

STATES OF JERSEY ORDER PAPER

Tuesday, 24th October 2000

- A. COMMUNICATIONS BY THE BAILIFF
- B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Community Customs (Wine and Spirits) (Jersey) Order 2000. R & O 94/2000
Finance and Economics Committee

EXCISE DUTY (RELIEF AND DRAWBACK) (JERSEY) ORDER 2000. R & O 95/2000

Finance and Economics Committee

Import and Export (Ports and Airport) (Jersey) Order 2000. R & O 96/2000
Finance and Economics Committee

Consolidated Road Traffic (Jersey) Order 2000. R & O 97/2000
Public Services Committee

Community Provisions (Prohibiting the sale and supply of petroleum and certain petroleum products to the Federal Republic of Yugoslavia (No.2) (Jersey) Regulations 1999 (Repeal) (Jersey) Order 2000. R & O 98/2000
Policy and Resources Committee

Community Provisions (Prohibition on Flights of Yugoslav Carriers) (Jersey) Regulations 1999 (Repeal) (Jersey) Order 2000. R & O 99/2000
Policy and Resources Committee

Community Provisions (Prohibiting the Sale, Supply and Export of Certain Equipment to, and Freezing of Funds of Certain Officials of, Burma-Myanmar) (Jersey) Order 2000. R & O 100/2000
Policy and Resources Committee

- C. MATTERS RELATING TO COMMITTEE MEMBERSHIP
- D. PRESENTATION OF PAPERS

(a) Papers for information

Matters presented under Standing Order 6A(1)(a)

Compensation of Victims of Uninsured Drivers of Motor Vehicles: Agreement between the Home Affairs Committee and the Motor Insurers' Bureau. R.C. 36/2000
Home Affairs Committee.

Manpower Report for the period 1st January to 30th June 2000 R.C. 37/2000
Human Resources Committee

States of Jersey Law 1966, as amended: delegation of functions - statutory nuisances. R.C. 38/2000
Health and Social Services.

Matters presented under Standing Order 6A(1)(b)

- (b) Notification of Standing Order decisions
- (c) Notification of acceptance of tenders

(d) Papers to be lodged “au Greffe” under Standing Order 17A(1)(a)

Draft Bankruptcy (Désastre) (Amendment No. 5) (Jersey) Law 200-. P.179/2000
Finance and Economics Committee.

Poplars Day Centre extension: approval of drawings. P.180/2000
Health and Social Services Committee.

Astoria Guest House, 93 Rouge Bouillon, St. Helier: acquisition. P.181/2000
Health and Social Services Committee.

Draft Census (Jersey) Regulations 200- (P.177/2000): amendments. P.182/2000
Deputy J.L. Dorey of St. Helier.

(e) Notification of Papers lodged “au Greffe” under Standing Order 17A(1)(b)

Lodged on 17th October 2000

Draft Census (Jersey) Regulations 200- P.177/2000
Etat Civil Committee

Draft States of Jersey (Amendment No. 7) Law 2000 (Appointed Day) Act 200-. P.178/2000
Legislation Committee.

(f) Papers for consideration by the States in Committee under Standing Order 38A

E. STATEMENTS AND PROPOSITIONS RELATING TO THE ARRANGEMENT OF PUBLIC BUSINESS AT THIS OR ANY SUBSEQUENT MEETING

The President of the Tourism Committee will ask the States to agree that the Tourism Strategy for Jersey, to be discussed by Committee of the Whole House in accordance with Standing Order 38A, be taken as the first item of public business at the present meeting.

THE STATES are asked to agree that the following matters lodged “au Greffe” will be considered at the next meeting on 7th November 2000 -

Employment legislation. P.99/2000
Lodged: 20th June 2000.
Employment and Social Security Committee.

Employment legislation (P.99/2000): addendum to report. P.99/2000
Presented: 3rd October 2000. Rpt.
Employment and Social Security Committee.

Draft Rehabilitation of Offenders (Jersey) Law 200 . P.130/2000
Lodged: 11th July 2000.
Legislation Committee.

Draft Criminal Justice (Community Service Orders) (Jersey) Law 200 .P.141/2000
Lodged: 22nd August 2000.
Legislation Committee.

Equalisation of welfare. P.164/2000
Lodged: 26th September 2000.
Connétable of St. Peter.

Control of public entertainment. P.168/2000
Lodged: 26th September 2000.

Senator C.G.P. Lakeman.

Census (Jersey) Regulations 200- P.177/2000
Lodged 24th October 2000
Etat Civil Committee

Draft Census (Jersey) Regulations 200- (P.177/2000); amendments. P.182/2000
Deputy J.L. Dorey of St. Helier.

Poplars Day Centre extension: approval of drawings. P.179/2000
Lodged 24th October 2000
Health and Social Services Committee.

