

STATES OF JERSEY ORDER PAPER

Tuesday 4th November 2003
and, if necessary, 11th November 2003.

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Road Traffic (Saint Helier) (Amendment No. 13) (Jersey) Order 2003. R&O 109/2003.

Environment and Public Services Committee.

Road Traffic (Saint Helier) (Amendment No. 14) (Jersey) Order 2003. R&O 110/2003.

Environment and Public Services Committee.

Road Traffic (Disabled Persons) (Parking) (Amendment) (Jersey) Order 2003. R&O 111/2003.

Environment and Public Services Committee.

Airport Dues (Tariff) (Jersey) Order 2003. R&O 112/2003.

Harbours and Airport Committee.

Lodging Houses (General Provisions) (Amendment No. 9) (Jersey) Order 2003. R&O 113/2003.

Housing Committee.

Sea Fisheries (Fees) (Jersey) Order 2003. R&O 114/2003.

Economic Development Committee.

Collective Investment Funds (Restriction of Scope) (Amendment) (Jersey) Order 2003. R&O 115/2003.

Economic Development Committee.

Motor Cars (Driving Instruction) (Amendment No. 14) (Jersey) Order 2003. R&O 116/2003.

Home Affairs Committee.

Motor Traffic (Public Service Vehicles) (Fees) (Jersey) Order 2003. R&O 117/2003.

Home Affairs Committee.

Motor Traffic (Cabs – Fares and Charges) (Jersey) Order 2003. R&O 118/2003.

Home Affairs Committee.

Motor Vehicles (Driving Licences) (Amendment No. 2) (Jersey) Order 2003. R&O 119/2003.

Home Affairs Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

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

Air Transport Permits: revised policy statement. R.C. 47/2003
Economic Development Committee.

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)

Budget 2004.
Finance and Economics Committee.

Jersey Law Commission: appointment of Chairman and P.147/2003.
Commissioner.
Legislation Committee.

Southview, La Route des Genets, St. Brelade: purchase. P.148/2003.
Health and Social Services Committee.

Television Licence Fees: rebate for senior citizens. P.149/2003.
Deputy G.P. Southern of St. Helier.

Draft Police Force (Amendment No. 10) (Jersey) Law 200. P.150/2003.
Home Affairs Committee.

Draft Road Traffic (No. 54) (Jersey) Regulations 200. P.151/2003.
Home Affairs Committee.

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

(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

In accordance with Standing Order 22(3), Deputy G.P. Southern of St. Helier has instructed the Greffier of the States to withdraw the proposition regarding the Residential and Business Parking Scheme, Stopford Road area, St. Helier: fees, (P.141/2003 lodged “au Greffe” on 14th October 2003), which was set down for consideration at the current meeting.

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at their next meeting on 18th November 2003 -

Benefits paid by the Housing and Employment and Social Security P.116/2003.
Committees: protection.
Lodged: 29th July 2003.
Deputy G.P. Southern of St. Helier.

Benefits paid by the Housing and Employment and Social Security P.116/2003.
Committees: protection (P.116/2003) – comments. Com.

Presented: 23rd September 2003.
Employment and Social Security Committee.

Benefits paid by the Housing and Employment and Social Security
Committees: protection (P.116/2003) – comments. P.116/2003.
Presented: 23rd September 2003. Com.(2)
Housing Committee.

Income Tax: introduction of higher rate. P.131/2003.
Lodged: 9th September 2003.
Deputy G.P. Southern of St. Helier.

Proposed Ratification of the International Convention for Safety of P.144/2003.
Life at Sea, 1974 and Implementation of the Associated International
Ship and Port Security Code.
Lodged: 21st October 2003.
Harbours and Airport Committee.

Proposed Ratification of the International Convention for Safety of P.144/2003.
Life at Sea, 1974 and Implementation of the Associated International Com.
Ship and Port Security Code (P.144/2003): comments.
Presented: 21st October 2003.
Policy and Resources Committee.

Jersey Law Commission: appointment of Chairman and P.147/2003.
Commissioner.
Legislation Committee.

Southview, La Route des Genets, St. Brelade: purchase. P.148/2003.
Health and Social Services Committee.

The President of the Finance and Economics Committee has given notice that he will ask the States to agree to resolve into a Committee of the Whole House at the next meeting on 18th November 2003, in accordance with Standing Order 38A, for the purpose of discussion of the Fundamental Spending Review process and all other issues relating to the proposed public spending proposals for the period 2005 to 2007 in accordance with the decision of the States of 18th September 2003.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

The Deputy of St. John will ask a question of the President of the Policy and Resources Committee regarding computer systems operated by the States of Jersey.

