

**THE STATES assembled on Tuesday,
27th January 2004 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

All members were present with the exception of –

Senator Stuart Syvret – excused
Senator Frank Harrison Walker – out of the Island
Kenneth Priaulx Vibert, Connétable of St. Ouen- ill
Alan Breckon, Deputy of St. Saviour– ill
John Benjamin Fox, Deputy of St. Helier– out of the Island
Jennifer-Ann Bridge, Deputy of St. Helier– excused
Julian Alexander Bernstein, Deputy of St. Brelade– excused
Geoffrey John Grime, Deputy of St. Mary– out of the Island.

Prayers read by the Greffier of the States

Subordinate legislation tabled

The following enactments were laid before the States, namely –

Building Bye-laws (Jersey) 2004.	R&O 2/2004.
Motor Traffic (Cabs – Fares and Charges) (Jersey) Order 2004.	R&O 3/2004.
Road Racing (Karts) (Jersey) Order 2004.	R&O 4/2004.
Motor Vehicles (Construction and Use) (Amendment No. 5) (Jersey) Order 2004.	R&O 5/2004.
Post Office (Foreign Post Provisions) (Amendment No. 31) (Jersey) Order 2004.	R&O 6/2004.
Post Office (General Provisions) (Amendment No. 54) (Jersey) Order 2004.	R&O 7/2004.

Matters presented

The following matters were presented to the States –

Regulation of Undertakings and Development (Jersey) Law 1973: commentary on licences granted under Part II for the period to 31st December 2003. <i>Presented by the Economic Development Committee.</i>	R.C.2/2004.
Public Employees Contributory Retirement Scheme: Actuary's Valuation Report. <i>Presented by the Policy and Resources Committee.</i>	R.C.3/2004.

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

Matters lodged

The following matters were lodged “au Greffe” –

Draft European Communities (Treaty of Athens) (Jersey) Regulations 200-. <i>Presented by the Policy and Resources Committee.</i>	P.7/2004.
Draft Fire Service (Amendment No. 5) (Jersey) Law 2003 (Appointed Day) Act 200-. <i>Presented by the Home Affairs Committee.</i>	P.8/2004.
Draft Police Force (Amendment No. 10) (Jersey) Law 200. <i>Presented by the Home Affairs Committee.</i>	P.9/2004.
Draft Customs and Excise (Amendment No. 2) (Jersey) Law 200. <i>Presented by the Home Affairs Committee.</i>	P.10/2004.
States Members’ Remuneration: increases for 2004 – rescindment. <i>Presented by Deputy T.J. Le Main of St. Helier, and referred to the Privileges and Procedures Committee.</i>	P.11/2004.
Building a safer society. <i>Presented by the Home Affairs Committee.</i>	P.12.2004.

Draft Police Force (Amendment No. 10) (Jersey) Law 200– P.150/2003 – withdrawn

THE STATES noted that in accordance with Standing Order 22(3), the President of the Home Affairs Committee had instructed the Greffier of the States to withdraw the draft Police Force (Amendment No. 10) (Jersey) Law 200-, (P.150/2003 lodged “au Greffe” on 4th November 2003), the Committee having lodged a revised proposition at the present meeting.

La Pouquelaye School redevelopment: approval of drawings – P.182/2003

THE STATES, adopting a proposition of the Education, Sport and Culture Committee –

- (a) approved drawings Nos. 3015/101(Rev B), 102(Rev B), 103(Rev B), 104(Rev A), 105(Rev A), (Rev B), 107(Rev B), 300(Rev B) showing the proposed redevelopment of La Pouquelaye School, St. Helier; and,
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Members present voted as follows –

“Pour” (43)

Senators

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

Connétables

St. Martin, St. Saviour, St. Brelade, St. Mary, St. Peter, St. Clement, St. Helier, Trinity, St. Lawrence, St. Grouville, St. John.

Deputies

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

“Contre” (0)

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

Draft Finance (Jersey) Law 200-, as amended (*third reading*) – P.191/2003 (*re-issue*)

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

Draft Income Tax (Amendment No. 23) (Jersey) Law, 200 as amended (*third reading*) – P.192/2003 (*re-issue*)

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Income Tax (Amendment No. 23) (Jersey) Law 200.

