

**THE STATES assembled on Tuesday,
26th October 2004 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

All members were present with the exception of –

Senator Jean Amy Le Maistre– out of the Island
Senator Wendy Kinnard – out of the Island
Senator Richard Joseph Shenton – out of the Island
Kenneth Priaulx Vibert, Connétable of St. Ouen– out of the Island
Thomas John du Feu, Connétable of St. Peter– ill
Alan Simon Crowcroft, Connétable of St. Helier– out of the Island
Daniel Joseph Murphy, Connétable of Grouville – out of the Island
Philip John Rondel, Deputy of St. John– out of the Island
Judith Ann Martin, Deputy of St. Helier– out of the Island
Julian Alexander Bernstein, Deputy of St. Brelade– out of the Island

Prayers

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Shipping (Fees) (Amendment) (Jersey) Order 2004.
Harbours and Airport Committee.

R&O 128/2004.

Shadow Scrutiny Panels – resignation

THE STATES noted the resignation of Deputy Jeremy Laurence Dorey of St. Helier as one of the Chairman, Shadow Scrutiny Panels.

THE STATES noted the resignation of Mr. Maxwell Robert de la Haye, Connétable of St. Brelade, as member of one of the Shadow Scrutiny Panels.

Appointment of Chairman of one of the Shadow Scrutiny Panels

THE STATES, referring to their decision concerning Shadow Scrutiny, (P.186/2003, lodged “au Greffe” on 9th December 2003), on 27th January 2004 and in accordance with paragraph (b) of that proposition, noted the nomination of Deputy Geoffrey Peter Southern of St. Helier for the appointment of Chairman of one of the Shadow Scrutiny Panels. There being no other nominations, Deputy G.P. Southern was duly elected.

Matters presented

The following matters were presented to the States –

Machinery of Government Reform: composition and election of the States
Assembly (P.151/2004) – comments.

P.151/2004.
Com.

Presented by the Policy and Resources Committee.

Bellozanne Scrap Metal Yard, Bellozanne Valley, St. Helier: lease to Picot and Rouille Limited (P.170/2004) – amendment (P.170/2004 Amd) – comments. P.170/2004.
Presented by the Environment and Public Services Committee. Amd.Com

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

Matters lodged

The following matters were lodged “au Greffe” –

Draft States of Jersey Law 200- (P.124/2004): second amendments. <i>Presented by Senator E.P. Vibert.</i>	P.124/2004. Amd.(2).
Draft States of Jersey Law 200- (P.125/2004): third amendments. <i>Presented by Senator S. Syvret.</i>	P.124/2004. Amd.(3).
Machinery of Government Reform: composition and election of the States Assembly (P.151/2004) – third amendments. <i>Presented by the Deputy of St. Ouen.</i>	P.151/2004. Amd.(3)
Draft Education (Amendment) (Jersey) Law 200-. <i>Presented by the Education, Sport and Culture Committee.</i>	P.179/2004.
Draft Public Finances (Jersey) Law 200-. <i>Presented by the Finance and Economics Committee.</i>	P.180/2004.
Meetings of the States in 2005. <i>Presented by the Privileges and Procedures Committee.</i>	P.181/2004.
Draft Boats and Surf-Riding (Control) (Amendment No. 27) (Jersey) Regulations 200-. <i>Presented by the Harbours and Airport Committee.</i>	P.182/2004.
Draft Harbours (Amendment No. 38) (Jersey) Regulations 200. <i>Presented by the Harbours and Airport Committee.</i>	P.183/2004.
Draft Electricity Links with France (Protection of Submarine Cables) (Jersey) Regulations 200-. <i>Presented by the Harbours and Airport Committee.</i>	P.184/2004.
Draft Amendment (No. 29) to the Tariff of Harbour and Light Dues. <i>Presented by the Harbours and Airport Committee.</i>	P.185/2004.

THE STATES acceded to a request of Deputy Geoffrey Peter Southern of St. Helier that his proposition regarding Child Care Scheme for low income families: amendments (P.173/2004), lodged “au Greffe” on 12th October 2004, should be referred to the Health and Social Services Committee for a report.

Arrangement of public business for the next meeting on 9th November 2004

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

on 9th November 2004 –

Draft States of Jersey Law 200-. Lodged: 29th June 2004. <i>Privileges and Procedures Committee.</i>	P.124/2004. <i>(re-issue)</i>
Draft States of Jersey Law 200- (P.124/2004): comments. Presented: 28th September 2004. <i>Finance and Economics Committee.</i>	P.124/2004. Com.
Draft States of Jersey Law 200- (P.124/2004): amendments. Lodged: 19th October 2004. <i>Deputy S.C. Ferguson of St. Brelade.</i>	P.124/2004. Amd.
Draft States of Jersey Law 200- (P.124/2004): second amendments. Lodged: 26th October 2004. <i>Senator E.P. Vibert.</i>	P.124/2004. Amd.(2).
Draft States of Jersey Law 200- (P.125/2004): third amendments. Lodged: 26th October 2004. <i>Senator S. Syvret.</i>	P.124/2004. Amd.(3).
Modernisation of Jersey's Gambling Legislation. Lodged: 20th April 2004. <i>Economic Development Committee.</i>	P.62/2004. <i>(re-issue)</i>
Modernisation of Jersey's Gambling Legislation (P.62/2004): comments. Presented: 11th May 2004. <i>Finance and Economics Committee.</i>	P.62/2004. Com.
Draft Transfer of Functions (Environment and Public Services Committee) (No. 2) (Jersey) Act 200-. Lodged: 20th July 2004. <i>Environment and Public Services Committee.</i>	P.137/2004.
Draft Transfer of Functions (Environment and Public Services Committee) (No. 2) (Jersey) Act 200 (P.137/2004): comments. Presented: 17th August 2004. <i>Economic Development Committee.</i>	P.137/2004. Com.
Draft Dogs (Licence Duty) (Jersey) Regulations 200-. Lodged: 12th October 2004. <i>Legislation Committee.</i>	P.169/2004.
States Auditors: further extension of contract. Lodged: 19th October 2004. <i>Finance and Economics Committee.</i>	P.178/2004.
Meetings of the States in 2005. Lodged: 26th October 2004. <i>Privileges and Procedures Committee.</i>	P.181/2004.

THE STATES acceded to a request of the President of the Privileges and Procedures Committee that the draft States of Jersey Law 200- (P.124/2004 lodged "au Greffe" on 29th June 2004) and associated amendments be considered as the first item of public business at the next meeting, and agreed that consideration of the draft Law

should continue, if necessary, on Wednesday 10th November 2004 and that the next meeting should continue, if necessary, on Tuesday 16th November 2004 to complete consideration of the items set down for consideration.

Oral questions

1. Senator E.P. Vibert to the President of the Policy and Resources Committee:

“Will the President inform the Assembly of the steps being taken to provide accommodation for the Chief Minister and Council of Ministers by the end of 2005 and the likely cost of providing offices for the Chief Minister and all other ministers, including meeting rooms and where these are likely to be located?”

Senator F.H. Walker (President of the Policy and Resources Committee):

“I can advise the Assembly that no decisions have been taken in this connection. The Policy and Resources Committee has asked the Chief Executive to investigate this matter and to report back with recommendations.”

1(a) Senator E.P. Vibert

“Could the President advise the House as to whether the Council members, Assistant Ministers and public servants connected with the Chief Officer’s office require free parking?”

Senator F.H. Walker:

“Sir, that is not a matter for my Committee.”

2. Deputy G.C.L. Baudains to the President of the Environment and Public Services Committee:

“On 25th and 30th August 2004, I e-mailed several queries to the President regarding Mont Orgueil, drains, traffic flows and Field 40; to date they remain unanswered. Would the President advise when he intends to respond to my queries?”

Senator P.F.C. Ozouf (President of the Environment and Public Services Committee):

“Sir, I received 2 e-mails on 25th August but none on 30th. I was on holiday at the time and all e-mails sent to me were returned to the sender with a clear message saying that they should refer their question/e-mail to either the Vice-President or the Chief Executive Officer. I had no contact from Deputy Baudains. Since last Friday, I assumed that he had contacted the then Vice-President or Chief Officer and the queries had been answered. I am aware that now there are clearly queries outstanding and shall endeavour to answer his queries as soon as possible, but he needs to re-send the e-mail that he sent me on the 30th because I never received it.”

2(a) Deputy G.C.L. Baudains:

“I am grateful for that answer, Sir, but, having asked other members whether they have had similar problems, in case it was my transmitting them that was at fault, I am advised that other members have had similar problems, so I would hope that the Senator would make sure that he does reply to e-mails and other correspondence promptly in future.”

Bailiff:

“Is that a question, Deputy?”

Deputy G.C.L. Baudains:

“I was hoping that he would merely confirm that he would, Sir.”

Senator P.F.C. Ozouf:

“If it was during the summer period, is it not reasonable for members to put a bounce back on their e-mails? I, like other members, receive some 40 to 60 e-mails every day. If one is on holiday, one puts a bounce back to say ‘Please refer the question to the Vice-President or Chief Executive Officer.’ If queries remain unanswered during the period that I was on holiday, I am sorry, but perhaps members will re-send those queries to me and I will endeavour to answer them as soon as possible, as I do

normally.”

Deputy G.C.L. Baudains:

“Perhaps you should take shorter holidays.”

3. Deputy G.P. Southern to the President of the Employment and Social Security Committee:

“*[aside]* – (a) What are the reasons for the 40% reduction in sickness benefit payable to a married man under changes introduced on 1st October 2004? (b) Does the Committee consider that the new Home Responsibility Protection Rules present difficulties for parents to remain at home to care for school age children or have an impact on the quality of family life?”

