

STATES OF JERSEY ORDER PAPER

Wednesday, 17th April 2002

A. COMMUNICATIONS BY THE BAILIFF

Interception of Communications (Jersey) Law 1993:
report of the Commissioner for 2001. R.C. 12/2002.

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Road Racing (Hill Climbs and Sprint) (Jersey) Order
2002. R & O 28/2002.
Home Affairs Committee.

Marriage and Civil Status (Approved Premises)
(Jersey) Order 2002. R & O 29/2002.
Etat Civil Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

Appointment of President of the Privileges and
Procedures Committee.

Appointment of President of the Special Committee
on the Composition and Election of the States
Assembly.

D. PRESENTATION OF PAPERS

(a) Papers for information

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

St. Saviour's Road to Westley
Court and Salisbury Cottages:
acquisition of roadway
(P.35/2002) - comments.
*Finance and Economics
Committee.*

P.35/2002.
Com.

General Reserve: grant of additional funds to 31st December 2001.
Finance and Economics Committee.

R.C.11/2002.

Planning and Building core services: resources.
Planning and Environment Committee.

R.C.13/2002.

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

Presented on 2nd April 2002.

Appointments made by the States: review of procedures.
House Committee.

R.C.8/2002.

Code of Practice on Public Access to Official Information: annual report for 2001.
House Committee.

R.C.9/2002.

Presented on 9th April 2002

Machinery of Government: freedom of representation (P.25/2002) - comments.
Policy and Resources Committee.

P.25/2002.
Com.

Proposed Race Discrimination (Jersey) Law (P.32/2002): comments.
Finance and Economics Committee.

P.32/2002.
Com.(2)

Jersey Community Relations Trust (P.33/2002): comments.
Finance and Economics Committee.

P.33/2002.
Com.(2)

Commercial House, Commercial P.36/2002. Com.
Street, St. Helier: lease of 3rd
floor office accommodation
(P.36/2002) - comments.
Jersey Transport Authority.

Commercial House, Commercial P.36/2002. Com.
Street, St. Helier: lease of 3rd (2)
floor office accommodation
(P.36/2002) - comments.
*Finance and Economics
Committee.*

Administrative Appeals: report of R.C.10/2002.
the Board relating to the
complaint of Mr. Malay Basak
against a decision of the
Education Committee.
*Special Committee to Consider
the Relationship between
Committees and the States.*

(b) Notification of Standing Order decisions

27th March 2002

Decisions under delegated functions.
Finance and Economics Committee.

(c) Notification of acceptance of tenders

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

La Collette, St. Helier, Phase II: P.51/2002.
transfer of administration.
Public Services Committee.

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

Lodged on 2nd April 2002.

Jersey Financial Services P.47/2002.
Commission: appointment of
Commissioner.
*Finance and Economics
Committee.*

Lodged on 9th April 2002.

Draft Motor Vehicles P.48/2002.
(International Circulation)
(Amendment No. 13) (Jersey)
Regulations 200-
Home Affairs Committee.

Jersey Arts Trust: appointment of P.49/2002.
Chairman.
Education Committee.

Draft Companies (Amendment P.50/2002.
No. 7) (Jersey) Law 200.
*Finance and Economics
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 agree that the third reading of the Draft Planning and Building (Jersey) Law 200- (P.87/2001 adopted as amended and lodged au Greffe in second reading on 6th June 2001) be considered at the present meeting.

THE STATES are asked to note that in accordance with Standing Order 22(3) the President of the Industries Committee has instructed the Greffier of the States to withdraw the proposition concerning Commercial House, Commercial Street, St. Helier: lease of 3rd floor office accommodation (P.36/2002 lodged au Greffe on 19th March 2002 and set down for consideration at the present meeting).

THE STATES are asked to agree that the following matters lodged "au Greffe" be considered at their next meeting on 23rd April 2002 -

Proposed Race Discrimination P.32/2002.
(Jersey) Law.
Lodged: 5th March 2002.
Legislation Committee.

Proposed Race Discrimination P.32/2002.
(Jersey) Law (P.32/2002): comment. Com.
Presented: 26th March 2002.
Human Resources Committee.

Proposed Race Discrimination P.32/2002.
(Jersey) Law (P.32/2002): comments. Com.(2)
Presented: 9th April 2002.
Finance and Economics Committee.