**Shadow Public Accounts Committee: terms of reference – P.194/2003
Comments, amendment**

THE STATES commenced consideration of a proposition of the Finance and Economics Committee concerning the establishment of a Shadow Public Accounts Committee and adopted an amendment of the Privileges and Procedures Committee that at the end of paragraph (a), after the words “10th December 2003”, there be inserted the words –

“, except that in Section 3 (Membership) of the said Appendix, after the words ‘*A States member*’ in the both places where they appear, insert the words ‘*, not being a member of the Finance and Economics Committee,*’ ”.

Members present voted as follows –

“Pour” (19)

Senators

Le Maistre, Le Claire, Lakeman.

Connétables

St. Martin, St. Mary, St. Peter, St. Clement, St. John.

Deputies

Duhamel(S), Huet(H), St. Martin, St. John, Baudains(C), Dorey(H), Troy(B), Scott Warren(S) Le Hérissier(S), Southern(H), Grouville.

“Contre” (15)

Senators

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

Connétables

St. Brelade, Trinity, St. Lawrence.

Deputies

Trinity, Ferguson(B), St. Ouen, Ryan(H), St. Peter, De Faye(H).

THE STATES, adopting a proposition of the Finance and Economics Committee, as amended, –

- (a) agreed that the Shadow Public Accounts Committee should be established from 1st February 2004, or as soon as possible thereafter, and that the Committee should operate in accordance with the terms of reference set out in the Appendix to the report of the Finance and Economics Committee dated 10th December 2003, except that in Section 3 (Membership) of the said Appendix, after the words ‘*A States member*’ in the both places where they appeared, the words ‘, *not being a member of the Finance and Economics Committee,*’ should be inserted; and,
- (b) agreed that the States Audit Commission should cease to exist upon the establishment of a Shadow Public Accounts Committee with its membership being assumed within the Shadow Public Accounts Committee.

Members present voted as follows –

“Pour” (43)

Senators

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

Connétables

St. Martin, St. Saviour, St. Brelade, St. Mary, St. Peter, St. Clement, Trinity, St. Lawrence, Grouv
St. John.

Deputies

Trinity, Duhamel(S), Huet(H), St. Martin, St. John, Le Main(H), Dubras(L), Baudains(C), Dorey(H)
Troy(B), Scott Warren(S), Farnham(S), Le Hérisier(S), Martin(H), Southern(H), Ferguson(B), St. Oue
Ryan(H), Taylor(C), Grouville, St. Peter, Hilton(H), De Faye(H).

“Contre” (0)

Shadow Scrutiny: arrangements and approval of Chairmen and Members – P.186/2003

THE STATES, having noted the removal of the name of Deputy L.J. Farnham of St. Saviour from paragraph (d), adopted a proposition of the Privileges and Procedures Committee, and –

- (a) agreed that Presidents of Committee and members of the Privileges and Procedures Committee should be precluded from serving on Shadow Scrutiny Panels and on the Shadow Public Accounts Committee;
- (b) agreed that the States should, subject to the restriction in paragraph (a) above, appoint forthwith by ballot 2 members to be Chairmen of the 2 Shadow Scrutiny Panels for an initial period of 12 months;
- (c) agreed that the States should, subject to the restriction in paragraph (a) above, appoint forthwith by ballot a member to be the Shadow Chairman of the Shadow Public Accounts Committee for an initial period of 12 months;

- (d) appointed the following as members of the Shadow Scrutiny Panels, and agreed that the Chairmen appointed in accordance with the provisions of paragraph (b) above should rotate membership of the Panels over the initial 12 month period ensuring all the members appointed were able to participate in the shadow scrutiny process –

Senator J.A. Le Maistre;
Senator P.V.F Le Claire;
Senator E.P. Vibert;
Connétable of St Brelade;
Connétable of St Mary;
Connétable of St Helier;
Connétable of Grouville;
Deputy R.C. Duhamel of St. Saviour;
Deputy of St. John;
Deputy G.C.L. Baudains of St. Clement;
Deputy J.L. Dorey of St. Helier;
Deputy G.P. Southern of St. Helier;
Deputy S.C. Ferguson of St. Brelade;
Deputy J.A. Hilton of St. Helier;

- (e) approved the protocols and guidelines for the operation of shadow scrutiny as outlined in the Appendix of the report of the Privileges and Procedures Committee dated 4th December 2003;
- (f) charged the Privileges and Procedures Committee, in accordance with its terms of reference –
- (i) to maintain an oversight of the shadow scrutiny process to ensure that the process was used to develop a robust scrutiny framework after the introduction of ministerial government; and
- (ii) to report to the States on the operation of the shadow scrutiny process, after consultation with the Chairmen and members of the Shadow Scrutiny Panels, at not less than 5 months before the introduction of ministerial government.