Senator P.F. Routier (President of the Employment and Social Security Committee):

“Members, I am sure, will appreciate that the rates of benefit have not been reduced at all. In fact, sickness benefit or, as it is now known, Short-Term Incapacity Allowance, was increased by 3.3% on 1st October. The changes to incapacity benefits were approved by the States to remove the unfair distinction between claims made for incapacity due to illness and those due to accidents. At the same time the unequal treatment between men and women, which was evident in the old system of benefits, was tackled, whereby married men could claim additional benefits but married women could not. This reflected the old Beveridge principle of the male breadwinner, which also gave married women an option not to pay contributions. Under the old system that option was not available to men.

However, the position now stands that men or women can claim additional benefit if the spouse or partner, who is not working, is caring for children under the age of five. This allowance is applicable for up to 10 years.

The Home Responsibility Protection also protects the pension position of either men or women caring for children. This change reflects the changing life patterns of society. More women work and pay contributions. In fact, married women electing not to pay contributions has fallen dramatically in recent years. The vast majority of short-term incapacity claims are for very short periods of incapacity. In fact, 86% are for under a week, with a minority of about 20% coming from married men claiming an additional benefit.

It should also be remembered that the previous system did not allow women who paid contributions on their own behalf to qualify for a dependency benefit.

In answer to question (b), no, quite the opposite. Before the advent of Home Responsibility Protection (HRP) there was no protection in social security terms for a parent to stay at home to care for the family. Home Responsibility Protection gives a family a degree of choice and safeguards the provision of future pensions. It even gives the choice of what is becoming more common, that the father stays at home to care for the children.

In fact, the difficulties with the old system often only materialised in later life where gaps in a woman’s contribution record, for the very reason of child care, led to small pensions in later life. HRP and the rules on divorce, multiple marriages and widowhood have been modernised to reflect changes in society, and actually work to protect female pension poverty.”

3(a) Deputy G.P. Southern:

“A supplementary if I may. It is a complex one, I am afraid. Does the President consider that when this complex Bill came through the House in an hour’s debate in 2000 that members fully understood exactly what the detail would be when this came to be implemented, as it is being now? Furthermore, does he not agree that his levelling of the playing field is in fact a levelling down and could cause hardship to the 20% of cases where it is a married male claiming? Finally, can the President state how this new figure of less than £150 a week for a couple can be matched in any way with the Minimum Essential Budget Standard for couples without children of £196 a week produced by the Centre for Research in Social Policy, Loughborough University (CRSP) Report on Family Poverty in 2000?”

Senator P.F. Routier:

“Sir, answering this question, I think, would have been far better done as a written question because I can go into a lot of detail and I have all the information here. To do this justice, I could spend a long, long time answering the question. I know that oral questions is not the place to do this, but I will do my best to answer the several parts of that question.

The first was regarding whether States members understood what they were approving in 2000? I cannot comment on whether members understood. I would hope that they did. Certainly, when this move to change the incapacity benefit started as far back as in 1996, with the Continuity and Change consultation process that went to the whole of the Island, it was made very clear that there were so many things that needed to be changed with the Social Security system, to make it fairer, to have more equality and to be more human rights compliant because men were being treated differently to women and women were not able to claim various benefits the same as men were, so all of these things needed to be addressed. This was done in a consultative manner and it started in 1996 when it had 'in principle' approval of this House at that stage. It came forward in amendments to the Law in 2000. That was the process that we went through. It has been communicated to people along the way in various methods, whether it be through direct communication to employers, or writing to the beneficiaries prior to the changes happening. It is a system which has received a lot of support from people within the community.

As to the question regarding levelling down, the Deputy seems to be missing the point entirely. The new system is on an individual basis. Benefits are on an individual basis, and they are no longer done as a married couple. There are protections in moving to this new system which has put in place transitional arrangements which will ensure that people are protected for the future. I will leave it at that."

Deputy G.P. Southern:

"Can I repeat the direct question?"

Bailiff:

"No. Deputy, I think the President is correct that this is a question which should properly have been made as a written question. In fairness to other members, I am not going to allow any further supplementary questions."

Deputy G.P. Southern:

"Could I have a second supplementary, please, Sir?"

Bailiff:

"No. Deputy, in fairness to other members..."

Deputy G.P. Southern:

This is a clear abuse of question time, I believe."

Bailiff:

In fairness to other members, I think I will disallow further supplementaries and the matter can be considered by you....."

Deputy G.P. Southern:

"I asked a direct question, he waffles, avoids answering the question and you say no further supplementaries. I find that very unsatisfactory, Sir."

Bailiff:

I am sorry that that should be so."

4. Deputy R.G. Le Hérissier to the President of the Policy and Resources Committee:

"Thank you, Sir. "Will the Committee undertake a review of the rules which currently govern the business interests of civil servants, and, if so, what reforms will be considered?"

Senator F.H. Walker (President of the Policy and Resources Committee):

"No. As I outlined in my answer to Deputy Rondel's question last week, States procedures in respect of such matters represent established best practice and my Committee does not consider such a review as necessary."

4(a) Deputy R.G. Le Hérissier:

“Would the President inform the House how many people he feels have activities that may have to be looked at carefully under the rules that currently exist? Thank you.”

Senator F.H. Walker:

“I cannot possibly answer that question. That is not information I have available to me. What I can say is that every States’ employee under the Code of Conduct, to which they are all subjected, is obliged to register any possible conflict of interest and any failure to do so is a disciplinary offence. So this is, as I have already said, consistent with best practice. It is the same practice, essentially, as used in Guernsey, as in the U.K., and we are satisfied that it meets all reasonable requirements.”

4(b) Deputy R.G. Le Hérissier:

“Would the President accept that in some cases, for example, in the case of a Chief Officer, it is almost entirely inappropriate in almost all circumstances for such a person to run a business which may relate to the work of the Committee which employs him?”

Senator F.H. Walker:

“Sir, if an employee of the States is running a business which may relate to his or her employment, then it is absolutely their obligation to declare that business and to ensure that all normal standards of avoiding a conflict are adhered to.”

4(c) The Deputy of Trinity:

“Would the President confirm that the requirement upon civil servants to disclose such interests also extends to their spouses?”

Senator F.H. Walker:

“Yes, sir, I do confirm.”

5. Deputy G.C.L. Baudains: to the President of the Harbours and Airport Committee:

“Would the President advise:

- (a) how many, if any, Harbours Department senior officers have any external trade, profession or employment, and if so, was the Committee notified and when? and,
- (b) whether any such interest involves direct trade with the Department?”

Senator L. Norman (President of the Harbours and Airport Committee):

“To the best of my knowledge, one senior officer at Jersey Harbours has an outside business interest, that is the Acting Chief Executive, who is a non-executive director of a software company called Portfolio Solutions Limited. The officer was a non-executive director of that company at the time of his appointment to the Civil Service and within the specific terms of his contract of employment with the States, subsequent to obtaining proper legal advice, it was agreed that he might continue in this role. Therefore, the employing Committee will have approved these terms. Jersey Harbours have purchased one program from this company. Evaluation was carried out and the decision to purchase was made before the officer’s appointment to the Civil Service, and his predecessor in post made the purchase within the 2001 Business Plan. There has been no other trade between Jersey Harbours and the company, except for the on-going maintenance contract.”

5(a) Deputy G.C.L. Baudains:

“I have a supplementary, if I may, Sir. Does the President not consider that if a States’ employee should in fact own a firm which trades directly with his own department that that is likely to cause suspicion amongst the public and resentment among departmental staff? Would he not also, further, admit that the Committee has failed because, according to the answer given to us at the previous sitting by the President of P&R, we were told that after an employee has notified his employer of an interest, it is then up to the employer to ensure that the interest cannot, in any way, be used by the employee to further his own interest to any interest of the States of Jersey?”

Senator L. Norman:

“As to that last point, Sir, that is absolutely the case. The business interest was declared, it was incorporated in the contract and there was no trade, other than as I mentioned in my answer, between the company that the Acting Chief Executive is a non-executive director of and Jersey Harbours. here is no conflict. The matter is transparent, open and always has been. Everyone who is involved in this knows the situation and there is no conflict because the conflict is avoided by the rules of the Civil Service.”

5(b) Senator P.V.F. Le Claire:

“I would like to ask a supplementary question. Just hearing this this morning, basically, are there any on-going costs with this package which was purchased before the employee became a States’ employee, because, in software and related issues there are on-going costs and updates, upgrades, etc., and surely if this is a package which has been purchased, there would need to be cognizance of on-going costs. If so, if there are, what are they?”

Senator L. Norman:

“I said in my answer today that the only on-going cost is the maintenance contract which includes maintenance up-date and support from the software company.”

Senator P.V.F. Le Claire:

“That is my question, Sir. These can sometimes be significant figures. I wonder if the President could outline what those costs are?”

Senator L. Norman:

“Yes. The total cost is £1,300 a year.”

5(c) Senator E.P. Vibert:

“Would the President confirm whether all members of his Committee were aware of this deal?”

Senator L. Norman:

“Sir, the purchase – the deal – was made in 2001. It would have been included in the Jersey Harbours and Airports Committee’s budget and the purchase made by the officers of the day. While they may not have been aware of the specific contract, they would have made the budget provision for it.”

5(d) Deputy G.W.J. de Faye:

“Sir, I would be grateful if the President of the Harbours and Airport could clarify what clearly would be an important feature of this somewhat foggy issue. Did the senior officer at any time have a role in the decision-making process to adopt this particular software, or did the senior officer declare an interest and take no part in the decision-making process?”

Senator L. Norman:

“Sir, the purchase, the deal, was made in 2001. It would have been included in the Jersey Harbours and Airports Committee’s budget and the purchase made by the officers of the day. While they may not have been aware of the specific contract, they would have made the budget provision for it.”

Deputy G.W.J. de Faye:

“Sir, I would be grateful if the President of the Harbours and Airport could clarify what clearly would be an important feature of this somewhat foggy issue. Did the senior officer at any time have a role in the decision-making process to adopt this particular software, or did the senior officer declare an interest and take no part in the decision-making process?”

Senator L. Norman:

“Sir, the officer to whom I am referring, the current Acting Chief Executive of Jersey Harbours, was not a member of the Civil Service, was not working for Jersey Harbours when the decision to make the purchase was made. Therefore, he had no influence on it whatsoever. Sir, the Deputy used the word “foggy”. There is nothing foggy about this. This whole situation is open and transparent.”

