

STATES OF JERSEY ORDER PAPER

Tuesday, 9th October 2001

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Royal Court (Amendment No. 16) Rules 2001. R & O 138/2001.

Inquests and Post-Mortem Examinations (Amendment No. 3)
(Jersey) Rules 2001. R & O 139/2001.

Superior Number of the Royal Court.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

Resignation of Deputy J.A. Martin of St. Helier from the Public Services Committee.

D. PRESENTATION OF PAPERS

(a) Papers for information

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

Draft Public Elections (Jersey) Law 200- P.132/2001.
(P.132/2001): comments. Com.(2)
Finance and Economics Committee.

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

(b) Notification of Standing Order decisions

17th September 2001
Decision under delegated functions.
Finance and Economics Committee.

(c) Notification of acceptance of tenders

Surface Water Sewer - Grands Vaux School.
Public Services Committee.

Hautlieu School: development..
Education Committee.

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

Draft Parish Rate (Administration) (Jersey) Law P.143/2001.
200-.
Legislation Committee.

Draft Piercing and Tattooing (Jersey) Law 200-. P.144/2001.
Health and Social Services Committee.

Draft Health Care (Registration) (Amendment) P.145/2001
(Jersey) Law 200-.
Health and Social Services Committee.

Machinery of Government Implementation Plan: P.146/2001
Special Committee.
Senator J.A. Le Maistre.

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

Lodged on 2nd October 2001.

Draft Fishing Vessels (Safety Training) (Jersey) P.140/2001.
Regulations 200-.
Harbours and Airport Committee.

Draft Firearms (Jersey) Law 2000 (Appointed Day) P.141/2001.
Act 200-.
Home Affairs Committee.

Draft Firearms (Amendment) (Jersey) Law 2000 P.142/2001.
(Appointed Day) Act 200-.
Home Affairs 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 STATES are asked to note that no requests have been received for matters to be set down for consideration on 16th October 2001.

THE STATES are asked to agree that the following matters be considered on 23rd October 2001 -

Stabilisation of Property Prices and the Provision P.68/2001.
of Affordable Residential Accommodation.
Lodged: 24th April 2001 and referred to the Policy
and Resources Committee to co-ordinate responses
from all relevant Committees.
Deputy A. Breckon of St. Saviour.

Stabilisation of Property Prices and the Provision P.68/2001.
of Affordable Residential Accommodation Com.
(P.68/2001): comments.
Presented: 4th September 2001
Finance and Economics Committee..

Jersey Child Care Trust: five year strategy (2002- P.121/2001.
2006) and the provision of funding .
Lodged: 31st July 2001
Education Committee

Draft Fishing Vessels (Safety Training) (Jersey) Regulations 200-. P.140/2001.
Lodged: 2nd October 2001.
Harbours and Airport Committee.

Draft Firearms (Jersey) Law 2000 (Appointed Day) Act 200-. P.141/2001.
Lodged: 2nd October 2001.
Home Affairs Committee.

Draft Firearms (Amendment) (Jersey) Law 2000 (Appointed Day) Act 200-. P.142/2001.
Lodged: 2nd October 2001.
Home Affairs Committee.

Draft Health Care (Registration) (Amendment) (Jersey) Law 200-. P.145/2001
Lodged: 9th October 2001.
Health and Social Services Committee.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

The Deputy of St. John will ask questions of the President of the Human Resources Committee regarding pension enhancement for civil servants.

The Deputy of St. John will ask a question of the President of the Planning and Environment Committee regarding the acquisition of Fields 131 and 131A, St. Clement.

Deputy G.C.L. Baudains of St. Clement will ask questions of the President of the Planning and Environment Committee regarding Mont Orgueil Castle.

The Deputy of St. Peter will ask questions of the President of the Agriculture and Fisheries Committee regarding aid to farm holdings.

Senator P.V.F. Le Claire will ask a question of the President of the Policy and Resources Committee regarding payments to OXERA consultants.

Senator P.V.F. Le Claire will ask questions of the President of the Industries Committee regarding the 5 year rule.

Deputy J.L. Dorey of St. Helier will ask a question of the President of the Health and Social Services Committee regarding the referral of patients to a United Kingdom hospital.

