.0088% of the shares of C.I. Traders Limited (with a current value of £16,724 and would equate to a 0.0011% holding in Les Pas Holdings Limited.

**Deputy M.F. Dubras** and his partner hold 71.91% of the shares in Ch. Dubras Limited, which company holds 10,998 ordinary shares in C.I. Traders Limited. This equates to 0.0033% of the shares of C.I. Traders Limited (with a current value of £6,445) and would equate to a 0.0004% holding in Les Pas Holdings Limited.”

### Les Pas Holdings Limited – use of code name and legal costs – question and answer (Tape No.844)

Senator Edward Philip Vibert asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following question –

“Would the President inform members –

- (a) why it was necessary to give the code name ‘Project Atlantis’, as quoted in Committee Minutes, relating to the negotiations being carried out with representatives of Les Pas Holdings Limited, and whether the use of such a code name fits in with the Committee's policy of open, honest and accountable government?
- (b) how much has been paid in fees to Mourant, du Feu and Jeune for their services for legal advice and representation since they were appointed to act on behalf of the States and the Receiver General in relation to the litigation involving Les Pas?
- (c) whether the Committee has agreed with the Receiver General that the Crown will be paying one third

of the total legal costs of this action?”

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

- “(a) Members will recognise that ‘without prejudice’ discussions of the type undertaken by this Committee and its predecessor, and being held within the context of such a complex legal position, must of necessity be kept highly confidential. The use of the codename ‘Project Atlantis’, was merely an additional precaution taken in case any confidential minutes or documents inadvertently went astray.
- (b) £1,565,500.
- (c) As has been the position for very many years, the net annual income from the Crown Estates in the Island is sent to the Crown in London and thereafter remitted to the States of Jersey. At its meeting of 20th February 1996, the then Policy and Resources Committee accepted a proposal by the Home Office that the litigation costs should be apportioned in such a manner that the States would pay two-thirds of the total, and the Crown would pay the remaining third. This provided cash flow advantages for the States because income which would otherwise have been sent to London and later remitted was by virtue of this agreement applied locally to the immediate payment of the legal costs incurred in the litigation.”

**Les Pas Holdings Limited – declarations of interest and timing of debate– questions and answers (Tape No.844)**

Senator Paul Vincent Francis Le Claire asked Senator Frank Harrison Walker, President of the Policy and Resources Committee, the following questions –

- “1. (a) Would the President confirm that the minutes of the Committee of 3rd July 2003, state –

‘The Committee directed the Greffier to establish with the Bailiff the level of holdings which would be considered material, so that members with an interest could declare such interests, and if appropriate, withdraw from the debate’ .?

- (b) Would the President explain why the Committee only directed the Greffier to establish this ruling with the Bailiff after several Committee meetings had already taken place on this subject following the declarations of interest made in January 2003 by certain members and H.M. Attorney General?

2. Would the President confirm that the Committee Minutes of 26th June 2003 state that –

‘the committee decided to seek an extra States sitting on 16th September 2003 for the debate and authorised H.M. Solicitor General to ask Les Pas Holdings Limited for a further extension until the end of July 2003, in order that the matter could be lodged at the last States sitting on 29th July 2003, to avoid questions being raised by Members before the main debate’,

and, if so, would he explain why this rationale was used, and how it fits in with the policy of more open government that he has referred to in this Assembly on several occasions?

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

- “1. (a) Yes.

- (b) The request had nothing to do with the declarations of interest in January 2003. It related solely to the future debate by the States. We were aware that the States debate would result in a final decision on the settlement option and that members would benefit from the Bailiff’s advice. We did not conclude negotiations with Les Pas until the end of May and in June we were working on the matters to be concluded before the settlement could be put before the States. July was, therefore, the appropriate time to ask for advice.