Jersey Financial Services P.47/2002.
Commission: appointment of
Commissioner.
Lodged: 2nd April 2002.
Finance and Economics Committee.

Draft Motor Vehicles P.48/2002.
(International Circulation)
(Amendment No. 13) (Jersey)
Regulations 200-
Lodged: 9th April 2002.
Home Affairs Committee.

Jersey Arts Trust: appointment of P.49/2002.
Chairman. (re-issue)
Lodged: 9th April 2002.
Education Committee.

Draft Companies (Amendment P.50/2002.
No. 7) (Jersey) Law 200.
Lodged: 9th April 2002.
*Finance and Economics
Committee.*

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

Buildings of local interest: P.185/99.
removal from register.
Lodged: 16th November 1999.
Deputy of St. John.

Tenants and Lodgers: return of P.46/2001.
deposits.
Lodged: 20th March 2001.
Senator C. Stein.

Jersey Mineral Strategy 2000 - P.51/2001.
2020.
Lodged: 27th March 2001.
*Planning and Environment
Committee.*

F. PRESENTATION OF PETITIONS

G. QUESTIONS

The Deputy of St. John will ask a question of the President of the Agriculture and Fisheries Committee regarding the States of Jersey Fisheries Protection Vessel the Norman Le Brocq.

Deputy G.P. Southern of St. Helier will ask a question of the President of the Housing Committee following the ruling by the Data Protection Registrar.

Senator P.V.F. Le Claire will ask questions of the President of the Tourism Committee regarding business trips, advertising partnerships and bed losses.

The Deputy of St. John will ask a question of the President of the Policy and Resources Committee regarding the British-Irish Council.

The Connétable of St. Helier will ask a question of the President of the Agriculture and Fisheries Committee regarding the Agriculture and Fisheries: policy report 2001.

Senator P.V.F. Le Claire will ask a question of the President of the Harbours and Airport Committee regarding airport landing fees.

Deputy G.C.L. Baudains of St. Clement will ask questions of the President of the Home Affairs Committee regarding the recent speed monitoring and roadworthiness of vehicles.

The Deputy of St. John will ask a question of the President of the Agriculture and Fisheries Committee regarding fisheries control at Les Minquiers and Les Ecréhous over the Easter period.

Senator P.V.F. Le Claire will ask a question of the President of the Policy and Resources Committee regarding the findings of the Code of Conduct group established to examine potentially harmful tax measures in EU member States.

Senator P.V.F. Le Claire will ask a question of the President of the Finance and Economics Committee regarding the implications arising from the adoption of measures outlined in the Code of Conduct group findings.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

Draft Motor Traffic (No. 8) (Jersey) Regulations 200-. P.38/2002.
Lodged: 19th March 2002.
Public Services Committee.

Jersey Community Relations Trust. P.33/2002.
Lodged: 12th March 2002.
Policy and Resources Committee.

Jersey Community Relations Trust (P.33/2002): comments. P.33/2002.
Presented: 26th March 2002. Com.
Human Resources Committee.

Jersey Community Relations Trust (P.33/2002): comments. P.33/2002.
Presented: 9th April 2002. Com.(2)
Finance and Economics Committee.

Belle Vue, La Route des Quennevais, P.34/2002.
St. Brelade: transfer of administration
to the Public Services Committee.
Lodged: 12th March 2002.
Planning and Environment Committee.

St. Saviour's Road to Westley Court P.35/2002.
and Salisbury Cottages: acquisition of
roadway.
Lodged: 12th March 2002.
*Planning and Environment
Committee.*

St. Saviour's Road to Westley Court P.35/2002.
and Salisbury Cottages: acquisition of Com.
roadway (P.35/2002) - comments.
Presented: 17th April 2002.
Finance and Economics Committee.

Belle Vue, La Route des Quennevais, P.39/2002.
St. Brelade: transfer of administration
to the Health and Social Services
Committee.
Lodged: 26th March 2002.
*Planning and Environment
Committee.*

Rent Control Tribunal: appointment of P.41/2002.
members.
Lodged: 26th March 2002.
Housing Committee.