The Connétable of St. Helier will ask a question of the President of the Finance and Economics Committee regarding income tax concessions to companies in the finance sector.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

Draft Gambling (Amendment No. 5) (Jersey) Law 200-. P.133/2001.

Lodged: 4th September 2001.
Gambling Control Committee.

Draft Food and Drugs (Amendment No. 3) (Jersey) Law 2000 (Appointed Day) Act 200-. P.134/2001.

Lodged: 11th September 2001.
Health and Social Services Committee.

Projet de Loi (200-) (Amendement No. 9) réglant la procédure criminelle. P.37/2001.

Logé au Greffe le 6 mars 2001
Député G.C.L. Baudains de St. Clément.

Projet de Loi (200-) (Amendement No. 9) réglant la procédure criminelle (P.37/2001): rapport. Présenté le 1er mai 2001. <i>Comité de Législation.</i>	P.37/2001. Rpt.
Projet de Loi (200-) (Amendement No. 9) réglant la procédure criminelle (P.37/2001): rapport - addendum. Présenté le 3 juillet 2001. <i>Comité de Législation.</i>	P.37/2001 Rpt. (2)
Projet de Loi (200-) (Amendement No. 9) réglant la procédure criminelle (P.37/2001): amendments. Logé le 28 août 2001. <i>Deputy J.L. Dorey of St. Helier.</i>	P.37/2001. Amd.
Draft Health and Safety at Work (Amendment No 3) (Jersey) Law 200. Lodged: 11th September 2001. <i>Employment and Social Security Committee.</i>	P.137/2001.
Draft Public Elections (Jersey) Law 200-. Lodged: 28th August 2001. <i>Legislation Committee.</i>	P.132/2001.
Draft Public Elections (Jersey) Law 200- (P.132/2001): comments. Presented: 25th September 2001. <i>Human Resources Committee.</i>	P.132/2001. Com.
Draft Public Elections (Jersey) Law 200- (P.132/2001): comments. Presented: 9th October 2001. <i>Finance and Economics Committee.</i>	P.132/2001. Com.(2)
Draft Public Elections (Jersey) Law 200- (P.132/2001): amendments. Lodged: 18th September 2001. <i>Deputy J.L. Dorey of St. Helier.</i>	P.132/2001. Amd.
Draft Public Elections (Jersey) Law 200- (P.132/2001): second amendment. Lodged: 25th September 2001. <i>Deputy P.F.C. Ozouf of St. Helier.</i>	P.132/2001. Amd.(2)
Draft Public Elections (Jersey) Law 200- (P.132/2001): third amendments. <i>Deputy P.F. Routier of St. Helier.</i> (Attached)	
Draft Public Elections (Jersey) Law 200- (P.132/2001): fourth amendments. <i>Connétable of St. Helier.</i> (Attached)	

C.M. NEWCOMBE

Greffier of the States

4th October 2001

Explanatory Note regarding subordinate legislation tabled at this meeting.

R & O 138/2001

The main purpose of these Rules is to allow for summonses for directions to be heard (in practice almost invariably before the Master of the Royal Court) soon after an action is ready to be set down for hearing before the Royal Court. Such a summons will enable the Court to play an active role in case management from a relatively early stage in an action.

The Rules also introduce the following relatively minor changes -

- (a) to ensure that within the definition of plaintiff and defendant are those who are party to other forms of action (e.g. Representations). No substantive change to the existing Rules is made;
- (b) to empower the Judicial Greffier as well as the Viscount to take evidence on oath for proceedings before the Royal Court including administrative appeals;
- (c) to clarify that an action will be deemed to be withdrawn five years after it was first adjourned sine die;
- (d) to allow the Judicial Greffier to deal as non-contentious business with the registration of notices, under the Roads Drainage (Jersey) Law 1962 and the Planning (Jersey) Law 1964;
- (e) to clarify the position regarding registration of contracts passed otherwise than on Fridays and bonds relating to such contracts.

The Rules were enacted by the Superior Number of the Royal Court on 27th September 2001 and come into force on 1st November 2001.

R & O 139/2001

These Rules increase the fees payable for a doctor appearing as a witness or supplying a medical certificate and for a witness attending an inquest.

The Rules were made by the Superior Number of the Royal Court on 27th September 2001 and come into force on 1st November 2001.