2. Yes, the minutes of 26th June do state that which is printed in the question. However, I have to say

that this is a prime case of an extract from a minute being quoted out of context: not only the context of that minute as a whole, but also the context of the whole series of meetings and discussions that were taking place at that time. The particular minute quoted by the Senator goes on to state –

‘The Committee concurred that it would release a statement to the media when the report and proposition was lodged ‘au Greffe’, advising that due to legal implications it was unable to comment further. It was considered that it would not now be necessary to request an ‘in camera’ debate and H.M. Solicitor General was authorised to ask Les Pas if they were content for paragraph 13 of the settlement conditions to be altered accordingly.’

Taken as a whole, rather than indicating a desire to conceal information, the minute reflects the Committee’s attempts to be open and accountable.

The delay in lodging until the end of July was not to avoid questions being asked. The delay was a result simply of the need to ensure that the Projet to be presented to the States was agreed by all affected parties and, given the complexities of the issues, was as accurate but succinct as possible. The side effect of this necessary delay was that States members would not have an opportunity to ask formal questions until after the summer recess.

The Committee was and is seeking complete, open and full discussions on these matters. But it has been constrained, as we all are, by the ongoing court case and the requirement for the utmost confidentiality when discussing any legal matters. Members will, I am sure, appreciate the Committee’s utter frustration at having to deal with this important matter with, in effect, one hand tied behind its back.

Our concern about questions was in relation to the legal issues which, we were advised, should not be discussed publicly before the States’ debate. If questions were asked prior to that, which were of a legal nature, either we would not have been able to answer them – which is totally unsatisfactory – or in trying to answer them, we could have jeopardised the court case.

The States decision will inevitably be affected by the legal advice given to members and it is not possible for that advice to be given publicly until the matter is finally resolved. What the Committee was seeking to avoid, was for members to be faced with uninformed comment and debate before the legal advice was made available to them. There is nothing worse than to have to take such an important decision against a background of un-informed comment and rash statements.”

#### **Les Pas Holdings Limited – parking policy and tipping charges- question and answer (Tape No. 844)**

Senator Paul Vincent Francis Le Claire asked Deputy Maurice François Dubras of St. Lawrence, President of the Environment and Public Services Committee, the following question –

“(a) Would the President confirm that on 3rd July 2003, he advised the Policy and Resources Committee, with reference to the waterfront site proposed as settlement in the Les Pas matter, that –

‘there remained an issue pertaining to the Environment and Public Services Committee’s parking policy, which allocated only one space per unit on the Waterfront site’,

and, if so, that this was because Les Pas Holdings Limited was seeking to include development of a two storey underground car park on the site, which is contrary to this parking policy?

(b) Would the President advise members –

(i) of the estimated tipping charges connected with the provision of underground parking permitted for the site? and,

(ii) whether the Committee has considered the implications of the spoil removed from the site turning out to be toxic, and, if so, what these are?”

The President of the Environment and Public Services Committee replied as follows –

“(a) I confirm that I did so advise the Policy and Resources Committee. I confirm that Les Pas Holdings Ltd. are anticipating as part of a future development a two storey basement car park on this site if the proposed agreement is approved. The Committee has given confirmation in principle to Advocate Falle for the development of the sites designated 16 and 17 on Map 2 of the St. Helier Waterfront Phasing Plan by the creation of not less than one hundred three bedroom apartments with two car parking spaces per unit to be provided in a two storey basement on the sites, having been satisfied that this is in the public interest.

(b) (i) The Committee is yet to receive a formal planning application for the overall site development. The following are therefore preliminary estimates based on information provided through communication between Les Pas Holdings Limited and the Chief Officer of the Planning and Environment Department and the Director of Planning. The estimated tipping charges are totally dependent on the volume of material that might be excavated from the site. Initial estimates based on the site area suggest that approximately 19,000 cubic metres may be excavated per basement floor. In 2003 that volume would equate to approximately £320,000 in tipping charges.

The actual cost will be dependent on the volume of incinerator ash encountered on the site.