Deputy G.P. Southern of St. Helier will ask a question of the President of the Housing Committee regarding the threshold for 1(1)(k) entrants to Jersey.

Deputy G.P. Southern of St. Helier will ask questions of the President of the Finance and Economics Committee regarding taxation and the Jersey Income Distribution Survey 2002.

Deputy G.P. Southern of St. Helier will ask a question of the President of the Policy and Resources Committee concerning the Jersey Income Distribution Survey 2002.

The Deputy of St. Martin will ask a question of the President of the Harbours and Airport Committee regarding the 'Harbourmaster's House', 15 Gorey Pier, St. Martin.

The Deputy of St. John will ask a question of the President of the Economic Development Committee regarding the Guernsey fishing licence scheme.

Deputy R.G. Le Hérisssier of St. Saviour will ask a question of the President of the Home Affairs Committee regarding the introduction of a parole system at H.M. Prison, La Moye.

The Deputy of St. Martin will ask a question of the President of the Home Affairs Committee regarding the release of prisoners on home leave.

Deputy G.P. Southern of St. Helier will ask questions of the President of the Housing Committee regarding redecoration/repair charges for States tenants.

Deputy G.P. Southern of St. Helier will ask a question of the President of the Housing Committee regarding outsourcing of services to States tenants.

The Deputy of St. Martin will ask questions of the President of the Housing Committee regarding the properties known as Amy's House and L'Hôpital, St. Martin.

The Deputy of St. John will ask a question of the President of the Economic Development Committee regarding shipping routes between Jersey and St. Malo.

Senator E.P. Vibert will ask questions of the President of the Harbours and Airport Committee regarding Emeraude Lines.

The Deputy of St. John will ask a question of the President of the Harbours and Airport Committee regarding harbour dues and Emeraude Lines.

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Harbours and Airport Committee regarding Emeraude Lines.

Deputy R.G. Le Hérisssier of St. Saviour will ask a question of the President of the Harbours and Airport Committee regarding the variation of the Jersey-St. Malo ramp permit for Condor.

Senator P.V.F. Le Claire will ask a question of the President of the Harbours and Airport Committee regarding the St. Malo-Jersey route.

Deputy G.P. Southern of St. Helier will ask a question of the President of the Harbours and Airport Committee regarding the release of Solidor V.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

K. PUBLIC BUSINESS

Harbours and Airport Committee: Vote of No Confidence. P.143/2003.
Lodged: 21st October 2003.
Senator E.P. Vibert.

A Tobacco Strategy for Jersey. P.109/2003.
Lodged: 15th July 2003.
Health and Social Services Committee.

A Tobacco Strategy for Jersey (P.109/2003): comments. P.109/2003.

Presented: 9th September 2003. <i>Finance and Economics Committee.</i>	Com.
A Tobacco Strategy for Jersey (P.109/2003): amendments. Lodged: 5th August 2003. <i>Senator E.P. Vibert.</i>	P.109/2003. Amd.
A Tobacco Strategy for Jersey (P.109/2003): second amendment. Lodged: 19th August 2003. <i>Deputy A. Breckon of St. Saviour.</i>	P.109/2003. Amd.(2)
A Tobacco Strategy for Jersey (P.109/2003): second amendment (P.109/2003 Amd.(2))– comments. Presented: 23rd September 2003. <i>Employment and Social Security Committee.</i>	P.109/2003. Amd.(2)Com.
Succession Rights for children born out of wedlock. Lodged: 12th August 2003. <i>Legislation Committee.</i>	P.121/2003.
Jersey Legal Information Board: introduction of ‘user pays’ charges. Lodged: 7th October 2003. <i>Finance and Economics Committee.</i>	P.139/2003.
Draft Transfer of Functions (Policy and Resources Committee) (Jersey) Act 200- Lodged: 14th October 2003. <i>Policy and Resources Committee.</i>	P.140/2003.

M.N. DE LA HAYE
Greffier of the States

30th October 2003

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 109/2003

This Order amends the St Helier Road Traffic Order. It incorporates the provisions of the Residential and Business Parking Scheme on a permanent basis, makes adjustments to the wording of the scheme that are necessary consequent upon its transition to permanence and its incorporation into the principal Order, and clarifies the arrangements for paying parking places and disc parking places in the scheme zone.

It also makes adjustments to the lists of one-way streets, prohibited right hand turns, roads where waiting is prohibited, roads closed to through traffic, roads with width restrictions, paying parking places, disc-controlled parking places and parking places for motor-cycles and mopeds.