**NOTIFICATION OF STANDING ORDER DECISIONS -
FINANCE AND ECONOMICS COMMITTEE
(delegated functions)**

17th September 2001

as recommended by the Health and Social Services Committee, the lease to Mrs. Gillian Chapman, née Plume, Assistant Personnel Officer, of the property known as Flat 3, Le Boulevard, La Grande Route des Sablons, Grouville, for a period of three years deemed to have commenced on 1st September 2001, at an annual rent of £9,500, subject to annual rent increases in line with the Jersey Retail Price Index, on the basis that the tenant would be responsible for the full rent and all services, occupier rates and utilities to the property, with each party being responsible for its own legal costs arising from this transaction.

**NOTIFICATION OF ACCEPTANCE OF TENDER UNDER RULE 5 OF THE PUBLIC FINANCES
(GENERAL) (JERSEY) RULES 1967, AS AMENDED -
FINANCE AND ECONOMICS COMMITTEE**

1st October 2001

- (a) The Public Services Committee had accepted the lowest tender received in respect of the surface water sewer at Grands Vaux School namely that submitted by P. Trant (Jersey) Limited in the sum of £248,917.40.

The other tenders received were as follows -

<u>Contractor:</u>	<u>Amount:</u>	<u>Corrected Tender Total:</u>
M.J. Gleeson (Jersey) Limited	£265,266.87	£264,262.02
Jayen (Jersey) Limited	£269,837.10	£269,837.10

- (b) The Education Committee had accepted the lowest fixed price tender for the school element of the development of Hautlieu School, St. Saviour, namely that submitted by Charles Le Quesne (1956) Limited, in the reduced sum of £13,887,505.25 for a contract period of 112 weeks.

The other tenders received were as follows -

<u>Contractor:</u>	<u>Fixed price</u>	<u>Fluctuating price</u>
Cameron Limited	£15,053,634.00	£15,390,436.00
Stansell (QVC) Limited	£15,448,501.00	£15,390,436.00

The Committee, having recalled the background to the present situation, recognised that revisions on the proposed design had reduced the lowest tender submitted to the sum of £13,887,505.25.

QUESTION PAPER

(See Item G)

The Deputy of St. John will ask the following questions of the President of the Human Resources Committee -

- “1. Will the President inform members in the last three years how many Committees have applied for pension enhancement for employees to take early retirement and give details of the Committees concerned and number of employees involved and total monies paid out?
2. Can the President explain what principles his Committee applies in deciding whether to sanction any enhancement of pension for staff retiring from the public service?”

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

“On 2nd August 2001 the Committee approved a payment in the sum of £30,000 in respect of Fairview Farm Limited, the tenant of fields 131 and 131A, La Rue du Pontliétaut, St. Clement, for the loss of crops. Will the President explain -

- (a) why compensation is to be paid on completion of sale of land when it is not known when this land will be purchased as no agreement has been reached with the landowners?
- (b) if the tenant is no longer the same tenant at the time of passing contract, will the £30,000 still be paid to Fairview Farm Limited. given that a compensation package has been agreed?
- (c) whether the Committee is satisfied that it is appropriate to deal with a tenant prior to negotiating the purchase of land from the farmer, thereby denying the owner income from the tenant for the land until the land is purchased and will the department pay compensation to the owner in the event that a land transaction does not happen?”

Deputy G.C.L. Baudains of St. Clement will ask the following questions of the President of the Planning and Environment Committee -

- “1. On 31st August, 2000 the Planning and Building Services Department received an application from the Jersey Heritage Trust for, among other things, the erection of two site huts at Mont Orgueil Castle. Approval was granted on 13th September 2000.

Can the President confirm -

- (a) that the first hut was erected and the site cleared for the second one before 11th July 2000 - some two months before approval was granted, and six weeks before the application was received?
 - (b) that the Storage Area, the site for the second hut, is an area that is believed to be unstable and could present a danger to people working there?
2. In view of previous assurances given to Members that no retrospective planning applications had been made for the current work, would the President undertake to monitor work at Mont Orgueil Castle more closely in the future?
 3. Would the President explain why the Committee has not decided to designate the Castle as a Site of Special Interest, and will he give an undertaking that the omission will be rectified as soon as possible?"