Health and Safety Tribunal: P.42/2002.
appointment of members.
Lodged: 26th March 2002.
*Employment and Social Security
Committee.*

Family Allowances Tribunal: P.43/2002.
appointment of members.
Lodged: 26th March 2002.
*Employment and Social Security
Committee.*

Social Security Tribunal: appointment P.44/2002.
of members.
Lodged: 26th March 2002.
*Employment and Social Security
Committee.*

Subject to E –

Draft Planning and Building (Jersey) P.87/2001.
Law 200- : third reading.
Adopted as amended and lodged in
Second Reading: 6th June 2001.
Planning and Environment Committee.

M. N. DE LA HAYE

Deputy Greffier of the States

11th April 2002

Explanatory Note regarding subordinate legislation tabled at this meeting.

R & O 28/2002

The effect of this Order is to allow the Jersey Old Motor Club to close and use the following roads in St. Helier for motor races (including practice) on the dates and between the times shown -

- (a) parts of Pier Road, Mount Bingham, South Hill, Fort Regent Road, and the car parks at South Hill and La Collette Gardens, on 9th June 2002 between 11 a.m. and 5 p.m;
- (b) part of Westmount Road, on 8th June 2002 between noon and 5 p.m; and
- (c) part of Victoria Avenue and one of the adjoining lay-bys on 7th June 2002 between 7 p.m. and midnight.

The Order was made by the Home Affairs Committee on 28th March 2002.

R & O 29/2002

This Order establishes a scheme for the approval of premises at which marriages may be solemnized by the Superintendent Registrar or a delegate appointed by him.

The scheme provides for approval to be granted by the Connétable of the parish in which the premises are situated. Approval may be granted in respect of a single, specified marriage or for a period of one or three years. The fee payable on application is, respectively, £100, £200 or £300. The premises must be a seemly and dignified venue for the solemnization of marriages and have no recent religious connection. Certain standard conditions will be attached to an approval and the Connétable may attach further conditions. The Connétable may revoke an approval if the conditions are not complied with. An applicant or approval holder has a right to have any decision of the Connétable reviewed by the Etat Civil Committee.

The Order comes into force on 1st May 2002.

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

27th March 2002

- (a) as recommended by the Public Services Committee, the lease to Ms. Julia Helen Roff, née Crewdson, of the new café facility at St. Aubin's Harbour, St. Brelade, for a period of five years from the practical completion of the refurbishment/conversion work, at a commencing annual rent of £6,000, subject to a rent review in line with the Jersey Retail Price Index after three years, with the lessee to be responsible for the maintenance and repair of the new facility, on the basis that each party would be responsible for its own legal costs arising from this transaction;
- (b) as recommended by the Harbours and Airport Committee, the lease to Despatch Delivery Limited of office accommodation on the first floor of the Airport freight Building (Lettings B133 and B134) for a period of three years from 1st April 2002, at an initial annual rent for the two areas of £4,734 (representing a rate of £9 a square foot), subject to annual review on 1st April 2003 and 2004 in line with the Jersey Retail Price Index;
- (c) as recommended by the Harbours and Airport Committee -
 - (i) the annulment of the leases granted to Lynx Express Limited in respect of warehouse accommodation within the Airport Freight Building (Lettings B117 and B118) with effect from 31st December 2001;
 - (ii) the lease to Huelin Renouf Airfreight Limited of Lettings B117 and B118 for a period of three years from 1st January 2002 at an initial annual rent of £15,823.60 (representing a rate of £5.49 a square foot), subject to annual review on 1st January 2003 and 2004 in line with the Jersey Retail Price Index; and