The Order was made on 21st October 2003, and came into force 7 days after it was made.

R&O 110/2003

This Order increases the charge for a permit under the St. Helier Residential and Business Parking Scheme from £150 per annum to £150 for each period of 6 months' validity of each permit.

The Order was made on 21st October 2003, and came into force 7 days after it was made.

R&O 111/2003

This Order prescribes a short length of Hilary Street as an area reserved for disabled persons' vehicles to be parked.

The Order was made on 21st October 2003, and comes into force on 5th November 2003.

R&O 112/2003

This Order prescribes the dues payable in respect of the use of the airport by aircraft.

The Order was made on 22nd October 2003, and comes into force on 1st January 2004.

R&O 113/2003

This Order increases the fee payable for registration of a lodging house. From 1st January 2004, the fee will be £10.50 per resident.

The Order was made on 24th October 2003 and comes into force on 1st January 2004.

R&O 114/2003

The object of this Order is to prescribe a charge for the grant of a fishing boat licence under Article 11 of the Sea Fisheries (Jersey) Law 1994 and a fee for the grant of a permit under the Sea Fisheries (Underwater Fishing) (Jersey) Regulations 200-.

The Order was made on 29th October 2003 and comes into force on 1st January 2004.

R&O 115/2003

This Order would remove the requirement that natural persons who wish to purchase units in a fund, which otherwise would be a collective investment fund as defined in the Collective Investment Funds (Jersey) Law 1988, should acknowledge in writing that they have read the specified text in the listing particulars or offer document relating to that fund.

Also, in order to be exempt from the requirements of the Law, the Order would require the consent of the Financial Services Commission to the issue by the investment scheme of non-equity shares, as defined in the Order. The other safeguards contained in the principal Order remain in full force.
The Order was made on 29th October 2003 and comes into force 7 days after it is made.

R&O 116/2003

This Order increases the fees for the written and practical parts of the examination for driving instructors and the fees for the making and retention of an entry in the register of driving instructors.

The Order was made on 30th October 2003 and comes into force on 1st January 2004.

R&O 117/2003

The purpose of this Order is to increase fees in respect of public service vehicles.

The Order was made on 30th October 2003 and comes into force on 1st January 2004.

R&O 118/2003

The purpose of this Order is to prescribe fares and other charges for the hire of controlled taxi-cabs. The fares were last amended one year ago.

The Order was made on 30th October 2003 and comes into force on 17th November 2003.

R&O 119/2003

This amending Order requires the photograph submitted with the application for a driving licence to be in colour and to be on high quality photographic card.

It also increases the charges for driving tests, amends the list of countries with licences accepted in Jersey and clarifies the effect of a driving test result certificate.

The Order was made on 30th October 2003 and, with the exception of Article 3, comes into force 7 days after it is made. Article 3 comes into force on 1st January 2004.

QUESTION PAPER

(See Item G)

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

“Would the President inform members –

- (a) how many different computer systems are believed to be operated by the States?
- (b) whether the Committee has any plans to centralise all these systems under the control of one department and Chief Officer?
- (c) of the number of occasions on which the States I.T. systems and websites have been infected by computer viruses and state what action, if any, is being undertaken by the Committee to prevent this from happening in the future?”

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

“On 18th October 2003, members were informed of the Committee’s decision to lower the threshold for 1(1)(k) entrants via the front page of the Jersey Evening Post.

- (a) Would the President explain why he did not consider a statement to this Assembly as a more appropriate medium of communication of this change?
- (b) Would the President give members detailed annual figures to show the number of applicants rejected and accepted since 1(1)(k) scheme was first introduced?”

Deputy G.P. Southern of St. Helier will ask the following questions of the President of the Finance and Economics Committee -

“1. In the light of the decision to reduce the “benchmark” of a £250,000 annual tax bill for 1(1)(k) residents to what has been described as a “six figure sum” by the President of the Housing Committee, will the President inform members -

- (a) How many 1(1)(k) residents paid personal or company tax in 2002?
- (b) What was the total tax paid by these 1(1)(k) residents in 2002?
- (c) How the “benchmark” figure has changed throughout the period since the legislation was enacted?
- (d) To what extent has the “benchmark” been negotiable?

2. (a) Does the President accept that the data revealed in Table 9 of the Jersey Income Distribution Survey 2002, summarised below, demonstrates that our current tax and benefit system fails to compensate for the high cost of housing in the island?