5(e) Deputy G.C.L. Baudains:

“Sir, I just seek clarification, because in a previous answer the President advised us or gave the indication that everybody knew about it obviously in relation to the Committee. I have asked members of the present Committee and the previous Committee and I cannot find anybody who was aware of the fact that this person had his own company.”

Bailiff:

“Deputy, I am sorry to interrupt you, but I do not think that is what the President did say. That is not what I heard him say. I thought he said that everything had been declared and made available to members in the budget statements and so on, but that he was not aware whether individual members had had it drawn specifically to their attention.”

Deputy G.C.L. Baudains:

“I was actually referring to a previous comment that he had made. When he first answered my question, he did say that he thought everybody was aware, if I can paraphrase what he said. On the other matter, I seek clarification of the comment that he made in response to Deputy de Faye. Is he aware that the person involved registered his company after taking up the position that he currently holds?”

Senator L. Norman:

“Sir, I would not be aware of that, but certainly the company was in existence and trading well before the officer joined the Civil Service. The Deputy is shaking his head. Obviously, it had to be, otherwise Jersey Harbours could not have purchased the software.”

Senator P.F.C. Ozouf (President of the Environment and Public Services Committee):

“Sir, before Senator Le Claire puts his next question, may I make a statement about the next question? The question that we next come to refers to a property owned by a personal friend of mine. Whilst this matter dates back some years, I have never and will not take part in applications concerning this individual. With your permission, Sir, I ask the Assembly’s permission to put the question to the Vice-President?”

Bailiff:

“Very well. Senator Le Claire.”

6. Senator P.V.F. Le Claire:

“Sir, there was never any implication in my question. I appreciate the President passing the question over. However: What process was employed by the Committee and what reasons were given for granting permission to build houses adjacent to the La Hougue Bie site; what archaeological and heritage impact assessments and considerations, if any, were made?”

Deputy J.L. Dorey (Vice-President of the Environment and Public Services Committee):

“This matter goes back 5 Committees to July 1999 when the then Planning and Environment Committee received an informal request from Fairview Farm Limited to construct 3 dwellings close to the company’s operating headquarters, Southfork, Rue du Trot, St. Saviour. At its meeting on 8th July 1999 the Committee accepted there was justification for one dwelling to be constructed close to the farm. Following a request from Fairview Farm Limited to reconsider its July decision, the Committee discussed the matter again on 30th September and accepted that there was justification for 3 dwellings to serve the farm given its size, and that there was no reasonable accommodation other than portacabins. It agreed that 2 units could be constructed close to the farm and the third could be constructed on a former glasshouse site owned by the company in Rue de Neuilly, St. Martin. Fields immediately adjoining Southfork on Rue du Trot could not be used for the construction of the 2 homes as they were required to serve the dairy unit at the farm. Attention turned to other land in the company’s ownership. On 7th December 2000 the Department received an application to construct 2 two-storey agricultural dwellings with garaging and storage on Field 1003 Rue des Pigneaux, St. Saviour. This is the site referred to in the Senator’s question.

The Committee gave consideration to the application at its meeting on 15th March 2001 and expressed misgivings about the suitability of the site and directed that the applicants consider alternative locations closer to Southfork. However, on 23rd April 2001 the Committee gave further consideration to the

matter, alternative sites having been considered by the applicant and discussed with the Department. The Committee of the day received a presentation from the applicants and their architect. Having given the matter serious consideration, the Committee decided that the 2 houses were of a traditional character and would relate in scale and character to Fairview Farm immediately across Rue des Pigneaux. Further, the houses were sufficiently distant from La Hougue Bie not to impact adversely on its setting. Accordingly, the Committee granted permission in principle, subject to an agricultural occupancy condition and a corpus fundi condition linking the houses to the fields in which they stood. The detailed application was received on 2nd September 2002 and was approved by the Applications Sub-Committee at its meeting on 6th November. That permission contained conditions requiring that before development commenced a period of no less than a month should be allowed for the undertaking of exploratory archaeological explorations within the site and that during the course of any ground works within the site advanced notification should be given and access must be allowed to enable an archaeological watching brief to be maintained during these works. The supervision of the ground works was undertaken by the Jersey Heritage Trust.

6(a) Senator S. Syvret:

“Sir, I think this is really quite a serious matter. There is probably no other country in western Europe which would have permitted any development on a field abutting a Bronze Age passage grave of this nature. I consider this matter of the utmost seriousness and I am completely dissatisfied with the explanation which has been given. It is, frankly, mind boggling that any permission for a development should have been granted next to Jersey’s premier archaeological site and, indeed, a site that is of world importance.

Bailiff:

“Would you come to the question, please.”

Senator S. Syvret:

“Will the President explain whether any objections were received to this application; whether the actual views of La Société Jersiaise were sought, whether an independent archaeological academic was sought to advise or investigate the site?”

Deputy J.L. Dorey:

“The Senator maintains that such permission would not have been given in any other European country. It is an assertion and it is no more than an assertion. It seems not to be supported by any other evidence, unless the Senator has something. I cannot add significantly to the details which I have provided. Apart from anything else, quite clearly, this was the work of 2 different previous Committees. All that I have access to, in order to answer any of the questions, is what I have given, which comes directly from the minutes of the Committee of the day.”

6(b) Deputy R.G. Le Hérissier:

“Sir, this obviously has been a matter of deep concern to people in that part of St. Saviour. I wonder if the Vice-President could tell me whether occurrences such as this are leading to a revision of the whole policy re: agriculturally necessary buildings?”

Deputy J.L. Dorey:

“Not occurrences such as this. I am not quite sure how the Deputy would define ‘occurrences such as this’, but certainly the policy relating to the building of new homes for people involved in the agricultural industry is certainly under review.”

6(c) Senator S. Syvret:

“Could the Vice-President find out, if he cannot answer immediately, whether this decision was entirely in keeping with all of the relevant planning policies of the day? Secondly, will he not accept that the 2 dwellings are in fact substantial luxury family homes and not farming accommodation?”

Deputy J.L. Dorey:

“On the second point, I have not myself seen the houses. As I say, this was the work of a previous

Committee and I do not go round checking on the work of a previous Committee 2 or 3 years later, so I have no way of confirming or denying that assertion. Certainly, any member who is interested can be provided with copies of the minutes of the Committee of all of the relevant meetings that I have mentioned in the original answer. They can see how exactly the Committee arrived at its decision.”

6(d) Senator P.V.F. Le Claire:

“The offer from the Vice-President of the circulation of who the Committees were and the Sub-Committees would be very helpful. Would the Vice-President not agree that, as stated in previous States documents, the archaeological scrutiny of this Island is severely weak, to say the least? As to these kinds of developments, one of the points was that it went from a farm building in 2001 to 2 houses in 2002. We will have to see those minutes. From the answer that I have heard, I could not quite make out exactly what was being said. Does the Vice President, in agreeing to circulate these, also agree to circulate who the sub-committees were and what their decisions were, and also acknowledge that the archaeological protections that we would like to see in these sites in the future need to be beefed up?”

Deputy J.L. Dorey:

“I would not agree with the statements that archaeological protection and scrutiny in Jersey is significantly weaker than in other jurisdictions. It is an opinion that one might have but somebody else might hold the opposite opinion. I have already given an undertaking that all relevant minutes will be circulated to members. I think the easiest thing is if I arrange for those minutes to be collated, including the Applications Sub-Committee. All members will be provided with copies of all the documents.”

6(e) Senator P.V.F. Le Claire:

“Sir, in relation to the statement that the archaeological services in Jersey are severely stretched, I believe the Deputy – perhaps, it may have been the President – at the time the extensions for the road works at the Le Masurier site over the Dolmen, when that report was issued the archaeological services did state that there could not be a proper survey undertaken to preserve that because of the fact that the service in Jersey is severely stretched. Does the Vice-President of the Environment and Public Services Committee not acknowledge, and is he not at least prepared to make himself aware of the fact that we are severely stretched? This Vice-President is in charge of the preservation of key sites on the Island. If he does not know that we are severely stretched in these areas, then nobody is going to know.”

Deputy J.L. Dorey:

“I really do not know what the question means. What is the definition of ‘severely stretched’? All departments these days have difficulties in keeping up with workload and we are trimming back wherever we can. ‘Severely stretched’ is purely a subjective assessment which one person might agree with and another person might not. I really can add nothing further to the undertaking I have given that all relevant documentation will be supplied to all members.”

6(f) Deputy G.P. Southern:

“Will the Vice President assure members that should a similar request for planning permission come before his Committee today, he will make reference to the relevant archaeological and heritage society?”

Deputy J.L. Dorey:

“Absolutely. I do find the whole basis of this question rather strange in the sense that any Committee of the States has enough difficulty examining its own policy and making its own decisions without having to come to the House and justify or support the decisions made by an ancestor of the current Committee. Certainly, where any planning application has an archaeological impact, then that will be part of the assessment of this current Committee. Of course it will.”

Senator P.V.F. Le Claire:

“On a point of order, I would like to contest that last statement. There is no actual ancestor to a Committee. A Committee is a living body as prescribed in the States of Jersey.”

Bailiff:

“A Committee is a continuing body. We have had the final supplementary, Deputy. I am sorry.”

7. Deputy G.P. Southern:

“Thank you, Sir. “(a) Does the ‘public backing’ for the Committee’s migration policy come largely from business representatives? (b) To what extent were public reservations expressed regarding – (i) the continued acceptance of inequalities in housing; (ii) the absence of protection for licensed workers whose accommodation is tied to specific employment; and, (iii) the absence of control and accurate registration of immigration numbers?”

Senator F.H. Walker (President of the Policy and Resources Committee):

“The answer to question (a) is no. The public backing for the Steering Group’s proposals. At the time of consultation they were the proposals of the steering group, not the Policy and Resources Committee’s policy. The public backing for the Steering Group’s proposals came from across the Island community, including private individuals, voluntary organisation and business representatives. As a member of the Steering Group, Deputy Southern will have received the results of the consultation process and will, therefore, have been to see for himself the extent of public support.