- (iii) the annulment of the lease to Huelin Renouf Airfreight Limited of warehouse accommodation within the Airport Freight Building (Letting B119) with effect from 31st December 2001;
- (d) as recommended by the Harbours and Airport Committee -
 - (i) the lease to Regency Holdings Limited of warehouse accommodation within the Airport Freight Building (Letting B119 - measuring a total area of 1,440 square feet) for the period 31st March 2002 to 31st December 2004, at an annual rent of £7,000 (representing a rate of £4.86 a square foot), subject to annual review on 1st January 2003 and 2004, in line with the Jersey Retail Price Index; and
 - (ii) the annulment of the lease to Regency Holdings Limited of office accommodation on the first floor of the Airport Freight Building (Letting B132) with effect from 31st March 2002;
- (e) as recommended by the Harbours and Airport Committee, the renewal of the existing lease to the Jersey Canoe Club of the Old Lifeboat Shed (Letting STC14) at St. Catherine's, St. Martin, for use as the Club's Headquarters, for three years from 1st September 2001 at an annual rent of ten per cent of the Club's gross income (membership fees), which equated to £525.70 in 2001, on similar terms and conditions as the existing lease;
- (f) as recommended by the Housing Committee, the lease to the Jersey Electricity Company Limited of Sub-station No. 628 and Section Pillars Nos. 6684 and 6685, located at the Albert Pier Housing Development, St. Helier, for a period of 99 years, under the usual terms and conditions, with the agreed annual rent of £1 per site to be paid to the Committee upon commencement of the agreement, and on the basis that each party would be responsible for its own legal costs arising from the transaction.

QUESTION PAPER

(See Item G)

The Deputy of St. John will ask the following question of the President of the Agriculture and Fisheries Committee -

“Given that the States of Jersey Fisheries Protection Vessel the Norman Le Brocq has to undergo a refit, will the President -

- (a) advise members of the number of engine hours the vessel has operated since new, this figure broken down to a weekly average and the total number since the date of delivery of the vessel?
- (b) give details of the work to be carried out, and advise from which vote the money will come?
- (c) advise whether it is the Committee’s intention to increase the time the vessel will spend at sea annually in the light of the increased sea area that should be patrolled? If the answer is in the affirmative, will the President give details of any re-training of staff from within the department that is being considered?”

Deputy G.P. Southern of St. Helier will ask the following question of the President of the Housing Committee -

“Following the ruling of 15th March 2002 by the Data Protection Registrar that the Housing Committee acted in breach of the Third Principle of the Data Protection (Jersey) Law 1987, as amended, in making public confidential data held on file,

- (a) in addition to the educative measures set in place following the above ruling, what further steps will the President take to re-establish the confidence and trust of tenants in matters of confidentiality when dealing with the Housing Committee?
- (b) in order to give members of this Assembly the opportunity to review their confidence in the President, would he consider resigning and putting his name forward again for the Presidency?”

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

- “1. Would the President advise members -
 - (a) whether the Committee or its staff propose to make any business trips outside the Island during the remainder of 2002? If the answer is in the affirmative, would the President indicate how many trips are planned by the Committee and its staff, the destinations concerned and how many Committee or staff members will be involved?
 - (b) whether the Tourism Department works in partnership with airlines and boat companies etc. in providing advertising for Jersey?
2. What evidence does the Committee have of tourism premises intending to seek change of use or likely to be

removed from the market, and the numbers of beds concerned, in the next 12 months?

3. In view of the continuing reduction in bed numbers, does the President consider that there is any longer a need for a separate Tourism Committee?"

The Deputy of St. John will ask the following question of the President of the Policy and Resources Committee -

"The Island was recently to have hosted a meeting of the British-Irish Council, now postponed. Would the President advise members -

- (a) how much funding had been set aside for this event, which vote was this money to come from and how much has already been spent?
- (b) in the event of further proposals to host such events will the Assembly have an opportunity to discuss this, given the charge to the tax payer in respect of arrangements, and particularly for security?
- (c) of the reasons for, and the value to Jersey of, the President personally playing such an active rôle within the British-Irish Council?"

The Connétable of St, Helier will ask the following question of the President of the Agriculture and Fisheries Committee -

"On 12th February the States acceded to the request that consideration of the Agriculture and Fisheries: policy report 2001 (P.126/2002 lodged "au Greffe" on 14th August 2001) be deferred to a later date. Given that the President stated that it was his intention to bring back the policy report within a few weeks, would the President explain to members what progress the Committee has made in this regard?"

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

- "(a) would the President provide for members the passenger numbers for both the airport and harbours for the first quarter of 2002 and the corresponding period in 2001 so that a direct comparison can be made?
- (b) airport landing fees are usually increased annually by Order of the Committee in the early part of the year, but such an Order has not yet been made this year. Has the Committee decided to freeze airport landing fees? If the answer is in the affirmative, would the President indicate why, and for how long?
- (c) what has been the reaction of the airlines in relation to any proposed increases in charges levied upon them by the Committee?
- (d) can the President confirm whether airlines were refusing to pay proposed increases in airport landing fees, and if the answer is in the affirmative, would he advise members of the reason(s) for refusal?"

