

# STATES OF JERSEY ORDER PAPER

Tuesday 18th February 2003

## A. COMMUNICATIONS BY THE BAILIFF

Interception of Communications (Jersey) Law 1993: Report of the Commissioner for 2002. R.C.6/2003.

## B. TABLING OF SUBORDINATE LEGISLATION

*(Explanatory note attached)*

Island Planning (Fees) (Jersey) Order 2003. R&O 4/2003.  
*Environment and Public Services Committee.*

Building Bye-Laws (Amendment) (Jersey) 2003. R&O 5/2003.  
*Environment and Public Services Committee.*

Misuse of Drugs (Modification) (Jersey) Order 2003. R&O 7/2003.  
*Health and Social Services Committee.*

Misuse of Drugs (Designation) (Amendment No. 5) (Jersey) Order 2003. R&O 8/2003.  
*Health and Social Services Committee.*

Misuse of Drugs (General Provisions) (Amendment No. 7) (Jersey) Order 2003. R&O 9/2003.  
*Health and Social Services Committee.*

Motor Traffic (Public Service Vehicles (Conditions of Fitness)) (Jersey) Order 2003. R&O 10/2003.  
*Home Affairs Committee.*

Motor Vehicles (Driving Licences) (Jersey) Order 2003. R&O 11/2003.  
*Home Affairs Committee.*

Motor Vehicles (Driving Licences) (Amendment) (Jersey) Order 2003. R&O 12/2003.  
*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)

States of Jersey Law 1966, as amended: delegation of functions - R.C.5/2003.  
Health and Social Services Committee.  
*Health and Social Services Committee.*

Commission Amicale: membership (P.4/2003) - comments. P.4/2003. Com.  
*Policy and Resources Committee.*

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

Presented on 11th February 2003

Births, marriages and deaths in 2002: statement. R.C.4/2003.  
*Home Affairs Committee.*

### **(b) Notification of Standing Order decisions**

12th February 2003

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)**

Manual Workers’ Joint Council: membership. P.15/2003.  
*Policy and Resources Committee.*

Draft Parish Rate (Administration) (Amendment) (Jersey) Law 200-. P.16/2003.  
*Connétable of St. Martin.*

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

Lodged on 11th February 2003

Draft Fishing Vessels (Safety Provisions) (Jersey) Regulations 200-. P.13/2003.  
*Harbours and Airport Committee.*

Draft Police Procedures and Criminal Evidence (Jersey) Law 2003 P.14/2003.  
(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 agree that the following matters lodged “au Greffe” be considered at their next meeting on 4th March 2003 -

Jersey Heritage Trust: amendments to constitution. P.37/2002.  
Lodged: 19th March 2002.  
*Deputy G.C.L. Baudains of St. Clement.*

Draft Fire Service (Amendment No. 5) (Jersey) Law 200. P.3/2003.  
Lodged: 21st January 2003.  
*Home Affairs Committee.*

School milk: provision for the years 2003, 2004 and 2005. P.7/2003.  
Lodged: 28th January 2003.  
*Deputy G.P. Southern of St. Helier.*

Simultaneous Electronic Voting: replacement for 'appel nominal'. P.10/2003.  
Lodged: 4th February 2003.  
*Privileges and Procedures Committee.*

Draft Police Procedures and Criminal Evidence (Jersey) Law 2003 P.14/2003.  
(Appointed Day) Act 200-.  
Lodged: 11th February 2003.  
*Home Affairs Committee.*

## **F. PRESENTATION OF PETITIONS**

## **G. QUESTIONS**

The Deputy of St. John will ask a question of the President of the Environment and Public Services Committee regarding the Public Transportation Consultant's report on the new transport centre.

Deputy G.P. Southern of St. Helier will ask a question of the President of the Housing Committee regarding the sale of dwellings on a shared equity basis.

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Home Affairs Committee regarding emergency service access on St. Helier's ring road.

The Deputy of St. John will ask a question of the President of the Economic Development Committee regarding legislation for the registration and issue of passports for all equines.

The Deputy of St. Martin will ask a question of the President of the Policy and Resources Committee regarding Human Rights.

Deputy G.C.L. Baudains of St. Clement will ask questions of the President of the Finance and Economics Committee regarding the Jersey Heritage Trust's development strategy for Mont Orgueil Castle.

Deputy R.G. Le Hérisier of St. Saviour will ask a question of the President of the Policy and Resources Committee regarding confidentiality clauses which cover conditions of service for senior civil servants.

## **H. MATTERS OF PRIVILEGE**

## **I. PERSONAL STATEMENTS**

## **J. COMMITTEE STATEMENTS**

## **K. PUBLIC BUSINESS**

War against Iraq. P.12/2003.  
Lodged: 4th February 2003.  
*Deputy G.P. Southern of St. Helier.*

War against Iraq: amendment. P.12/2003.  
*Policy and Resources Committee.* Amd.  
(attached).