Composition of household weekly income by quintile group (after housing costs)

	Bottom 20%	Top 20%	Ratio (top / bottom)
Pre-benefit income	£245	£1,703	6.9
Net income (after housing costs, benefits & tax)	£154	£1,361	8.8

- (b) When examining the impact of taxation on low income households, what measure of relative low income does the Committee intend to use?
3. In response to a question on 21st October 2003 the Vice-President stated that “A major priority of the Committee will be to ensure that the overall package (of taxes)... would be progressive with respect to levels of household income”.

Will the President inform members whether this aim will be made more difficult by the inclusion of a sales tax?”

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

“In response to a question on 21st October 2003, the Vice-President of the Finance and Economics Committee suggested that further work was required to enable proper comparison between the Jersey Income Distribution Study 2002 and UK figures. Can the President confirm to members -

- (a) that this work has been done and shows that pay per worker is around 10 per cent higher in Jersey than in the UK?
- (b) that the much higher figures produced when household incomes are compared are largely brought about by economic activity rates which are around 30 per cent higher in Jersey than in the UK?”

The Deputy of St. Martin will ask the following question of the President of the Harbours and Airport Committee -

“The property known as the ‘Harbourmaster’s House’, 15 Gorey Pier has been unoccupied for some considerable time. Would the President explain why it has been unoccupied and, inform members what plans are in hand for the property to be occupied?”

The Deputy of St. John will ask the following question of the President of the Economic Development Committee -

“As the Guernsey fishing licensing scheme is now in place, would the President inform members –

- (a) of the number of Jersey fishing vessels that have been excluded from fishing within Guernsey waters?
- (b) of the number of appeals to the Guernsey authorities by Jersey fishermen that have been successful?
- (c) what action the Committee is taking to resolve the present difficulties and state whether a request has been made to the UK Department for Environment, Food and Rural Affairs (DEFRA) for assistance?
- (d) whether the UK Minister with responsibility for the Channel Islands has become involved in this matter, and if so, notify members of the outcome of any meetings that have been held?”

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

- “(a) Would the President indicate whether the Committee is intending to introduce a system of parole for those serving prison sentences at H.M. Prison and, if so, when?
- (b) Would the President indicate what issues, if any, need to be resolved before the introduction of such a system?”

The Deputy of St. Martin will ask the following question of the President of the Home Affairs Committee -

“On 7th October 2003, in answer to a question regarding the release of prisoners for home leave or outside work, the President stated that prisoners are currently eligible for consideration for outside work scheme after having served half of the custody period.

- (a) Would the President inform members if any prisoners have been released on a discretionary basis for outside work or home leave before they have served half their custody period, if the answer is in the affirmative would the President give reasons for the early release?
- (b) When did the above schemes begin and was the Committee aware of their implementation?
- (c) How many prisoners have been released under the schemes during the last 12 months?
- (d) How many prisoners are currently enjoying the privilege of early release under the schemes?”

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

- “1. As the Committee makes charges for redecoration/repair over and above “fair wear and tear” for States tenants when they move, would the President inform members -
 - (a) when these charges were first introduced?
 - (b) how many tenants were billed for such charges for the years 2000, 2001 and 2002 –
 - (i) as total number?
 - (ii) as a proportion of those who moved?
 - (c) what the total amount charged was in each year?
 - (d) what proportion of the sums were eventually added to rent arrears for the tenant?
 - (e) how many tenants have been prosecuted for non-payment of such charges?
- 2. Would the President inform members whether the Committee is satisfied that such charges do not cause distress or hardship to the tenants concerned?”

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

- “(a) Would the President inform members what services provided by the Committee to States’ tenants have been outsourced, and when such outsourcing took place?
- (b) For each service, would the President outline –
 - (i) what service level agreements, if any, are in place?
 - (ii) what measures are in place to assess the quality of the service?

(iii) by what criteria the service is judged in 'value for money' terms?"

The Deputy of St. Martin will ask the following questions of the President of the Housing Committee -

- “1. On 1st July 2003 the States rejected the Committee’s proposition (P.68/2003) concerning the sale of Amy’s House, St. Martin. Rather than transfer the property to the Health and Social Services Committee, the President stated that the property would be refurbished and again let to someone on the States Rental Waiting list.
 - (a) Would the President inform Members when refurbishment of Amy’s House began?
 - (b) How much will the refurbishment cost?
 - (c) When the refurbishment will be completed and the property re-occupied?
2. On 20th May 2003, in answer to a question as to why the property known as L’Hôpital, St. Catherine was unoccupied, the Vice-President stated that, subject to the outcome of discussions with the Planning Officers and the receipt of permission, a start date had been programmed for July.
 - (a) Would the President inform members of the progress of the work?
 - (b) On completion of the work, will the property be let to people on the States Rental Waiting List?
 - (c) If the answer is in the negative, will the property be offered to other Committees?”