Deputy G.C.L. Baudains of St. Clement will ask the following questions of the President of the Home Affairs Committee -

- “1. In view of the recent initiative to reduce speed by conducting speed monitoring at a number of accident black spots, would the President -
 - (a) give figures to show, in each of the last five years, how many accidents were caused by inappropriate speed, how many were caused by excessive speed and how many were caused by speeds in excess of the speed limit prevailing in that area at the time?
 - (b) explain whether, despite the much slower traffic in Jersey, there is a higher percentage of crashes caused by speed than in the United Kingdom, where the figure is only six percent?
 - (c) advise members how many States police officers were involved in monitoring speed at accident blackspots and what duties they had been taken from in order to carry out this task?
 - (d) advise members of the cost to the States arising from accidents caused by speed, including an explanation of how that figure has been arrived at and give a breakdown of these costs?
2. Would the President inform members how many motoring accidents in each of the last five years were either caused or exacerbated by a vehicle being in an unroadworthy condition, such that it would have failed a certificate of roadworthiness test (‘MOT’) in the United Kingdom?”

The Deputy of St. John will ask the following question of the President of the Agriculture and Fisheries Committee -

- “(a) Will the President give details of how many fisheries officers were on duty and whether or not the officers were in the areas of Les Minquiers or Les Ecréhous during the recent spring tides which covered the Easter holiday period?
- (b) if officers were on duty in these areas, how many low water fishermen were stopped and had their catches checked and were any detained for illegally taking ormers?”

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

“Pursuant to the EU proposals contained in a package to tackle harmful tax competition in the European Union, the Code of Conduct group established to examine potentially harmful tax measures in EU member States, chaired by the U.K. Paymaster General, Ms. Dawn Primarolo has prepared a report which identifies four measures -

tax exempt companies
international treasury operations
international business companies, and
captive insurance companies.

Would the President advise members -

- (a) of the position on the findings of the Code of Conduct Group, and whether the findings will have an effect on Jersey?
- (b) whether any action is proposed as a result of the findings which will affect the above types of companies?
- (c) when the deadline is, or the closing date that has been agreed with Britain and its partners, in relation to the findings?
- (d) will the President provide the text of the findings in relation to Crown Dependencies and advise whether they indicate in writing that the UK Government is committed to “encouraging”, or that it is committed to “ensuring”, our co-operation in adopting remedies for the measures that infringe the principles set out in the Council resolution? If the wording has changed to “ensuring”, would he explain how this change has come about and what the significance of this new wording is?
- (e) is it anticipated that Jersey will fall into line with the UK government’s understanding that Jersey will adopt the same measures as those contained in the draft Council Directive to ensure effective tax of savings income in the form of interest payments within the Community?
- (f) is Jersey’s position one that can be safeguarded?”

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

“With regard to the possible implications arising from the adoption of measures outlined in the Code of Conduct group findings to examine potentially harmful tax measures in EU member States (in the questions I have just asked the President of the Policy and Resources Committee), would the President -

- (a) explain to members how many exempt companies there are in Jersey, how their taxes are calculated and on the basis of income from which sources (e.g. Jersey source income), and the tax collected last year in total from these companies?
- (b) provide for members details of the amount of monies held on deposit in Jersey by exempt companies?
- (c) explain to members how many international treasury operations there are in Jersey, how their taxes are calculated and on the basis of income from which sources, and the tax collected last year in total from these companies?
- (d) provide for members details of the amount of monies held on deposit in Jersey by international treasury operations?
- (e) explain to members how many international business companies there are in Jersey, how their taxes are calculated and on the basis of income from which sources, and the tax collected last year in total from these companies?
- (f) provide for members details of the amount of monies held on deposit in Jersey by international business companies?

- (g) explain to members how many captive insurance companies there are in Jersey, how their taxes are calculated and on the basis of income from which sources, and the tax collected last year in total from these companies?
- (h) provide for members details of the amount of monies held on deposit in Jersey by captive insurance companies?
- (i) provide for members an approximation of the numbers of people employed in Jersey in a direct way with the previously mentioned companies and financial services?"