Astoria Guest House, 93 Rouge Bouillon, St. Helier: acquisition. P.180/2000
Lodged 24th October 2000
Health and Social Services Committee.

Draft Bankruptcy (Désastre) (Amendment No. 5) (Jersey) Law 200-. P181/2000
Lodged 24th October 2000
Finance and Economics Committee.

In accordance with Standing Order 17(6) the following Papers are deemed to have been withdrawn -

Jersey Harbours: incorporation P.162/2000
Lodged on 19th October 1999
Harbours and Airport Committee

F. PRESENTATION OF PETITIONS

G. QUESTIONS

The Deputy of St. John will ask a question of the President of the Gambling Control Committee on the possibility that the Island will participate in the United Kingdom lottery.

The Deputy of St. John will ask a question of the President of the Planning and Environment Committee regarding professionally qualified planning and inspectorate staff.

Senator P.V.F. Le Claire will ask questions of the President of the Policy and Resources Committee regarding the draft report of the European Parliament from the Committee on Economic and Monetary Affairs.

Senator P.V.F. Le Claire will ask a question of the President of the Policy and Resources Committee regarding referendums.

Senator P.V.F. Le Claire will ask a question of the President of the Home Affairs Committee regarding the appointment of a senior police officer.

Deputy P.F.C. Ozouf of St. Helier will ask a question of the President of the Agriculture and Fisheries Committee regarding the review of the agricultural industry.

Senator C.G.P. Lakeman will ask a question of the President of the Agriculture and Fisheries Committee regarding agricultural loans and grants.

Deputy R.G. Le Hérissier of St. Saviour will ask a question of the President of the Public Services Committee regarding the tendering process for school bus contracts.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

The President of the Employment and Social Security Committee will make a statement regarding benefit upratings.

K. PUBLIC BUSINESS

Subject to E -

Tourism Strategy for Jersey (*discussion by Committee of the Whole House in accordance with Standing Order 38A*).

Presented: 3rd October 2000.
Tourism Committee.

Jersey Law Commission: appointment of Chairman
Legislation Committee

Projet de Loi (200) (Amendement No. 8) réglant la procédure criminelle P.89/2000
Logé au Greffe: le 6 juin 2000.
Comité de Législation.

Projet de Loi (200) (Amendement No. 8) réglant la procédure criminelle (P.89/2000): amendement.
P.111/2000
Logé au Greffe: le 4 juillet 2000.
Député G.C.L. Baudains de St. Clément.

Projet de Loi (200) (Amendement No. 8) réglant la procédure criminelle (P.89/2000): amendement
(P.111/2000) - report. P.111/2000
Presenté: le 1 août 2000. Rpt.
Comité de Législation.

Draft Criminal Justice (Forfeiture Orders) (Jersey) Law 200 . P.135/2000
Lodged: 1st August 2000.
Legislation Committee.

Draft Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 200 .
P.159/2000
Lodged: 19th September 2000.
Home Affairs Committee.

Draft Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 200
(P.159/2000): amendments. P.169/2000
Lodged: 26th September 2000.
Deputy G.C.L. Baudains of St. Clement.

Draft Police (Honorary Police Complaints and Discipline Procedure) (Jersey) Regulations 200-
(P.159/2000): second amendments. P.171/2000
Lodged: 3rd October 2000.
Deputy of St. Martin.

Jersey Police Complaints Authority: appointment of Chairman and members. P.160/2000
Lodged: 19th September 2000.
Home Affairs Committee.

Draft Police (Complaints and Discipline) (Jersey) Law 1999 (Appointed Day) Act 200 .P.158/2000
Lodged: 19th September 2000.
Home Affairs Committee.

Jersey Council for Safety and Health at Work: appointment of Chairman. P.173/2000
Lodged: 10th October 2000
Employment and Social Security Committee.

Meetings of the States Assembly in 2001: suspension of Standing Order 4(1). P.174/2000

Lodged: 10th October 2000
House Committee.

C.M. NEWCOMBE

Greffier of the States

19th October 2000

Explanatory Note regarding subordinate legislation tabled at this Meeting

(See Item B)

R & O 94/2000

The purpose of this Order is to provide for certain legislation of the European Communities concerning wine and spirits as listed in the *Schedule* to have effect in the Island. The Order also makes specific provision where a breach of the requirements of the legislation is due to the default of another person or in certain circumstances where a person sells goods in breach of a Community provision having bought them under a warranty.

The Order was made on 12th October 2000 and comes into force on 1st November 2000.

R & O 95/2000

The purpose of this Order is to provide for relief or drawback from excise duty in relation to certain goods otherwise liable to duty in the circumstances specified in the Order.

Article 1 contains the definitions.

