

**THE STATES assembled on Tuesday,
1st June 2004 at 9.30 a.m. under
the Presidency of the Deputy Bailiff,
Michael Cameron St. John Birt, Esquire.**

All members were present with the exception of –

Senator Frank Harrison Walker – out of the Island
Senator Wendy Kinnard – out of the Island
Senator Paul Vincent Francis Le Claire– ill
Senator Michael Edward Vibert– out of the Island
Senator Philip Francis Cyril Ozouf – excused
John Baudains Germain, Connétable of St. Martin– ill
Philip Francis Ozouf, Connétable of St. Saviour– excused
Francis Gerald Voisin, Deputy of St. Lawrence– out of the Island
Celia Joyce Scott Warren, Deputy of St. Saviour– ill
John Benjamin Fox, Deputy of St. Helier– out of the Island
Jennifer-Anne Bridge, Deputy of St. Helier– out of the Island
Julian Alexander Bernstein, Deputy of St. Brelade– out of the Island
Geoffrey John Grime, Deputy of St. Mary– ill.

Prayers read by the Greffier of the States

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Road Traffic (Public Parking Places) (Jersey) Order 2004. R&O 49/2004.

Road Traffic (Public Parking Places – Charges) (Jersey) Order 2004. R&O 50/2004.

Matters presented

The following matters were presented to the States –

Taxation policies: a transparent enquiry (P.41/2004) – comments. P.41/2004. Com.
Finance and Economics Committee.

Draft Public Employees (Contributory Retirement Scheme) (Existing Members) P.60/2004. Com.
(Amendment No. 7) (Jersey) Regulations 200 (P.60/2004): comments.
Presented by the Finance and Economics Committee.

Draft Public Employees (Contributory Retirement Scheme) (New Members) P.61/2004. Com.
(Amendment No. 9) (Jersey) Regulations 200 (P.61/2004): comments.
Presented by the Finance and Economics Committee.

Code of Practice on Public Access to Official Information: measures to improve P.80/2004. Com.
implementation (P.80/2004) – comments. (2)
Presented by the Finance and Economics Committee.

Bus Service Tendering Process: Committee of Inquiry – terms of reference and P.99/2004. Com.

membership (P.99/2004) – comments.
Presented by the Finance and Economics Committee.

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

Matters noted – land transactions

THE STATES noted an Act of the Finance and Economics Committee dated 27th May 2004, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Harbours and Airport Committee, the lease to Alcora Limited of an area of land (designated SA 1– measuring approximately 5,500 square feet) on the north quay of St. Aubin's Harbour, St. Brelade, for a period of 99 years from 1st July 2004, at an annual rent of £30,000 subject to review at eight years from commencement and every seven years thereafter in accordance with the open market value;
- (b) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with Mr. John Roff Findlay Best, the owner of the property which adjoined to the south of Le Coin Flats, Ann Street St. Helier, in order to grant to the public perpetual access rights onto part of Mr. Best's property in Ann Street, so as to facilitate the construction and maintenance of a new gable wall. The Committee was to be responsible for both parties' legal fees arising from this transaction, and would also pay compensation of £750 to Mr. Best;
- (c) as recommended by the Environment and Public Services Committee, the assignment of a lease from Mr. Mark Bisson and Mrs. Faye Bisson, née Keaton, to Miss CareyAnn Scott of the First Tower Kiosk, St. Helier with effect from 29th May 2004 or some other date to be agreed between the parties, with all terms and conditions remaining the same as in the existing lease, subject to the receipt by the Committee of a satisfactory reference from Miss Scott's bankers;
- (d) as recommended by the Education, Sport and Culture Committee, the entering into of a Deed of Arrangement with Mrs. Joan Marion Averty, née Nérou, in order to clarify the boundary of Mrs. Averty's property, Field No. 1245, La Pouquelaye, St. Helier, with Field No. 1237, on which new school was being constructed, on the basis that the Committee would demolish the existing retaining wall and construct a new retaining structure wholly on the public land, and also make good the ground in the vicinity of the old retaining wall and provide a fence, wall or other suitable enclosure to prevent persons passing from the new school onto Mrs. Averty's property, also at the Committee's own cost. The Education, Sport and Culture Committee was also to be responsible for the payment of both parties' legal fees arising from this transaction, as well as the fees of the Public Services Department in connexion with the production of a boundary co-ordinate drawing;
- (e) as recommended by the Health and Social Services Committee, the renewal of the lease to Mr. Roy Huelin Vibert of the properties known as Nos. 1, 7 and 9 Baycroft Close, Inner Road, St. Clement, for period of four years deemed to have commenced from 1st July 2003, all with a commencing annual rent of £13,990.48 each, with annual rent reviews on 1st July of each year in line with the Jersey Retail Price Index. All other conditions were to remain the same as the leases which had commenced on 30th June 1991, 30th June 1990 and 1st December 1995 respectively, with the public retaining the option to terminate the agreement with three months notice. Each party was to be responsible for its own legal fees arising from this transaction; and,
- (f) as recommended by the Environment and Public Services Committee, the lease to Mr. Atillio Pirozollc of the property known as the West Park Bunker (measuring 590 square feet), for a period of nine years deemed to have commenced on 1st January 2003, at a commencing annual reduced rent of £600 for 2003; at a reduced rent of £1,000 for 2004; and at a market rent based on a figure of £1,180 for 2003 increased in line with the Jersey Retail Price Index between the years 2003 and 2005 for the year 2005. Thereafter, the annual rent was to be increased annually in accordance with the Jersey Retail Price

Index. The tenant was to use the premises for the purpose of storing equipment and food stuffs ancillary to the running of the La Frégate café and for no other purpose whatsoever. Each party was to be responsible for its own legal costs arising from this transaction.