The answer to question (b). The public consultation indicated broad support for the consultation proposals. In particular, (i) measures to seek to alleviate the inequalities in access to housing; (ii) the need to ensure there was adequate protection for licensed employees whose accommodation would be linked to their employment, and (iii) the need to have in place mechanisms to accurately monitor the numbers of people in Jersey by developing a population register.

The public’s support was, obviously, not unanimous, but there was a significant consensus in favour of the majority of the proposals. Further details of my Committee’s proposals for a migration policy will be contained in its report and proposition which, as I have indicated, will shortly be lodged au Greffe.”

7(a) Deputy G.P. Southern:

“A supplementary, if I may, Sir. Would the President accept that apart from the 80 people consulted at parish halls, a similar number, around 80, were extra names, and of those all bar 3 names were directly employers or employer organisations, and that in the two-stage process, whereby all the comments were collated in one document but then condensed into a second shorter document, in that process, in the condensed version, it became very much more positive as critical remarks were dropped?”

Senator F.H. Walker:

“Sir, what I do know is that the consultation process was open to everyone. Public meetings were held, letters were written to a variety of individuals and organisations and, indeed, the whole Island had the opportunity to participate. Somewhat sadly, the numbers that did participate were lower than one might have expected, but I think that in itself is indicative – in fact, I am sure it is indicative – that there is no major public opposition to the proposals of the Steering Group which will be embodied, shortly, as I said, in a report and proposition to come to this House.”

7(b) Senator P.V.F. Le Claire:

“Sir, in the report and proposition that will come to the House, will the President undertake to give us a very very clear understanding as to what each category of Islander and potential Islander will be? This morning we see answers in the written section where we have things referred to as ‘Jersey folk’; the protection of Jersey folk. That does nothing to add to informed debate. In particular, will the President outline and give us the assurance that locally qualified people will be clearly defined and that if under the proposed proposition locally qualified people will become entitled people, we will have an understanding as to whether or not that means people who have been on the Island for 5 years who are locally qualified under the regulations, under the development law, will then become entitled to purchase housing and rent, etc.?”

Senator F.H. Walker:

“The answer, Sir, is yes.”

7(c) Senator E.P. Vibert:

“Sir, would the President, who claims that there was full consultation, not agree that the exclusion of the

Data Protection Registrar, was a dreadful error?"

Senator F.H. Walker:

"Sir, it was an error not to include formally the Data Protection Registrar, but it is an error that has been rectified. Both the Chairman of the Steering Group and I have accepted that it was an error. Of course, there was never any question, there never could be any question, of any migration policy such as those put forward by the Steering Group and which, largely speaking, will be embodied in my Committee's proposal. There was never any such question that they would be subject and would have to be subject to data protection control."

7(d) Deputy C.J. Scott Warren:

"Sir, does the President accept that the present inequality in housing is serious and is causing a blight on Jersey's image abroad?"

Senator F.H. Walker:

"I think my Committee made it abundantly clear that we share that view, and I believe the Deputy will see that it is being addressed in a much more progressive and determined way than ever it has been progressed before."

7(e) Deputy G.P. Southern:

"Is the President confident that his Committee can amend his proposals to cater for the serious reservations expressed by the Data Protection Registrar in 7 out of the 8 principles of data protection?"

Senator F.H. Walker:

"Sir, there is no need for the proposals to be amended as the Data Protection Registrar has made clear. She made it abundantly clear that she raised concerns but that those concerns could be addressed. As I have already said in my earlier answer, they will be addressed."

7(f) Deputy R.G. Le Hérissier:

"Sir, would the President not acknowledge that, in devising migration policy, there is this anomaly or paradox whereby while people are under certain strict conditions invited to the Island, there is a group of Islanders who, because of the so-called stamp in their passport, are not allowed to live and work in the EU? Will he be able to offer comfort in a parallel sort of way to this group?"

Senator F.H. Walker:

"Sir, that is an issue which has been discussed or has certainly been the subject of questions on a number of occasions. It is not part of the migration proposals that my Committee will be bringing forward."

7(g) Senator P.V.F. Le Claire:

"It may be stretching the President a little far, and perhaps if he cannot answer he might ask his Committee to look into it. The recent announcement that the U.K. intends to withdraw its right to veto any European Union immigration Acts, although reserving the right to enter any new agreements, needs to be factored into the immigration policy that we are considering. Will the President undertake to do that? Will he also acknowledge that since the freedom of movement of workers is covered by Community law, this is extremely important bearing in mind that we are drawing up a proposition that is going to be governed by employers?"

Senator F.H. Walker:

"Sir, my Committee is constantly in touch with the U.K. Government and is at all times aware of U.K. Government policies and E.U. policies in such matters and, where appropriate, such policies are fully taken into account in any proposals or propositions we bring forward to the House."

8. Deputy R.G. Le Hérissier to the President of the Health and Social Services Committee:

"Would the President identify the posts created in the Health and Social Services Department over each of the last 2 years— hopefully, in summary form — which of these posts required persons from outside the Island to fill them and what policies the Committee has in place to reduce the number of staff who

have to be recruited from outside the Island?"

Senator S. Syvret (President of the Health and Social Services Committee):

"The Health and Social Services Committee 2003 and 2004 Development Plans provided for an increase in H&SS staffing establishment of 44.5 and 40.7 posts. In total, 85.2 full-time equivalents. These posts were either front-line health and social care professionals, related to the development of clinical governance, or teachers and trainers to train the nursing and other health workers of the future. Of this number, 71.2 were required to be residentially qualified staff, to have staff status, and the balance of 14 were designated Housing Committee "(j)" category posts requiring essential professional skills which are not readily available locally. These were medical staff (4), specialist nurses (4), physiotherapists (2) and social workers (4).

In the time available, it has not been possible for my staff to confirm that these 14 posts were from the U.K. and other locations. The working assumption is that they were. This data will be confirmed within 7 days and a copy sent to Deputy Le Hérissier.

In terms of our policies to reduce numbers from outside, the Health and Social Services Committee follows States' policy on recruitment, namely, that job advertisements specify that preference will be given to local Jersey candidates, and that even though certain posts are designed as "'(j)' cats.", when these become vacant they will be advertised locally as well as in the United Kingdom. In this context, the residential status of all H&SS posts has been agreed with officers of the States' Human Resources Department and the Housing Committee and are reviewed every 3 years. These 2 States Committees have to be assured that it will not always be possible for H&SS to recruit locally for these posts and that everything is being done to avoid the need to recruit other than from Jersey."

8(a) Deputy R.G. Le Hérissier:

"Would the President confirm that there is in place a programme for the training of nurses which will make it much less necessary to recruit from outside the Island and which will allow people to be trained, largely speaking, on the Island?"

Senator S. Syvret:

"Yes, Sir. That is absolutely clear. Health and Social Services does have a training programme. It recently developed a national vocational qualification scheme to train nurses locally and, indeed, has recently embarked on an innovative link-up with the Open University, which will also enable us to train local staff. We also actively seek to encourage people to show an interest in taking up professions, for example, such as nursing locally and we actively also campaign to try and bring back those who may have been involved in the nursing profession in the past into the profession."

9. The Deputy of St. Martin to the President of the Housing Committee:

"Would the President advise members why the Committee is proceeding to replace the tarmac road surface at Princess Place with paving and give a cost comparison for both surfaces, and the reinstatement cost comparison when services need to be laid or repaired?"

Deputy T.J. Le Main (President of the Housing Committee):

"Yes, Sir. The work presently underway at Princess Place is more extensive than a straight forward replacement of the tarmac road with paving. The road itself was in need of complete resurfacing and was also becoming difficult for vehicles to negotiate due to the high number of vehicles using the roadsides and kerbs for parking. The houses at Princess Place had no parking for tenants. Members may be aware that parts of the road are used as access and egress to the Hague Homes, Forest Wood Cottages and a number of private dwellings which adjoin the site.

Concern has been raised on a number of occasions, particularly from the Parish of St. Clement and the Connétable and his offices, about the limited parking and the use of the roadside and pavements for that purpose and the consequential narrowing down of the roadways which makes the area unsafe for pedestrians and children. The Committee was keen to see this improved. A scheme to provide private parking for houses and traffic calming measures and improve the street lighting and drainage was drawn up which recommended that the road and parking areas be finished in brick paving. The decision to do so was made with 2 factors in mind. One: cost comparisons between the use of tarmac and brick paving shows that on a square metre basis brick paving was £1.50 per square metre cheaper than a similar depth

course of tarmac. Two: it has long been a frustration of my Committee and our officers that when it is necessary to excavate a traditional tarmac surface, for instance, to repair or renew surfaces, the resultant repair does leave obvious signs of disturbance on the surface. In time, these reinstatements often subside or deflect to a greater extent than the original road surface, leading to uneven surfaces, pooling of water and the need for further costly repairs.

Bailiff:

“President, you must try and be concise, please.”

Deputy T.J. Le Main:

“Yes, Sir. I am nearly finished. [*aside*] With brick paving, the bricks can simply be lifted, set aside and re-laid once the work is complete. If the area subsequently subsides and deflects, the bricks can simply be lifted again and substrata repacked and the bricks re-laid. In respect of other comparative costs of reinstatement between tarmac and brick paving, one can anticipate paying an estimated £45 per square metre for tarmac, £12 per metre for brick paving on the presumption that bricks can be reused and £33.50 per square metre if the bricks need to be replaced.

All I have to say, Sir, is that it is a shame that these sorts of questions could not be asked direct of the Department.”

9(a) The Deputy of St. Martin:

“Just because the President of Housing does not like answering questions in a succinct manner, I do not think we should be denied the right of asking questions. May I ask 2 supplementary questions, Sir?”

Bailiff:

“One supplementary, Deputy, please.”