(ii) The Committee has been apprised that there is a likelihood that incinerator ash will be located if such a development proceeds. Excavation and disposal of this material would require the adoption of contaminated waste procedures. Until an application is received it would be impossible to be more specific other than to say that similar procedures that were used for the West of Albert Housing scheme would need to be followed. The contaminated material would need to be delivered to the La Collette reclamation site and buried in lined pits along with the current ash produced by the Bellozanne Incinerator plant.

The Committee has made it plain to Les Pas Holdings Limited that in determining any future application it reserves the right to attach conditions to any consent which might be issued. This would enable the Committee to ensure the required procedures were followed.”

### **Social rented housing: policy on setting rents – P.29/2003**

**Comments – P.29/2003.Com. (re-issue); P.29/2003.(Com.2); P.29/2003.(Com.3)**

THE STATES commenced consideration of a proposition of Deputy Geoffrey Peter Southern of St. Helie requesting them to refer to their Act dated 16th July 2002 in which they received the Housing Committee’s Strategic Policy Report 2002–2006 and endorsed the Committee’s principal aims, as amended, for that period, and, in particular, the Committee’s aim to concentrate on providing assistance for those in need, and rejected paragraph (a) requesting the Housing Committee to only increase rents in the social rented sector by a percentage equal to, or below, the percentage increase in the Retail Price Index as at the end of the previous year for the years 2004, 2005 and 2006.

Members present voted as follows –

**“Pour” (16)**

#### **Senators**

Syvret, Kinnard, Le Claire, E. Vibert.

#### **Connétable**

St. Helier.

#### **Deputies**

Duhamel(S), Breckon(S), St. Martin, Baudains(C), Troy(B), Scott Warren(S), Bridge(H), Southern(H), Grouville, St. Peter, De Faye(H).

**“Contre” (23)**

#### **Senators**

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

**Connétables**

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

**Deputies**

Trinity, Huet(H), Le Main(H), Dubras(L), Dorey(H), Le Hérissier(S), Fox(H), Bernstein(B), Ferguson(B), St. Ouen, Ryan(H), Taylor(C), Hilton(H).

THE STATES adopted paragraph (b) of the proposition and requested the Housing Committee to cooperate with the Employment and Social Security Committee to ensure that a comprehensive low income support scheme was established by 2006 to create a viable replacement for rent subsidy.

Members present voted as follows –

**“Pour” (41)**

**Senators**

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

**Connétables**

St. Martin, St. Ouen, St. Mary, St. Peter, St. Clement, St. Helier, St. Lawrence.

**Deputies**

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

**“Contre” (0)**

Deputy Judith Ann Martin of St. Helier having declared an interest, withdrew from the Chamber prior to the consideration of this matter.

**Draft Mental Health (Amendment) (Jersey) Law 200- P.94/2003**

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

**Draft Public Library (Jersey) Regulations 200- P.95/2003**

THE STATES, in pursuance of the Loi (1836) sur la bibliothèque publique made Regulations entitled the Public Library (Jersey) Regulations 2003.

**La Collette, St. Helier: transfer of administration of roadway– P.96/2003**

THE STATES, adopting a proposition of the Environment and Public Services Committee –

- (a) approved the transfer of administration from the Environment and Public Services Committee to the Harbours and Airport Committee of the roadway at La Collette, St. Helier shown hatched on Drawing No. 001/01 attached at the Appendix; and,
- (b) authorised the Greffier of the States to sign the said drawing on behalf of the States.

### **Draft Agricultural Marketing (Amendment No. 7) (Jersey) Law 200- P.107/2003**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Agricultural Marketing (Amendment No. 7) (Jersey) Law 200-.

Senator Christopher Gerard Pellow Lakeman, Senator Philip Francis Cyril Ozouf and the Deputy of St. Ouen having declared an interest, withdrew from the Chamber prior to the consideration of this matter.

### **Draft Maincrop Potato Marketing Scheme (Revocation) (Jersey) Act 200- P.108/2003**

THE STATES, in pursuance of Article 7(2) of the Agricultural Marketing (Jersey) Law 1953, made an Act entitled the Maincrop Potato Marketing Scheme (Revocation) (Jersey) Act 2003.