Matters lodged

The following matters were lodged “au Greffe” –

States Members’ Remuneration Review Body: appointment of members. <i>Presented by the Privileges and Procedures Committee.</i>	P.105/2004.
Fiscal Strategy. <i>Presented by the Finance and Economics Committee.</i>	P.106/2004.
Sunday Trading legislation. <i>Presented by Senator E.P. Vibert, and referred to the Comité des Connétables and the Economic Development Committee.</i>	P.107/2004.
St. Aubin’s Harbour, St. Brelade: lease of an area of land to Alcora Limited. <i>Presented by the Deputy of St. John, and referred to the Harbours and Airport Committee.</i>	P.108/2004.
Draft Act annulling the Island Planning (Designation of Sites of Special Interest) (No. 9) (Jersey) Order 2004. <i>Presented by Deputy L.J. Farnham of St. Saviour, and referred to the Environment and Public Services Committee.</i>	P.109/2004.

Sale of properties (P.52/2004) and comments – withdrawn

THE STATES granted leave to the President of the Housing Committee to withdraw the proposition regarding the Sale of Properties (P.52/2004 lodged “au Greffe” on 13th April 2004) set down for consideration at the present meeting.

Arrangement of public business for the present meeting

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

Draft Amendment (No. 26) of the Standing Orders of the States of Jersey. Lodged: 18th May 2004. <i>Privileges and Procedures Committee.</i>	P.92/2004.
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Income Tax: allowance for children over 17 in full-time education – P.16/2004 Comments, Comments (2)

THE STATES commenced consideration of a proposition of the Deputy of St. Martin regarding Income Tax: allowance for children over 17 in full-time education. Deputy Alan Breckon, Deputy Patrick John Dennis Ryan and the Connétable of St. John declared an interest in the matter and withdrew from the Chamber during its consideration.

Following debate for more than one hour, and in accordance with the trial procedure approved by the States on

26th May 2004, Senator Edward Philip Vibert proposed that ‘the question now be put’, which proposition was rejected.

Members present voted as follows –

“Pour” (17)

Senators

Norman, Le Sueur, Routier, E. Vibert.

Connétables

St. Brelade, St. Peter, Trinity, St. Lawrence, Grouville.

Deputies

Duhamel(S), St. John, Le Main(H), Dorey(H), St. Ouen, Taylor(C), St. Peter, De Faye(H).

“Contre” (18)

Senators

Syvret, Shenton.

Connétables

St. Mary, St. Clement, St. Helier.

Deputies

Trinity, Huet(H), St. Martin, Dubras(L), Baudains(C), Troy(B), Farnham(S), Le Hérisier(S), Martin(H), Southern(H), Ferguson(B), Grouville, Hilton(H).

THE STATES rejected the proposition requesting them to –

- (a) agree, in principle, that, with effect from the year of assessment 2004, any individual who has living with him or her within the year of assessment any child over the age of 17 years receiving full-time instruction at any school, university, college or other establishment for further education shall be entitled to a deduction from income for income tax purposes of £5,000 in respect of each child, or, if greater, to a deduction equal to double the allowance in respect of a child in full-time education under that age; and
- (b) charge the Finance and Economics Committee to bring forward for approval during 2004 the necessary legislation to give effect to the proposal.

The proposition was rejected.

Members present voted as follows –

“Pour” (14)

Senators

Norman, E. Vibert, Shenton.

Connétables

St. Brelade, St. Mary.

Deputies

Duhamel(S), St. Martin, St. John, Baudains(C), Troy(B), Farnham(S), Martin(H), Southern(H), St. Peter

“Contre” (20)

Senators

Syvret, Le Sueur, Routier.

Connétables

St. Peter, St. Clement, St. Helier, Trinity, St. Lawrence, Grouville.

Deputies

Trinity, Huet(H), Le Main(H), Dubras(L), Dorey(H), Ferguson(B), St. Ouen, Taylor(C), Grouville, Hilto (H), De Faye(H).

Draft Amendment (No. 26) of the Standing Orders of the States of Jersey– P.92/2004

THE STATES, in pursuance of Article 27 of the States of Jersey Law 1966, as amended, made Standing Orders entitled the Amendment (No. 26) of the Standing Orders of the States of Jersey.

Members present voted as follows –

“Pour” (27)

Senators

Syvret, Le Sueur, Routier.

Connétables

St. Brelade, St. Mary, St. Clement, St. Helier, St. Lawrence, Grouville, St. John.

Deputies

Trinity, Duhamel(S), Breckon(S), St. Martin, Le Main(H), Dubras(L), Dorey(H), Troy(B), Farnham(S), Martin(H), Southern(H), Ferguson(B), St. Ouen, Ryan(H), Taylor(C), Grouville, Hilton(H).

“Contre” (10)

Senators

Norman, E. Vibert, Shenton.

Connétables

St. Peter, Trinity.

Deputies

Huet(H), St. John, Baudains(C), St. Peter, De Faye(H).

THE STATES rose at 11.28 a.m.

M.N. DE LA HAYE

Greffier of the States.