The Deputy of St. Peter will ask the following questions of the President of the Agriculture and Fisheries Committee -

- “1. Would the President -
 - (a) inform the Assembly of the number of separately-owned farm holdings receiving direct or indirect aid from the States in 2001? Are any not receiving any aid?
 - (b) indicate the number of these holdings by size -
 - (i) 50 vergées and below;
 - (ii) 51 - 200 vergées;
 - (iii) 201 vergées and above?

and indicate which type of farming they are engaged in: e.g. outdoor crops, dairying, glasshouses/ protected crops or joint (in the latter case indicating the combination) -
 - (c) show for each of the categories (i), (ii) and (iii) above the average total direct and indirect aid received in 2000 and to be received in 2001?
 - (d) inform the Assembly what number of vergées is owned by the above holdings and/or any of the owners of the above holdings?
2. Section 8 of the Committee’s Policy Report P.126/2001 identifies the current policies of the Committee, those it proposes to continue as well as those it proposes to discontinue.

Unfortunately, the Committee gives no indication of

the costs of these policies. Would the President provide this information, even approximately, so that we may better decide on the way ahead for the industry?"

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

"In the light of the President's response to my question of 18th September 2001 in which he referred to a total of £418,700 being paid to economic advisers OXERA, can he state -

- (a) whether he is aware of a memorandum written by his Department's Economic Advisor and dated 9th August 2001 which indicates that OXERA will be paid a total of £700,000 or thereabouts in 2001 for work done for the Policy and Resources, the Finance and Economics and the Industries Committees?

- (b) whether he can confirm the above anticipated costs for 2001?"

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

"1. The States agreed to introduce policies to curtail the workforce by approving amendments to the Regulations of Undertakings and Development (Jersey) Law 1978 on 3rd February 1993 in respect of the five year rule and by restricting the number of staff a business can employ so as to stop further expansion of the Island's workforce. Would the President confirm, from the years 1993 up to and including 2001 the details of -

- (a) the numbers of posts granted to the Island businesses for employees with over five years' residence and secondly the figures for those with less than five years' residence from 1993 up to and including 2001?

 - (b) how many new businesses have been approved in the last three years and how many employees with over five years' residence and with less than five years' residence have been agreed for these businesses?

 - (c) can the President advise if his Committee keeps any details of share transfer businesses sold to outside companies interests, if so can he give the details. If the answer is in the negative, why does his Committee not have this kind of information?
2. The States agreed to introduce policies to curtail the workforce by approving amendments to the Regulations of Undertakings and Development (Jersey) Law 1978 on 3rd February 1993 in respect of the five year rule and by restricting the number of staff a business can employ so as to stop further

expansion of the Island's workforce. Would the President confirm, from the years 1993 up to and including 2001 the details of -

- (a) the numbers of posts granted to the Island businesses for employees with over five years' residence and secondly the figures for those with less than five years' residence from 1993 up to and including 2001?
 - (b) how many new businesses have been approved in the last three years and how many employees with over five years' residence and with less than five years' residence have been agreed for these businesses?
 - (c) can the President advise if his Committee keeps any details of share transfer businesses sold to outside companies interests, if so can he give the details. If the answer is in the negative, why does his Committee not have this kind of information?
2. Can the President confirm that he and the Committee are seeking to persuade the Home Affairs Committee to allow 1000 workers, and in some cases their dependants and family, from outside the European Union to service the increasingly manpower-hungry service industries?"

Deputy J.L. Dorey of St. Helier will ask the following question of the President of the Health and Social Services Committee -

"In the light of recent reports on practice and clinical outcomes, does the Committee intend to review the current practice of referring local heart and lung patients to St. George's Hospital, Tooting?"

The Connétable of St. Helier will ask the following question of the President of the Finance and Economics Committee -

"Would the President inform members if any extra-statutory concessions on income tax rates are available to companies in the finance sector in respect of high profits and, if so, would he give members details of them."

DRAFT PUBLIC ELECTIONS (JERSEY) LAW 200- (P.132/2001): THIRD AMENDMENTS

(1) PAGE 58, ARTICLE 63, heading -

For the heading, substitute the following heading -

“Behaviour in and around polling station”.