The Deputy of St. Martin:

“Given that the roads in Maufant estate have been neglected for 25 years, is the Housing Committee minded to replace the tarmac on the estate with the now much much less expensive paving?”

Deputy T.J. Le Main:

No, Sir. The roads and pavements at Maufant are in a significantly better condition than those at Princess Place. The specification at Maufant calls for the scarifying of the existing tarmac and resurfacing in fresh tarmac. To do the same in brick paving would require the complete removal of the existing tarmac surface. Discussions with the Connétables of St. Saviour and St. Martin have centred around restoring the roads, pavements and footpaths to the standard that they were at a year and a day from the completion of the original scheme.”

10. Senator P.V.F. Le Claire to the President of the Policy and Resources Committee:

“Before I ask the question, Sir, I would like to point out that the letter that I refer to is drawn from the OECD’s website which was written to Senator Pierre Horsfall. I did request that it be placed on members’ desks because I do not believe, although it is mentioned in the letter that it would become public, that it ever was presented to the States.

Bailiff:

“Ask the question, please, Senator.”

Senator P.V.F. Le Claire:

“Are the undertakings contained in a letter dated 22nd February 2002.....” I am sorry, Sir. My point is that I would like to have it circulated afterwards, with your permission. Are the undertakings contained in a letter dated 22nd February 2002, from the then President to the Secretary General, OECD, regarding the effective exchange of information, transparency and Jersey’s political commitment to OECD initiatives, which have resulted in Jersey not being listed as an unco-operative jurisdiction on the OECD tax haven list, still recognised and accepted both locally and internationally?”

Senator F.H. Walker (President of the Policy and Resources Committee):

“Yes, Sir. The undertakings contained in a letter dated 22nd February 2002 to the Secretary General of the OECD are still recognised and accepted both locally and internationally and the general commitment made by the Island in the body of the letter is considered to remain in force. Accordingly, Jersey continues to be seen by the OECD as a co-operative jurisdiction not to be included on its unco-operative tax haven list. Incidentally, Sir, the letter was made public. It was circulated to all States members on 27th February 2002.

However, a key importance in this respect is the continuing failure to meet the pre-condition of an international level playing field and, in particular, the continuing failure of key competitors for Jersey such as Switzerland, Luxembourg, Singapore and Hong Kong to commit themselves to tax information exchange on request in civil tax matters. There is no question of Jersey implementing agreements with any OECD member State until it is fully satisfied with all the conditions. Members will also recall that no tax agreement can be entered into without the prior approval of the States.

The reference to the proposed zero-10 tax structure and material circulated by Senator Le Claire to members by e-mail as additional background to this question is not considered to be relevant in the OECD context.”

10(a) Senator P.V.F. Le Claire:

Sir, that is very reassuring. I thank the President for mentioning when the letter was circulated to States’ members because with the States’ Greffe, looking through the records, we could not find reference to it, so that is very encouraging.

Also very encouraging is the fact that the President states quite clearly that we will not be entering into an exchange of information without the level playing field internationally. Does that include Switzerland? So if Switzerland disagrees with entering into a level playing field, Jersey will not be agreeing to the exchange of information?”

Senator F.H. Walker:

“Sir, I believe I have made this position abundantly clear on more than one occasion in the past, including in a States’ debate not so many months ago. Yes, the level playing field includes Switzerland. Yes, the level playing field includes Singapore, Hong Kong and all our major competitors.”

10(b) Deputy R.G. Le Hérissier:

“There is often talk of the level playing field. Would the President tell us, although the OECD is not an executive body, if, for the sake of argument, the OECD could not get a perfect level playing field, does he have any idea of when they would take action; at what point they would say, ‘We have enough support’?”

Senator F.H. Walker:

Sir, there is no question at this point of them taking action. The OECD recognises themselves and have committed themselves to achieving a level playing field. This is not just a Jersey wish list. This is a stated objective of the OECD, who accept that they cannot expect member States and others to sign up to tax information exchange agreements until the level playing field is delivered.”

10(c) Senator P.V.F. Le Claire:

“Sir, I would like to ask the President of the Policy and Resources Committee, in the light of the fact that we are not going to move ahead unless there is an international playing field, are there any benefits in moving ahead with the availability of accounts being kept by companies on our own initiative in the future?”

Senator F.H. Walker:

“Jersey has committed itself to maintaining the highest levels of transparency, and we will continue to do that, but we will only share that information, which is the important matter, as and when the level playing field is delivered and as and when this House, and it has to be this House, is convinced that the benefits to Jersey are sufficient for us to enter into such agreements.”

11. Senator E.P. Vibert to the President of the Finance and Economics Committee:

“Following the release of the latest inflation figure of 5.6%, is the Committee satisfied that the policies

put forward by the Committee in the last Budget have not been a significant contributory factor to the increase?"

Senator T.A. Le Sueur (President of the Finance and Economics Committee):

"Sir, my Committee is satisfied that the policies put forward in the last Budget have not been a significant contributory factor to the increase. The ample increases agreed by the States in last year's Budget account for less than one-tenth of the recently announced increase in the RPI. By contrast, increased mortgage costs, as a result of the increase in the Bank of England base rate, a factor totally outside my Committee's control, accounted for about 2.5 percentage points of the total increase of 5.6%. What is likely to have had a greater impact on inflation is the increase in deficit caused by the States' decision in the last Budget, contrary to F&E's policy, to increase tax exemptions. This will have served to increase inflationary pressure by increasing many people's purchasing power and raising demand in the economy. Increases in inflation are not caused by increases in indirect taxes because, in the long run, these reduce purchasing power, and although there is an initial increase in the RPI, this drops out of the Index after a year.

When States' spending exceeds its income, it increases inflationary pressure in the economy. This can lead to a high risk of inflation and, particularly, in the present case.

In the short term, the RPI can be affected by factors outside my Committee's control. I am more interested in the longer term underlying rate of inflation, which is better expressed by the RPI-X. I am pleased to say that this index has been gradually and consistently reducing over the last 18 months and we are still on course towards our long-term objective of 2.5%."

11(a) Senator E.P. Vibert:

"Does the President accept the view put forward by the President of Policy and Resources that in fact we have 2 rates of inflation in Jersey, the real one and this fictitious RPI, and that we are going to have a whole series of different rates of inflation? For people who drive motor cars, there will be a rate of inflation; for people who buy bread, there will be a rate of inflation; for people who buy milk, there will be a rate of inflation? Does the President accept that this is a proper way to go forward in terms of our inflation rate?"

Senator T.A. Le Sueur:

"Sir, the Island could have as many different indices as it chose. It has picked on 2 indices; one is a traditional index of prices, of goods, typical of consumers' spending patterns, and one which does the same thing, excluding the effect of mortgage interest. We have the separate one because, as I have indicated, the simple RPI is very volatile and does not measure any underlying trends. It is the underlying trend of inflation which is more important. I would remind members that inflation is not quite the same thing as a change in an index. A change in an index relates to a one year movement. A trend in inflation is a much longer term activity."

11(b) Senator L. Norman:

"Sir, the President mentioned that 2.5% of the 5.6% related to increases in mortgage interest rates. I believe, Sir, that such increases will also have applied in the United Kingdom where the Retail Price Index has increased by 1.9%. I wonder if the President could explain the apparent differential and any inconsistency in those numbers?"

Senator T.A. Le Sueur:

"Yes, Sir. There is a distinction because in the U.K. the price of houses is lower and the proportion of people's household spending on housing is lower than it is in the Island, where there has been, clearly, a higher price level and also, perhaps, a greater proportion of spending has been taken up in borrowing to match that price."

11(c) Deputy G.P. Southern:

"The President appeared to lay the blame for inflation at the door of ordinary taxpayers in the Island. Can he confirm that that is what he intended, that he is saying that 'It is your own fault'?"

Senator T.A. Le Sueur:

"I am not trying to attribute blame to anybody, but if blame were to be attributed, it would be to a States

which spends more than its income and, thereby, promotes and fuels inflation. It is a consequence of that inflation that everyone in the Island suffers. That is why my Committee still maintains that, in the long term, it is important to reduce the underlying rate of inflation, and it can be done by a variety of policies which I could explain and expand upon if time permitted.

11(d) Senator F.H. Walker:

“Sir, in response to Senator Edward Vibert’s question, would the President confirm that RPI-X is an internationally accepted measure of inflation adopted by, amongst others, the U.K. Government? Will he also accept that it was the RPI-X target of 2.5% that this House was informed of some 3 years ago and to which we are working? Will he also accept – I believe he may have already said this – that it is RPI-X which covers much more accurately the inflation which is under the control of this House and his Committee?”

Senator T.A. Le Sueur:

“Yes. I have tried to make those points, and I accept all the comments of the Senator. If I have not made them clearly enough, I can only reiterate that it is RPI-X which shows the longer-term rate of inflation.”

11(e) Deputy G.W.J. de Faye:

“Sir, I wonder if the President accepts that recent figures indicate that the total size of the States of Jersey workforce has in fact increased? Does he consider this to have either an inflationary or deflationary effect on the economy? Secondly, would the President explain how that increase squares with his alleged determination to cut back on public expenditure?”

Senator T.A. Le Sueur:

“It is not so much the size of the workforce which is the concern to me but it is the cost of States spending which is the underlying problem and the States spending more than it receives. As far as the number of people employed is concerned, I regret the fact that we are spending more and more of the States’ budget on wage costs, but I believe that in the recent increases, to which I think the Deputy was alluding, those increases have been directed to areas of particular social needs, mainly health and education, in conformity with the States’ strategic policy of having a high level of such services.”

11(f) Senator M.F. Dubras:

“Would the President agree that, given the importance of the subject and the clarity of his answer, it would be helpful if he distributed the answer to all members?”

Senator T.A. Le Sueur (President of the Finance and Economics Committee):

“I am more than happy to distribute the answer. It may be that it should have been a written question rather than an oral one.”