Article 2 provides for relief from excise duty to be allowed in accordance with *Articles 3-5* (which provide for relief on certain alcohol and tobacco products imported as part of a person's personal baggage, and in certain circumstances on alcohol and hydrocarbon oils) and on such other goods as the Finance and Economics Committee may allow. *Article 6* makes reference to the provisions of the *Schedule* which makes further provision with respect to the marking and colouring of hydrocarbon oils and related matters.

Article 7 provides for drawback of excise duty paid on goods which are exported, have been destroyed whilst under customs control, on any other goods subject to a relief from duty and under such other circumstances as the Committee may direct.

Article 8 governs the making of claims for relief or drawback and *Article 9* contains the citation and commencement provision.

The Order was made on 12th October 2000 and comes into force on 1st November 2000.

R & O 96/2000

The purpose of this Order is to designate -

- (a) the port of St. Helier and Gorey Harbour as ports;
- (b) the terminal stations of the Jersey Electricity Company at Archirondel and Grève de Lecq as ports in relation to the import and export of electricity; and
- (c) the States of Jersey Airport as a customs airport,

for the purposes of the Customs and Excise (Jersey) Law 1999 (*Article 1*).

The Order also imposes a duty on the importer or exporter of electricity to provide the Agent of the Impôts with information (*Article 2*).

The Order was made on 12th October 2000 and comes into force on 1st November 2000.

R & O 97/2000

The primary purpose of this Order is to limit parking in certain parts of La Rue de la Fontaine and Highlands Lane, St. Saviour to 12 hours in any continuous period of 24 hours.

The Order also consolidates the 1992 Order and the subsequent amending Orders into one Order.

The Order was made on 16th October 2000 and comes into force on 17th November 2000.

R & O 98/2000

This Order repeals the Community Provisions (Prohibiting the sale and supply of petroleum and certain petroleum products to the Federal Republic of Yugoslavia) (No. 2) (Jersey) Regulations 1999.

The Order was made on 19th October 2000 and comes into force forthwith.

R & O 99/2000

This Order repeals the Community Provisions (Prohibition on Flights of Yugoslav Carriers) (Jersey) Regulations 1999.

The Order was made on 19th October 2000 and comes into force forthwith.

R & O 100/2000

The purpose of this Order is to give effect, with suitable modifications, to Council Regulation (EC) No. 1081/2000 of 22nd May 2000 prohibiting the sale, supply and export to Burma/Myanmar of equipment which might be used for internal repression or terrorism, and freezing the funds of certain persons related to important governmental functions in that country (*Article 2*). It is a criminal offence to contravene the Regulation and provision is also made to facilitate the obtaining of information to ensure compliance, it being an offence also to fail to provide information, to provide false information or to suppress information (*Articles 3 and 4*). Relevant provisions of the Customs and Excise (Jersey) Law 1999 are applied to facilitate prosecutions for offences involving equipment (*Article 5*).

The Order was made on 19th October 2000 and comes into force on 1st November 2000.

QUESTION PAPER

(See Item G)

The Deputy of St. John will ask the following question of the President of the Gambling Control Committee -

“It has recently been reported that the Channel Islands could possibly participate in the United Kingdom National Lottery. Will the President -

- (a) advise members of the stage reached in negotiations with the United Kingdom Government; and
- (b) if the negotiations are advanced, inform members of the proposed date of the Islands joining in with the United Kingdom National Lottery?”

The Deputy of St. John will ask the following question of the President of the Planning and Environment Committee -

“The States will recall that on 2nd November 1999 they were notified of the Island Planning (Fees) (Amendment No. 3) (Jersey) Order 1999 made by the Planning and Environment Committee introducing planning charges with effect from 1st January 2000.

- (a) can the President confirm that since the introduction of planning fees only professionally qualified staff and inspectors have dealt with matters where planning charges are levied? and
- (b) where the Committee’s inspectors are not professionally trained and do not hold the relevant qualifications in the area of inspection, has the Committee considered what liability will fall to the Committee if a claim is made against the department?”

Senator P.V.F. Le Claire will ask the following question of the President of the Policy and Resources Committee -

“Reference has recently been made to the Draft Report of the European Parliament from the Committee on Economic and Monetary Affairs dated 4th October 2000 which contains comments such as-

“Without the eradication of integral tax havens (like the Channel Islands) and tax havens for certain businesses (like corporate headquarters in Belgium), progress towards fairer corporate taxation in the Member States will be nearly impossible.”

- (a) What is the Committee’s analysis of such a reference to the Channel Islands? and;
- (b) what is being done to convey the Committee’s position to the Home Office on this document?”

Senator P.V.F. Le Claire will ask the following questions of the President of the Policy and Resources Committee -

- “(1) In view of the difficulties encountered in tabling propositions for a referendum on the Waterfront Hotel and the independence issue, what advice has the Committee received from the Law Officers Department and officers of the States to facilitate a referendum?
- (2) If the Committee has not yet sought such advice, what steps does the Committee propose to take to deal with the problem?
- (3) Would a postal referendum be a possible solution to the problem?
- (4) Will the President undertake to report back to the States on the outcome of any consultation on this matter as soon as practicable?”