The Deputy of St. John will ask the following question of the President of the Economic Development Committee -

“On 20th October, in response to my request dated 15th October 2003 that a tendering process be introduced for shipping routes between Jersey and St. Malo, similar to the tender process used for the Jersey to UK route, the President wrote – *‘The EDC currently have no plans to introduce a tender process to grant exclusive contracts for routes to St. Malo, indeed the general view of the Committee is to allow free competition on all air and sea routes’*.

Would the President inform members whether my letter dated 15th October 2003 was discussed at a properly constituted Committee meeting and, if so, was the Committee unanimous in its view or did any members register their dissent? If the letter was not discussed by the full Committee would the President explain why this was not done?”

Senator E.P. Vibert will ask the following questions of the President of the Harbours and Airport Committee -

- “1. Would the President –
 - (a) advise whether the Committee is in favour of competition on the northern Jersey-UK bearing in mind the Committee welcomed competition on the southern route?
 - (b) confirm whether any senior manager of the Committee has visited the Administrateur Judiciaire, Madame Gautier, in Rennes since the recent difficulties involving Emeraude Lines began?
2. Is the President aware that when the Committee seized the Solidor V, it had the effect of freezing Emeraude Lines’ bank account at Lloyds TSB and this was the reason why the bank refused their cheque of £20,000 which the President referred to at the last sitting of the States as having been dishonoured?”

The Deputy of St. John will ask the following question of the President of the Harbours and Airport Committee -

“(a) In its proposition P.192/2002, adopted by the States on 22nd October 2002, the Committee stated that the practice in place at that time of charging harbour dues on the weight or volume of freight

imports and exports might be contrary to EU law. Can the President update members on progress in amending the relevant legislation and state when the matter will be presented to the States for debate?

- (b) As the Committee has accepted that certain aspects of the method of levying harbour dues may be contrary to EU law and is taking steps to amend the relevant legislation, is the Committee satisfied that it was appropriate to take such strong action against Emeraude Lines by seizing Solidor V for past debts charged under the old system?
- (c) On 7th October 2003, in answer to a question from Senator M.E. Vibert, the President stated that money collected as harbour dues "is held in trust for the people of Jersey and should be paid to the Treasurer of the States". Will the President explain what he meant by this statement?
- (d) At a public meeting held in the Albert Terminal on 9th October 2003, the Vice-President stated that, at the time of the Battle of Britain in September, the Committee had been asked to take steps to seize the Solidor V but had decided not to do so. Would the President inform members of the nature of the document submitted to it by its senior officers at this time which the Committee refused to endorse?
- (e) Would the President inform members whether insurance cover was in place when the Solidor V was seized in accordance with the Ordre Provisoire and, if so, who insured the craft for the period of its detention? If cover was not in place, will he give details of the consequences of the failure of the Committee to insure the vessel?"

Deputy G.C.L. Baudains of St. Clement will ask the following question of the President of the Harbours and Airport Committee -

"With regard to Emeraude Lines, would the President advise members –

- (a) whether the reduction of invoice period from 60 days to one day was by negotiation or imposition, and
- (b) whether the alleged debt of c.£300,000 has been cleared and, if not, notify members of the current outstanding balance?"

Deputy R.G. Le Hérissier of St. Saviour will ask the following question of the President of the Harbours and Airport Committee -

"Would the President inform members whether the Committee, in arriving at its decision to vary the ramp permit to Condor to allow the company to carry accompanied private vehicles on the Jersey-St. Malo route, took note of a report submitted to the Jersey Transport Authority in mid-2002 which advised against the granting of rights to a second operator on the route?"

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

"Would the President –

- (a) advise members what type of viability study the Committee envisages holding into whether the St. Malo-Jersey route is a 'natural monopoly' and whether the Committee believes that the Administrateur Judiciaire of Emeraude Lines', Madame Sophie Gautier, is able to help in this process?
- (b) confirm that the Committee considers that such a study cannot be undertaken by the Jersey Competition Regulatory Authority?
- (c) inform members what he meant when he stated that he wanted to make sure such a study would be 'truly independent and the further away from government the better' and was this statement an indication that he does not believe that the Jersey Competition Regulatory Authority is truly independent?"

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

“Would the President confirm that, when the Committee negotiated the release of Solidor V, part of the agreement was that Emeraude Lines would drop any legal action against the Committee, including the pending matter of possible legal action concerning the Committee’s decision to allow Condor to carry passengers with cars on to the Jersey-St. Malo route when Emeraude Lines believed they had exclusivity on the route?”