12. The Deputy of St. Martin to the President of the Home Affairs Committee:

“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 the proposition regarding the confiscation of alcohol: introduction of legislation (P.46/2002) on 21st May 2002, and explain the reasons for the continuing delay in presenting the draft legislation?”

The Deputy of St. Peter (Rapporteur for the Home Affairs Committee):

“Sir, the draft Liqueur (Restrictions on Consumption) Jersey Law 200- was sent to the Law Officers’ Department for a human rights compliance check on 15th September of this year. Once confirmation has been received that the draft law is compliant with human rights legislation, the Committee will proceed to lodge it forthwith.”

Bailiff:

“Thank you, Deputy. That concludes the business. We have run out of time. One hour has expired. Oral questions have, therefore, come to an end.”

Parish Civil Emergency Liaison Officers – question and answer (Tape No. 959)

The Deputy of St. John tabled the following question of Senator Frank Harrison Walker, President of the Policy and Resources Committee, in his capacity as Vice-Chairman of the Emergencies Council.

“Would the President inform members –

- (a) whether the rôle of Parish Civil Emergency Liaison Officer (PCELO), in some parishes, if any, has been disbanded, and, if so –
 - (i) the reasons why?
 - (ii) what alternative arrangements have been put in place to cover this rôle? and
 - (iii) whether full details of any changes will be put before the States?
- (b) whether responsibility for PCELO’s has been handed over to the Home Affairs Committee, and whether discussions have taken place with the Comité des Connétables regarding the disbandment of PCELO’s?”

The President of the Policy and Resources Committee, in his capacity as Vice-Chairman of the Emergencies Council, tabled the following written answer –

- “(a) Yes, I can confirm that discussions took place earlier this year involving the Emergency Planning Officer and members of the Comité des Connétables, and that the decision was taken to discontinue to office of Parish Civil Emergency Liaison Officer.
 - (i) The reason for this decision is because the parishes’ emergency procedures are based upon the Honorary Police, who are well-placed to respond to the needs of the community in the event of an emergency;
 - (ii) as noted above, the Honorary Police will take on the role previously undertaken by the Parish Civil Emergency Liaison Officers.

As one of their responsibilities, the PCELO’s were responsible for the monitoring of radiation levels in the event of a radiological incident, and I am advised that the Comité des Connétables is currently giving consideration as to who should have responsibility for this function in the future;
 - (iii) this is for the Comité des Connétables to determine, but is not a matter which would normally require the approval of the States.
- (b) I can confirm that the responsibility for PCELO’s has not been handed over to the Home Affairs Committee, but rests with the Comité des Connétables. As noted in the answer to question 1(a), the decision has been taken to discontinue the office of PCELO, and for the parishes’ honorary police to take on this role.

As noted above, I can confirm that discussions have taken place with members of the Comité des Connétables regarding the disbandment of the PCELO’s.”

New Emergencies Council structure – question and answer (Tape No. 959)

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

“Would the President inform members whether the Policy and Resources Committee intends to bring to the

States a new Emergencies Council structure given the onset of ministerial government, and, if so, will this be in the next 3 months?

The President of the Policy and Resources Committee tabled the written answer –

“Yes, I can advise the Deputy of St. John that the Policy and Resources Committee does intend to bring proposals to the States for changes to the current arrangements for dealing with emergencies. These proposals will take account of the onset of ministerial government, and will involve changes to the Emergency Powers and Planning Law.

Discussions on some of the more detailed aspects of the Committee’s proposals are currently taking place, or will shortly take place, with the Lieutenant Governor, the Bailiff, and members of the Emergencies Council, and it is intended that the States should be asked to consider this matter during the first half of 2005. Subject to States approval, this will enable the proposed changes to the Emergency Powers and Planning Law to be brought into effect by December 2005, in time for the introduction of the ministerial system.”

Parish Civil Emergency Liaison Officers – question and answer (Tape No. 959)

The Deputy of St. John tabled the following question of the Connétable of St. Martin, as Chairman of the Comité des Connétables –

“Would the Connétable, as Chairman of the Comité des Connétables, inform members, in respect of Parishes that still have Parish Civil Emergency Liaison Officers (PCELO) in place, –

- (i) whether such officers have to have ID cards?
- (ii) how does the Data Protection Law encompass the officers’ duties?
- (iii) what are the insurance implications, if any, when an officer uses his/her own vehicle for civil emergency duties?
- (iv) is the PCELO or his/her successor permitted to travel in the parish police vehicle when on active civil emergency duty?
- (v) what accidental or other insurance cover exists for the officer whilst performing his/her duties? and,
- (vi) is there a separate budget for civil emergency purposes? If not, how is it funded?”

The Chairman of the Comité des Connétables tabled the following written answer –

“Following discussion with the Emergency Planning Liaison Officer the Comité des Connétables agreed in May 2004 to disband the Parish Civil Emergency Liaison Officers as the Parish emergency procedures are based upon the Honorary Police service. All Parishes have now disbanded the role.

The Parish of St. Helier retains a group of volunteers who form the Parish of St. Helier Support Team. This team operates under the leadership of the officer who was formerly the St. Helier Parish Civil Emergency Liaison Officer and who is also a member of the St. Helier Honorary Police. The St. Helier Support Team provides back-up support for various activities and events within the Parish including events such as closure of roads, first aid for public functions, dealing with casualties, etc.”

Hosting of the British Ports Administrators’ Conference, employment policies and entertainment costs – questions and answers (Tape No. 959)

The Deputy of St. John tabled the following questions of Senator Leonard Norman, President of the Harbours and Airport Committee –

- “1. From 5th to 8th October 2004, Jersey hosted the British Port Administrators’ Conference. Would the President advise members –
 - (a) when the original invitation to hold the conference in Jersey was sent to the British Port Administrators?
 - (b) of the total cost of hosting the Conference?
 - (c) of the cost of Jersey Harbours hosting a dinner at the Jersey Pottery? and,
 - (d) of the remuneration paid to the main co-ordinator of the Conference?
2. Would the President inform members of the Committee’s policy on re-employing former staff members after retirement?
3. Would the President inform members of the Committee’s policy on entertainment given that the Committee does not return unspent amounts of its budget to the Treasury?”

The President of the Harbours and Airport Committee tabled the following written answers –

- “1. I am not aware of an organisation called the ‘British Port Administrators’ nor was I aware that they held a conference in Jersey on the same dates as that of the British Ports Association.

It is a pleasure to confirm that this latter conference was a great success with a record number of delegates (132) attending, mostly Chief and senior executives of significant British Ports, many with partners. All of the delegates with whom I communicated spoke very highly of Jersey and its hospitality and will continue be tremendous ambassadors for our Island for a long time to come. This has been confirmed by numerous letters and emails received post the event.

The original invitation to hold the conference in Jersey was made at the end of the last conference held in October 2003 in Aberdeen.

Jersey Harbours’ budget for hosting the conference is £7,500.00, against which can be set in excess of £3,000.00 received in airport dues plus commission on duty free sales which may have been made by the delegates on departure.

In addition Condor Ferries hosted a Vin d’Honneur on the Tuesday evening, as did the Jersey Conference Bureau on the Wednesday. I am not aware of cost of these events.

The dinner hosted by Jersey Harbours at the Jersey Pottery was one of the highlights of the 3 days and we were honoured by the presence of His Excellency the Lieutenant Governor and Lady Cheshire. The cost of the dinner, included in the overall budget figure, was £5,646.00.

A company called Expolog, who were contracted by the British Ports’ Association, carried out the organisation of the conference. Therefore the issue of remuneration is a matter between them.

However, I am pleased to have this opportunity to pay tribute to Captain Brian Nibbs, the retired Chief Executive of Jersey Harbours, who provided the essential local co-ordination, including the social and partners’ programmes, with a high degree of efficiency and effectiveness. I do not believe that the conference would have been the success that it undoubtedly was without the involvement of Captain Nibbs, supported actively by Mrs. Nibbs, both of whom carried out their duties on a voluntary basis.

It is essential to Jersey that Jersey Harbours takes a full part in events such as this as it assists to maintain

an aligned vision with our British Islands counterparts, setting and meeting common professional and international definitions and standards of best practice.

2. Committee policy on re-employment is in accordance with States policy. It is quite a complex policy and it depends on whether or not a person left the service for another post elsewhere, retired before the normal retirement age, retired due to ill-health and so on. It would be vital for the Deputy to seek further expert advice from the States Human Resources department if he would like to fully understand the policy.
3. There is no obvious or logical link between an entertainment policy and the financial return made to the Treasury.

However, the Committee's entertainment policy is based on the States Personnel Code of Conduct and includes the following guidelines for expenditure on entertainment and hospitality –

‘Hospitality may be considered appropriate in circumstances where forging good relationships with customers will benefit the organisation in monetary and goodwill terms. A rule of thumb is that hospitality should be an expense of an organisation supplying a service and therefore such expenditure should be restricted to our benefactors (customers, community organisations etc.) Occasionally, it may benefit a long-term relationship with a supplier to share hospitality but this is the exception rather than the rule.

Expenditure on hospitality or entertaining for staff is at the discretion of management.

All hospitality expenditure should be within budgetary limits set at the beginning of the financial year. Any excessive expenditure will be scrutinized in detail.’

The issue of financial returns to the Treasury is an entirely separate matter. The Deputy will know from his time as a member of the Harbours and Airport Committee that Jersey Harbours has in the past contributed significant sums to the Treasury. For example, over the 8 years to 2002 £5.4 million was paid.

No financial return is being paid this year as the revenue surplus is being reinvested in essential capital expenditure such as repairing the concrete degradation on the New North Quay and maintaining other old maritime structures.”

Immigration proposals – question and answer (Tape No. 959)

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

“The Committee has stated that its immigration proposals have been supported by almost all of the 200+ individuals and groups that have been consulted.

Would the President inform members –

- (a) whether the Committee will be publishing details of the support it has received, including attendance figures, at public meetings it has held, together with methods used to capture the views of those meetings and whether those methods excluded persons who may have attended multiple meetings?
- (b) whether there is currently emigration from Jersey due to a number of factors such as over-regulation and concern regarding Jersey's economic future, and whether inward migration would serve any useful purpose in the present climate?”