Members present voted as follows –

“Pour” (40)

Senators

Norman, Kinnard, Le Sueur, Le Claire, Lakeman, Routier, M. Vibert, Ozouf, E. Vibert.

Connétables

St. Martin, St. Saviour, St. Brelade, St. Mary, St. Peter, St. Clement, Trinity, St. Lawrence, Grouv St. John.

Deputies

Trinity, Duhamel(S), Huet(H), St. Martin, St. John, Le Main(H), Baudains(C), Dorey(H), Troy(B), Scott Warren(S), Farnham(S), Le Hérisssier(S), Martin(H), Southern(H), Ferguson(B), St. Ouen, Ryan(H), Taylor(C), Grouville, St. Peter, De Faye(H).

“Contre” (0)

Change in Presidency

The Bailiff retired from the Chair during consideration of the proposition of the Privileges and Procedures

Committee concerning the appointment of Chairmen and members of the Shadow Scrutiny Panels and Shadow Public Accounts Committee, (P.186/2003), and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Appointment of Chairmen of the 2 Shadow Scrutiny Panels

THE STATES, having adopted the proposition of the Privileges and Procedures Committee concerning Shadow Scrutiny, (P.186/2003, lodged “au Greffe” on 9th December 2003), and in accordance with paragraph (b) of the proposition, noted the following nominations for the appointment of Chairmen of the 2 Shadow Scrutiny Panels –

Deputy Robert Charles Duhamel of St. Saviour– proposed by Senator Paul Francis Routier
Senator Edward Philip Vibert– proposed by Senator Jean Amy Le Maistre
Deputy Jeremy Laurence Dorey of St. Helier– proposed by Deputy Terence John Le Main of St. Helier
Senator Paul Vincent Francis Le Claire– proposed by Deputy Lyndon John Farnham of St. Saviour
Deputy Gerard Clifford Lemmens Baudains of St. Clement– proposed by Senator Leonard Norman
Deputy Geoffrey Peter Southern of St. Helier– proposed by Senator Edward Philip Vibert.

THE STATES, having proceeded to a secret ballot, were subsequently informed by the Greffier of the States of the results as follows –

Deputy Jeremy Laurence Dorey of St. Helier–	26 votes
Senator Edward Philip Vibert–	24 votes
Deputy Gerard Clifford Lemmens Baudains of St. Clement–	16 votes
Deputy Robert Charles Duhamel of St. Saviour–	11 votes
Senator Paul Vincent Francis Le Claire–	5 votes
Deputy Geoffrey Peter Southern of St. Helier–	5 votes.

There was one spoilt paper.

The Greffier of the States accordingly declared that Deputy Jeremy Lawrence Dorey of St. Helier and Senator Edward Philip Vibert had been elected as Chairmen of the 2 Shadow Scrutiny Panels.

Appointment of Shadow Chairman of the Shadow Public Accounts Committee

THE STATES, having adopted the proposition of the Privileges and Procedures Committee concerning Shadow Scrutiny, (P.186/2003, lodged “au Greffe” on 9th December 2003), and in accordance with paragraph (c) of the proposition, noted the following nomination for the appointment of Shadow Chairman of the Shadow Public Accounts Committee –

Deputy Sarah Craig Ferguson of St. Brelade– proposed by the Deputy of St. Ouen.

There being no other nominations, the Greffier of the States accordingly declared that Deputy Sarah Craig Ferguson of St. Brelade had been elected as Shadow Chairman of the Shadow Public Accounts Committee.

THE STATES rose at 4.45 p.m.

M.N. DE LA HAYE

Greffier of the States.