Senator P.V.F. Le Claire will ask the following question of the President of the Home Affairs Committee -

“Will the President -

- (a) confirm that a senior officer from the United Kingdom has recently been appointed as a member of the States of Jersey Police, and if so, at what rank?
- (b) explain what opportunities are currently available for officers to advance through the ranks of the States of Jersey Police?"

Deputy P.F.C. Ozouf of St. Helier will ask the following question of the President of the Agriculture and Fisheries Committee -

“Would the President update the Assembly on progress made for a review of the Agricultural Industry. Could he give details of the scope, terms of reference, and timescale of the review and, especially, when the work will be complete?”

Senator C.G.P Lakeman will ask the following questions of the President of the Agriculture and Fisheries Committee -

- “(1) Will the President indicate to the Assembly loans or grants made since 1997 which fall outside the scope of Committee policy, the Agricultural Loans Scheme or which were discretionary in nature, in each case specifying -
 - (a) the amount of the loan/grant;
 - (b) whether any loan repayments (including interest) have been made?
 - (c) what security is in place for any sum loaned?
 - (d) who authorised the payment of any loan/grant?
- (2) Will the President indicate in each case the date when the fact of the loan or grant aid was revealed to the Committee or to a previous Committee?
- (3) Will the President confirm to the Assembly what action has been taken in respect of the above matters and will any report thereon be made public?”

Deputy R.G. Le Hérisier of St. Saviour will ask the following question of the President of the Public Services Committee -

“Would the President outline the tendering procedure in place for school bus contracts, and confirm whether or not the procedures are structured so that -

- (a) all routes are open to tender, and if not, could he indicate why certain routes are exempted?
- (b) the tendering procedures are such that opportunities to be awarded contracts are available to both small- and large- scale operators?”

PROPOSITION

JERSEY LAW COMMISSION: APPOINTMENT OF CHAIRMAN

THE STATES are asked to decide whether they are of opinion -

to refer to their Act, dated 30th July 1996, in which they approved the establishment of a Jersey Law Commission, and to appoint Mr. David Oswald Moon, Solicitor, as Chairman for a period of five years with effect from 15th November 2000 in place of Advocate Keith Sherwood Baker.

LEGISLATION COMMITTEE

Report

The States, by Act dated 30th July 1996, adopted a proposition of the Legislation Committee and approved the establishment of a Jersey Law Commission. They also appointed the following persons to act as its Chairman and members -

Advocate Keith Sherwood Baker, Chairman
Jurat Donald Edward Le Boutillier
Mr. David Lyons

On 9th December 1997 the States approved the appointment of the following additional Members to the Commission -

Advocate William James Bailhache
Mr. David Oswald Moon

On 8th February 2000 the States approved the appointment of the following additional Members to the Commission for a period of five years with effect from 8th February 2000 -

Advocate John Gerald Patrick Wheeler
Advocate Alan Richard Binnington
Mr. Clive Aubrey Charles Chaplin

During 2000, the Law Commission has seen the departure of Advocate Bailhache, who assumed the office of H.M. Attorney General earlier in the year, and will soon see the retirement of Jurat Le Boutillier, and Advocate Baker, the existing Chairman.

The Law Commission's current activities and pilot topics are set to continue under the Chairmanship of Mr. Moon, who has been proposed as Advocate Baker's successor, when he retires on 15th November 2000.

The Committee is particularly grateful to Advocate Baker, who, during his term as Chairman, has been committed to the work of the Law Commission.

The Committee recommends that Mr. Moon be appointed to serve as Chairman, Jersey Law Commission, for a period of five years with effect from 15th November 2000 -

Mr. David Oswald Moon, Solicitor

David Moon is a local man, married with five children. He was educated at Hautlieu School. He commenced employ with Mourant du Feu & Jeune as a junior clerk in 1956, was appointed a Solicitor of the Royal Court in 1966 and became a partner of Mourant du Feu & Jeune in 1967. Mr Moon was appointed Senior Partner in 1985 and retired in September 1998. Mr Moon's area of law is wide-ranging and includes international and commercial affairs and locally the areas of property, succession, family law etc. He has particular pre-eminence in the area of funds law.

Mr Moon was appointed a Commissioner of the Jersey Law Commission in December 1997. He has held many honorary posts on local Committees including the Institute of Directors, President of Jersey Solicitors, Chairman of Governors of Hautlieu School and Secretary of Les Vaux Housing Trust.

STATES MEMBERS LUNCHEON

Halkett Room, Morier House

I will require lunch at today's meeting.

Signed.....

Name.....

Please hand this slip to an usher before 10.00 a.m. today