The President of the Policy and Resources Committee tabled the following written answer –

- “(a) Details of the consultation process, together with the numbers who participated in this process, will be published as part of the Policy and Resources Committee’s migration policy proposals.

In the meantime, I am happy to provide further details of the consultation programme, and these are given below –

- (i) a consultation paper entitled ‘Migration Policy Steering Group: Consultation Report’, was presented to the States on 20th April 2004. Copies of the document were made available to the public free of charge from the States Greffe bookshop;
- (ii) the consultation paper received very significant media coverage, both on the day of publication and in the following weeks. Responses from the public were invited, and a website was established which provided an opportunity to respond on-line;
- (iii) letters inviting comments were sent to 64 private sector individuals and organisations and, on 14th May, a further 300 letters were sent to all ‘Imagine Jersey’ participants inviting them to attend the migration consultation meetings and giving details of the dates/times;
- (iv) to advertise the consultation meetings, the department commissioned 4 advertisements in prime positions in the Jersey Evening Post, together with a series of advertisements on Channel 103FM. Despite this coverage, the first of these consultation meetings was not well-attended, but the other 2 attracted a total of 60 members of the public.

Deputy Baudains has asked whether the Committee’s methods ‘excluded persons who may have attended multiple meetings’, and I can confirm that the Committee did not seek to exclude persons who may have chosen to attend more than one of the consultation meetings. Indeed, the Committee would not have felt it to be appropriate to do so as these were public meetings that were open to anyone to attend;

- (v) meetings were also held with a wide range of professional and voluntary organisations.
- (b) The short answer is that we do not have definitive figures. The Island does not have any ongoing measurement of resident population. This is one of the major aims of the new Migration Policy which my Committee will be bringing to the States in the very near future. If our proposals are approved they will not only simplify and streamline our bureaucracy, but will for the first time ever mean that we will have a better measure of the overall population and real ability to manage migration.

The best information we have is from the Manpower reports presented regularly by the Statistics Unit and their latest report is due in 2 weeks’ time.

However the best information to date is that a year on year comparison as at June shows there may have been an overall decrease of some 900 in the total employment figures.

In terms of over-regulation the business community regularly reports their concerns and again the migration policy will address these. However I am aware of numerous financial institutions which recently are either setting up or expanding their business in Jersey. More widely the Regulation of Undertakings office reports that there are continued applications from business for new licences and additional staff in the order of 300 in the last quarter, which is fairly consistent with last year. All of which suggest real cause for optimism.

You ask if inward migration would serve any useful purpose and my answer is, yes, provided that it is not in any large numbers and migrants do not take jobs which Jersey persons could fill. The recent TEP survey and ESS figures report that there are still skill shortages and many jobs which are hard to fill because there are not suitable applicants. If we are to allow our economy to grow and provide work for local people then we must allow inward migrants who bring the right skills to the Island.

In the longer term we must become even more self-sufficient, which is where the EDC's Economic Skills Strategies will be very important."

Tanker berth forward gangway, and amalgamation of Jersey Radio with Port Control and Pilotage/other services – question and answer – (Tape No. 959)

Deputy Gerard Clifford Lemmens Baudains of St. Clement tabled the following written question of Senator Leonard Norman, President of the Harbours and Airport Committee –

“Will the President supply –

- (a) a chronology of events covering the maintenance, repair and replacement of the Tanker berth forward gangway over the last 5 years, together with the cost of those works, including any temporary measures used? and,
- (b) details of the safety analysis made in regard to the proposed amalgamation of Jersey Radio with Port Control and Pilotage with other services, and further advise whether the ‘Portfolio Risk Programme’ was used for the process?”

The President of the Harbours and Airport Committee tabled the following written answer –

“(a) La Collette tanker berth forward gangway

In 1999 a static multistage crew access facility was in place. This comprised a gangway on each of the 6 levels which had to be removed as the tide changed and replaced with a gangway on another level. This facility was checked, along with other equipment at the tanker berth on a weekly basis.

Consultation and feedback from tanker operators proved that this facility was not suitable for operation by ships crews.

In 2002 a new crew access facility was designed and tendered for. This is an automatic tide following system, which is a single bridge suspended from a gantry and connected to the ship by means of an aluminium gangway. Once set up the gangway will follow the tide with the ship and will only need adjustment when the ships' freeboard changes due to the cargo being discharged.

The cost of this system was £254,485 plus fees of £23,019. Total £277,504.

There have been a few occasions since the system was installed when technical faults have developed and a safety boat has been placed alongside the tanker at a cost of £125 per time. (Further research can be undertaken, but it is not thought that the use of the safety boat has been necessary for more than 10 tanker visits).

The crew access facility is tested by harbour staff at least every two weeks.

Other maintenance includes –

an annual electrical maintenance program by the manufacturers, carried out last on 10th June 2004 at a cost of £1,845;

an annual insurance inspection (costs difficult to separate from the total port engineering insurance inspection).

If further information is required a more specific enquiry could be made to the harbour engineering department.

(b) Safety analysis

An independent formal navigational safety assessment was undertaken by the Warsash Maritime Centre in April 2000 using a Formal Safety Assessment methodology. This analysis indicated the need to 'appraise Port Control operator qualifications and experience', to 'formalise the incident and near miss reporting systems' and in particular, to 'consider the functions of Jersey Radio with respect to vessel reporting procedures and liaison with St. Helier Port Control. Subsequent to that report, international guidance and standards for best practice, along with associated legislation, have developed further and have become the main reason and objective for change.

Our own safety analysis also indicates the need to move from operating as a service with no formally recognised standards of competence, training or good practice towards a service conforming with recognised international definitions in the U.K. National and Jersey context.

As a result of a decision of the States in November 2003, the International Convention for the Safety of Life at Sea (SOLAS) has been ratified on behalf of the Island. Regulation 12 of the revised Chapter V of SOLAS requires contracting governments (and this must now include Jersey) to arrange for the establishment of Vessel Traffic Services (VTS) where, in their opinion, the volume of traffic or the degree of risk justifies such a service. This came into effect on 1st July 2002.

The regulation requires that the contracting government plans and implements VTS where possible following the guidelines developed by the International Maritime Organisation (IMO).

In the U.K., the Maritime and Coastguard Agency (MCA) is the Competent Authority for VTS and Coastguard operations. In Jersey, Jersey Harbours is the Competent Authority. Since we are a small authority we follow the U.K. guidelines as best practice, forming the benchmark for any local safety analysis.

The need for an efficient and effective service is a part of that analysis, and aspects of the proposals were approved by the local Health and Safety Inspectorate, alongside all other assessments made by the U.K. Maritime and Coastguard Agency trained and certified competent professional staff of Jersey Harbours

Some of these assessments (when appropriate to the nature of the particular assessment) and in particular, the formal incident and near miss reporting system, are provided for within the Portfolio database.

As a result of a decision of the States in November 2003, the International Convention for the Safety of Life at Sea (SOLAS) has been ratified on behalf of the Island. Regulation 12 of the revised Chapter V of SOLAS requires contracting governments (and this must now include Jersey) to arrange for the establishment of Vessel Traffic Services (VTS) where, in their opinion, the volume of traffic or the degree of risk justifies such a service. This came into effect on 1st July 2002.

The regulation requires that the contracting government plans and implements VTS where possible following the guidelines developed by the International Maritime Organisation (IMO).

In the U.K., the Maritime and Coastguard Agency (MCA) is the Competent Authority for VTS and Coastguard operations. In Jersey, Jersey Harbours is the Competent Authority. Since we are a small authority we follow the U.K. guidelines as best practice, forming the benchmark for any local safety analysis.

The safety analysis was developed in the local context and continually reviewed in consultation with representatives of Jersey Radio and Port Control staff over a period of 15 months. It looked at safe manning, training and competence levels, recruitment, working arrangements including shifts, location considerations and communications, and resulted in new 'fit for purpose' Job Descriptions. The full

details of the various safety analyses are lengthy and complex, and held on file at Maritime House. These can of course be made available, (except where for security reasons some aspects of the security regime must remain confidential).

This clearly indicates significant increased levels of safety, such as a factor of time saving of around 80% through increased autonomy and reduced telephone communication, and through staff being specifically trained and competent to recognised and defined best practices.”

Draft Amendment (No. 27) to the Standing Orders of the States of Jersey– P.171/2004 Amendments and Comments

THE STATES, in pursuance of Article 27 of the States of Jersey Law 1966, commenced consideration of amendments to the Standing Orders of the States of Jersey, and adopted an amendment of Deputy Gerard Clifford Lemmens Baudains of St. Clement that in paragraph (2) of the inserted Standing Order No. 12, for the word “6” there be substituted the word “5” and in paragraph (3) for the words “5 p.m.” there be substituted the words “9.30 a.m.”.

THE STATES adopted an amendment of Deputy Gerard Clifford Lemmens Baudains of St. Clement that in the inserted Standing Order No. 12A(2) for the word “60” there be substituted the word “70”.

THE STATES rejected an amendment of Deputy Geoffrey Peter Southern of St. Helier that, in the inserted Standing Order No. 12A, paragraph (3) be deleted and the remaining paragraphs renumbered.

Members present voted as follows –

POUR: 14

Senator S. Syvret
Senator P.V.F. Le Claire
Senator P.F. Routier
Senator M.E. Vibert
Senator E.P. Vibert
Connétable of St. Mary
Deputy of Trinity
Deputy R.C. Duhamel
Deputy A. Breckon
Deputy J.J. Huet
Deputy F.G. Voisin
Deputy G.P. Southern
Deputy J.A. Hilton
Deputy G.W.J. de Faye

CONTRE: 26

Senator L. Norman
Senator F.H. Walker
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Clement
Connétable of St. Lawrence
Connétable of St. John
Deputy of St. Martin
Deputy T.J. Le Main
Deputy M.F. Dubras
Deputy G.C.L. Baudains
Deputy J.L. Dorey
Deputy P.N. Troy
Deputy L.J. Farnham
Deputy R.G. Le Hérisssier
Deputy J.B. Fox
Deputy J-A. Bridge
Deputy S.G. Ferguson
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan
Deputy M.A. Taylor
Deputy of Grouville
Deputy of St. Peter

ABSTAIN: 1

Deputy C.J. Scott Warren

THE STATES rejected an amendment of Senator Paul Francis Routier that, in the inserted Standing Order 12A(4)

for the words “one clear day” there be substituted the words “2 clear days”.