Senator Christopher Gerard Pellow Lakeman, Senator Philip Francis Cyril Ozouf and the Deputy of St. Ouen having declared an interest, withdrew from the Chamber prior to the consideration of this matter.

### **Draft Fish Health (Amendment) (Jersey) Regulations 200- P.111/2003**

THE STATES, in pursuance of Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996, made Regulations entitled the Fish Health (Amendment) (Jersey) Regulations 2003.

### **Bas du Mont Flats, Pier Road, St. Helier: transfer of administration of land– P.112/2003 Comments – P.112/2003.Com.**

THE STATES, adopting a proposition of the Environment and Public Services Committee –

- (a) approved the transfer of administration from the Environment and Public Services Committee to the Housing Committee of 63.5 square feet (5.9 square metres) of land forming part of the footpath at L Bas du Mont Flats, Pier Road, St. Helier, as shown on drawings Nos. 140/90 and 140/91, for the purpose of insulating and rendering externally the said block of flats; and,
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

### **States Auditors: further extension of contract – P.113/2003**

The Bailiff, in pursuance Article 11(5) of the Public Finances (Administration) (Jersey) Law 1967, and in accordance with Standing Order 46(2), ordered the withdrawal of strangers and the closing of the doors of the Chamber in order that the proposition regarding the further extension of the contract relating to the States Auditors be considered *in camera*.

THE STATES, having deliberated thereon *in camera*, proceeded to vote in public assembly and, adopting a proposition of the Finance and Economics Committee, approved the further extension of PricewaterhouseCoopers' contract as States Auditors for the period ending 30th April 2005, to cover the audit of the 2003 and 2004 States of Jersey accounts.

Members present voted as follows –

**“Pour” (25)**

#### **Senators**

Kinnard, Le Sueur, Routier, M. Vibert, Ozouf, E. Vibert.

#### **Connétables**

St. Martin, St. Ouen, St. Peter, St. Clement, St. Helier.

#### **Deputies**

Duhamel(S), Huet(H), Le Main(H), Dubras(L), Dorey(H), Troy(B), Voisin(L), Scott Warren(S), Ferguson(B), St. Ouen, Ryan(H), Taylor(C), St. Peter, Hilton(H).

**“Contre” (14)**

**Senators**

Le Maistre, Syvret.

**Connétables**

St. Mary, St. John.

**Deputies**

Breckon(S), St. Martin, St. John, Baudains(C), Le Hérisier(S), Martin(H), Southern(H), Bernstein(B), Grouville, De Faye(H).

**3 Edward Place, The Parade, St. Helier: purchase– P.114/2003**

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

- (a) approved the purchase of the property known as 3 Edward Place, The Parade, St. Helier (as show hatched on drawing No. 1625/03/60) from Mr. Anthony Le Brun, Mr. Adrian Copp Le Brun or Mr. Christopher Philip Hills for the sum of £292,500 with the public and the vendors to bear their respective legal costs;
- (b) authorised the Attorney General and the Greffier of the States to pass, as appropriate, on behalf of the public such contract as may be necessary in connection with the said property and any interest therein; and,
- (c) authorised the payment or discharge of any expenses incurred in connection with the purchase of the property and any interest therein from the Environment and Public Services Committee Vote of Credit C0904.

**Changes in Presidency**

The Bailiff retired from the Chair during consideration of the proposition of Deputy Geoffrey Peter Southern of St. Helier concerning social rented housing: policy on setting rents, (P.29/2003), and the Greffier of the States Michael Nelson de la Haye Esquire assumed the Presidency. The Bailiff returned to the Chamber during consideration of the draft Public Library (Jersey) Regulations 200- and the meeting continued under his Presidency.

THE STATES rose at 6.20 p.m.

**M.N. DE LA HAYE**

*Greffier of the States.*