(2) PAGE 58, ARTICLE 63(1) -

For the paragraph, substitute the following paragraph -

“(1) At a public election, a candidate or representative of a candidate shall not engage a voter in conversation inside a polling station or within 100 metres measured in a straight line outwards from the outside of the structure containing a polling station.”.

(3) PAGE 58, ARTICLE 63(2) -

For the paragraph, substitute the following paragraph -

“(2) At a public election, a person shall not attempt to influence a voter (whether by means of any sign or clothing, or otherwise), inside a polling station or within 100 metres measured in a straight line outwards from the outside of the structure containing a polling station.”.

DEPUTY P.F. ROUTIER OF ST. HELIER

Report

I am proposing this amendment because I believe that the current practice of election candidates and their representatives assembling at the entrance to polling stations to be a deterrent to some electors being able to cast their vote. For some people the gathering is a social occasion and perceived opportunity to influence the electorate but it is also for others a barrier to freely attend the polling station and this consequently restricts their ability to vote.

When canvassing in previous elections I have been told by some electors that they either are not prepared to run the gauntlet of candidates and representatives and will not vote or when they do they feel pressurized.

I believe that electors should have a completely free access to the polling stations.

There are no financial or manpower implications for the States of Jersey arising from this amendment.

DRAFT PUBLIC ELECTIONS (JERSEY) LAW 200- (P.132/2001): FOURTH AMENDMENTS

PAGE 24, ARTICLE 7 -

(a) *in paragraph (1)(c), omit the words “and, if corrected”;*

(b) *for paragraph (3) substitute the following paragraph -*

“(3) The person has a further duty to sign the statement and ensure that it is returned, with any necessary corrections, to the Connétable by 1st June in the same year.”;

(c) *omit paragraph (4) and re-number the remaining paragraphs, and any internal cross references in them, accordingly.*

PAGE 31, ARTICLE 20 -

Omit paragraphs (5), (6) and (7) and re-number the remaining paragraphs accordingly.

CONNÉTABLE OF ST. HELIER

Report

Amendment (1) - Article 7(3)

Deputy P.C.F. Ozouf is proposing an amendment to paragraph (7) of Article 7 which will require the Connétable to send a reminder, and a second reminder if necessary, to any person he believes is entitled to have his name included on the register where he 'has not been the subject of a statement returned'. Unless there is an amendment to paragraph (3) of this Article, the Connétables will, if the amendment is adopted, have to send two reminders to all those persons who have not returned a statement because the statement sent to them contained the correct information.

Further, there could be various reasons why a statement is not returned if incorrect. In the Parish of St. Helier some 2,500 people move address each year. To propose that a person should have no duty if they receive a correct statement may cause least inconvenience to an individual, but it could result in persons remaining on the list when they are no longer eligible to vote in that district. Although the return of all forms will involve some work for Parishes, it is preferable to assuming that details are correct when a return has not been received and it will also mean that reminders will be sent only to those addresses where no return has been made.

Amendment (2) - delete paragraphs (5), (6) and (7) of Article 20

The proposal is that a nomination for Centenier should be given to the Connétable before the second day before the nomination meeting so that reasonable enquiry may be made as to whether that person has been convicted of such offences as may be prescribed by the States by Regulations. At present, checks undertaken on a person wishing to serve as a member of the Honorary Police take several days and often a couple of weeks. The proposed time period is insufficient to enable that enquiry to be made and to have the results available to report both to the Attorney General and to the nomination meeting.

An amendment to allow a period of fourteen days for such enquiry to be made, which is more realistic, has been considered but would require a consequential amendment to Article 19(4)(a) where notice has to be published in the Jersey Gazette on at least four days (not counting a Sunday) before the day when the nomination meeting is held. This would extend the time period for an election and is not considered acceptable.

The amendment therefore proposes that paragraphs (5), (6) and (7) should be deleted and the remaining paragraphs renumbered as the Article, as worded, is not practicable and there is no provision as to the procedure to be followed at a nomination meeting if the enquiry has not been concluded and the result is not known.

As a nomination meeting must be held at least 21 days before the day fixed for the poll (see Article 19(1)) there is sufficient time to undertake the necessary enquiry between the date of the nomination meeting and the date the person, duly elected, is presented to the Royal Court to take the oath of office.

Whilst the Parishes undertake this role there will be no financial or manpower implications for the States of Jersey arising from this amendment.