Members present voted as follows –

POUR: 3

Senator P.F. Routier
Senator M.E. Vibert
Deputy of Grouville

CONTRE: 37

Senator S. Syvret
Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.V.F. Le Claire
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Clement
Connétable of St. Lawrence
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel
Deputy A. Breckon
Deputy J.J. Huet
Deputy of St. Martin
Deputy T.J. Le Main
Deputy M.F. Dubras
Deputy G.C.L. Baudains
Deputy J.L. Dorey
Deputy P.N. Troy
Deputy C.J. Scott Warren
Deputy L.J. Farnham
Deputy R.G. Le Hérisssier
Deputy J.B. Fox
Deputy J-A. Bridge
Deputy G.P. Southern
Deputy S.G. Ferguson
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan
Deputy M.A. Taylor
Deputy of St. Peter
Deputy J.A. Hilton
Deputy G.W.J. de Faye

ABSTAIN: 1

Senator E.P. Vibert

THE STATES rejected an amendment of Deputy Geoffrey Peter Southern of St. Helier that, in the inserted Standing Order No. 14(B)(1), for the words “one hour” there be substituted the words “90 minutes”.

Members present voted as follows –

POUR: 21

Senator S. Syvret
Senator P.V.F. Le Claire
Senator P.F. Routier
Senator M.E. Vibert
Senator E.P. Vibert

CONTRE: 21

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Deputy P.F.C. Ozouf
Connétable of St. Martin

ABSTAIN: 0

Connétable of St. Mary
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel
Deputy A. Breckon
Deputy J.J. Huet
Deputy T.J. Le Main
Deputy J.L. Dorey
Deputy C.J. Scott Warren
Deputy R.G. Le Hérisssier
Deputy J-A. Bridge
Deputy G.P. Southern
Deputy S.C. Ferguson
Deputy of Grouville
Deputy J.A. Hilton
Deputy G.W.J. de Faye

Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Deputy of St. Martin
Deputy M.F. Dubras
Deputy G.C.L. Baudains
Deputy P.N. Troy
Deputy L.J. Farnham
Deputy J.B. Fox
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan
Deputy M.A. Taylor
Deputy of St. Peter

There being an equality of votes the Bailiff, in accordance with convention, exercised his casting vote against the amendment which was therefore rejected.

THE STATES adopted an amendment of the Deputy of St. Martin that, in the inserted Standing Order 14B(8), fo the words “(apart from any supplementary questions)” there be substituted the words “and the answers given”.

THE STATES adopted Standing Orders 1 to 3 of the Draft Amendment (No. 27) to the Standing Orders of the States of Jersey, as amended.

Members present voted as follows –

POUR: 34

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel
Deputy of St. Martin
Deputy T.J. Le Main
Deputy M.F. Dubras
Deputy G.C.L. Baudains
Deputy J.L. Dorey
Deputy P.N. Troy
Deputy F.G. Voisin
Deputy C.J. Scott Warren
Deputy L.J. Farnham
Deputy R.G. Le Hérisssier

CONTRE: 7

Senator S. Syvret
Senator P.V.F. Le Claire
Senator E.P. Vibert
Deputy A. Breckon
Deputy G.P. Southern
Deputy of Grouville
Deputy G.W.J. de Faye

ABSTAIN: 0

Deputy J.B. Fox
Deputy J-A. Bridge
Deputy S.C. Ferguson
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan
Deputy M.A. Taylor
Deputy of St. Peter

THE STATES adopted Standing Order 4 of the Draft Amendment (No. 27) to the Standing Orders of the States of Jersey.

Members present voted as follows –

POUR: 29

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of John
Deputy of Trinity
Deputy of St. Martin
Deputy T.J. Le Main
Deputy M.F. Dubras
Deputy G.C.L. Baudains
Deputy J.L. Dorey
Deputy P.N. Troy
Deputy F.G. Voisin
Deputy L.J. Farnham
Deputy R.G. Le Hérisier
Deputy J.B. Fox
Deputy S.G. Ferguson
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan
Deputy M.A. Taylor
Deputy of St. Peter

CONTRE: 13

Senator S. Syvret
Senator P.V.F. Le Claire
Senator P.F. Routier
Deputy M.E. Vibert
Deputy E.P. Vibert
Deputy R.C. Duhamel
Deputy A. Breckon
Deputy J.J. Huet
Deputy C.J. Scott Warren
Deputy J-A. Bridge
Deputy G.P. Southern
Deputy of Grouville
Deputy G.W.J. de Faye

ABSTAIN: 0

THE STATES adopted Standing Order 5 of the Draft Amendment (No. 27) to the Standing Orders of the States of Jersey.

THE STATES, in pursuance of Article 27 of the States of Jersey Law 1966, made the above amendments to the Standing Orders of the States of Jersey.

Field 812A, Bagot Manor Farm, St. Saviour: rezoning– P.155/2004

THE STATES commenced consideration of a proposition of the Environment and Public Services Committee to

designate Field 812A, St. Saviour for Category A housing, to provide first time buyers and social rented housing in the respective proportion of 55% and 45% of the total units constructed.

The proposition of Deputy Robert Charles Duhamel of St. Saviour that the question be referred back having been disallowed, the States adopted a proposition of Deputy Duhamel that they move to consideration of the next item on the order paper.

Members present voted as follows –

POUR: 21

Senator S. Syvret
Senator P.V.F. Le Claire
Senator E.P. Vibert
Connétable of St. Mary
Connétable of Trinity
Connétable of St. Lawrence
Deputy R.C. Duhamel
Deputy A. Breckon
Deputy of St. Martin
Deputy G.C.L. Baudains
Deputy C.J. Scott Warren
Deputy L.J. Farnham
Deputy R.G. Le Hérisier
Deputy J.B. Fox
Deputy J-A. Bridge
Deputy G.P. Southern
Deputy S.C. Ferguson
Deputy P.J.D. Ryan
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton

CONTRE: 15

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F.C. Ozouf
Connétable of St. Saviour
Connétable of St. Clement
Connétable of St. John
Deputy of Trinity
Deputy J.J. Huet
Deputy T.J. Le Main
Deputy M.F. Dubras
Deputy J.L. Dorey
Deputy of St. Mary
Deputy M.A. Taylor
Deputy G.W.J. de Faye

ABSTAIN: 0

**Draft The Law Society of Jersey Law 200- P.162/2004
Comments and Amendments**

THE STATES commenced consideration of the draft The Law Society of Jersey Law 200-, and adopted the preamble.

Members present voted as follows –

POUR: 31

Senator S. Syvret
Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.V.F. Le Claire
Senator M.E. Vibert
Senator E.P. Vibert
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence

CONTRE: 0

ABSTAIN: 0

Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel
Deputy A. Breckon
Deputy of St. Martin
Deputy T.J. Le Main
Deputy M.F. Dubras
Deputy G.C.L. Baudains
Deputy C.J. Scott Warren
Deputy R.G. Le Hérisssier
Deputy J.B. Fox
Deputy J-A. Bridge
Deputy S.C. Ferguson
Deputy of St. Mary
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton
Deputy G.W.J. de Faye

Articles 1 to 8 were adopted.

Articles 9 to 17 were adopted.

THE STATES commenced consideration of Article 18, and adopted an amendment of Deputy Roy George Le Hérisssier of St. Saviour, that for Article 18 there be substituted the following Article

“18 The disciplinary panel of the Law Society

- (1) There shall be a disciplinary panel consisting of –
 - (a) 7 fit and proper persons, as lay members of the panel; and
 - (b) 4 ordinary members of the Law Society.
- (2) The lay members of the disciplinary panel shall be appointed by the States on the recommendation of the Jersey Appointments Commission established with the approval of the Act of the States dated 28th May 2002, after consultation by that Commission with the Law Society.
- (3) A person shall be eligible for appointment to the disciplinary panel as a lay member if, but only if, he or she –
 - (a) is not an advocate or solicitor; and
 - (b) is not admitted in any other jurisdiction as a legal practitioner.
- (4) The members of the disciplinary panel who are ordinary members of the Law Society shall be appointed by the Society in general meeting.
- (5) An ordinary member of the Society shall be eligible for appointment to the disciplinary panel if, but only if, he or she –
 - (a) is in private practice; and
 - (b) is a practitioner of at least 10 years' standing.
- (6) However, Committee members, the Bâtonnier and the President of the Chambre des Ecrivains shall not be eligible for appointment to the disciplinary panel.”.

Members present voted as follows –

POUR: 36

Senator S. Syvret
Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.V.F. Le Claire
Senator M.E. Vibert
Senator E.P. Vibert
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel
Deputy A. Breckon
Deputy J.J. Huet
Deputy of St. Martin
Deputy T.J. Le Main
Deputy M.F. Dubras
Deputy J.L. Dorey
Deputy P.N. Troy
Deputy C.J. Scott Warren
Deputy R.G. Le Hérissier
Deputy J.B. Fox
Deputy J-A. Bridge
Deputy G.P. Southern
Deputy S.G. Ferguson
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan
Deputy M.A. Taylor
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton
Deputy G.W.J. de Faye

CONTRE: 2

Connétable of St. Clement
Deputy G.C.L. Baudains

ABSTAIN: 0

Adjournment

THE STATES then adjourned, having agreed to reconvene on Tuesday 2nd November 2004, in order to continue consideration of the outstanding items of public business.

THE STATES rose at 6.12 p.m.

M.N. DE LA HAYE

Greffier of the States.