Draft Crime and Security (Jersey) Law 200-. P.210/2002.  
Lodged: 12th November 2002.  
*Home Affairs Committee.*

Field 790, l'Avenue de la Reine Elizabeth II, St. Peter. Lodged: 31st December 2002. <i>Deputy of St. John.</i>	P.240/2002.
Field 790, l'Avenue de la Reine Elizabeth II, St. Peter (P.240/2002): comments. Presented: 4th February 2003. <i>Harbours and Airport Committee.</i>	P.240/2002. Com.
Commission Amicale: membership. Lodged: 21st January 2003. <i>Senator J.A. Le Maistre.</i>	P.4/2003.
Commission Amicale: membership (P.4/2003) - comments. Presented: 18th February 2003. <i>Policy and Resources Committee.</i>	P.4/2003. Com.
Draft Housing (General Provisions) (Amendment No. 18) (Jersey) Regulations 200-. Lodged: 4th February 2003. <i>Housing Committee.</i>	P.8/2003.
Grainville School, St. Saviour: Redevelopment Phase 2 - art, design and technology block - approval of drawings. Lodged: 4th February 2003. <i>Education, Sport and Culture Committee.</i>	P.9/2003.
Chief Executive to the Council of Ministers and Head of the Public Service: appointment. Lodged: 4th February 2003. <i>Policy and Resources Committee.</i>	P.11/2003.

**M.N. DE LA HAYE**  
**Greffier of the States**

13th February 2003.

## **Explanatory Note regarding subordinate legislation tabled at this meeting.**

### **R&O 4/2003.**

The purpose of this Order is to prescribe the fees that must accompany applications to the Environment and Public Services Committee for permission to develop land.

The Order was made on 4th February 2003, and came into force on 15th February 2003.

### **R&O 5/2003.**

The purpose of these Bye-laws is to amend the Building Bye-laws (Jersey) 2001, to prescribed revised fees for applications for building work approval and the manner of calculating those fees.

The Order was made on 4th February 2003, and came into force on 15th February 2003.

### **R&O 7/2003.**

The purpose of this Order is to bring under the control of legislation 43 new substances, which are to be designated as Class A, B or C drugs.

The Order was made on 5th February 2003, and comes into force on 1st March 2003.

### **R&O 8/2003.**

The purpose of this Order is to prohibit dealings in 37 substances by designating them as controlled drugs which it is unlawful to produce, possess or supply on the Island, and to enable the prescription of the controlled drug Remifentanil.

The Order was made on 5th February 2003, and comes into force on 1st March 2003.

### **R&O 9/2003.**

The purpose of this Order is to provide that two controlled drugs are to be the subject of the requirements in the Order relating to documentation and record keeping; and that five further controlled drugs are not to be excepted from the prohibition on importation, exportation and, when in the form of a medicinal product, possession, but are to be the subject of requirements as to record-keeping.

The opportunity is taken to correct a consequential omission arising out of an earlier amendment to the principal Order.

The Order was made on 5th February 2003, and comes into force on 1st March 2003.

### **R&O 10/2003.**

This Order updates the conditions as to fitness to be fulfilled by public service vehicles and the equipment to be carried by them to qualify for a certificate of fitness.

The Order was made on 7th February 2003, and came into force 7 days after being made.

**R&O 11/2003.**

The main purpose of this Order is to allow certain applications under the Order to be made by telephone or by the use of the Internet. At present, applications have to be made in person.

The Order was made on 7th February 2003, and came into force 7 days after being made.

**R&O 12/2003.**

This Order corrects certain fees set out in the Motor Vehicles (Driving Licences) (Jersey) Order 2003.

The Order was made on 13th February 2003, and came into force on 14th February 2003.

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

12th February 2003

- (a) as recommended by the Environment and Public Services Committee, the lease from Mr. Neville Francis Le Boutillier of office accommodation (measuring 2,503 square feet) at the property Nos. 24/26 Bath Street, St Helier, being required for occupation by departments under the administration of the Economic Development Committee, for a period of nine years deemed to have commenced from 1st March 2003, at a commencing annual rent of £40,000 (exclusive) payable quarterly in advance on the usual quarter days. The lessor had agreed to a rent free period for the first 25 days of the agreement, therefore the first rental payment would be made on 25th March 2003, and quarterly thereafter. The rent was to be reviewed every three years in line with the Jersey Retail Price Index (based on the December 2002 Index number). The Lessee would have the option to break the lease at the end of the third year upon giving to the lessor six months prior written notice. The lessee was to be responsible for internal repairs including all mechanical, electrical, fire alarm and plumbing repairs/maintenance, plus lift maintenance/insurance. The lessor would remain responsible for external and structural repairs and maintenance and external decoration. The lessee was to be responsible for payment of all utilities consumed on the premises, parochial occupier's rates and the cleaning of the demised premises including the veranda. The lessor would, throughout the lease, at his expense keep the property in which the demised premises sit insured. The lessor's consent to assign or sub-let would not be unreasonably withheld. Each party would be responsible for its own legal costs in relation to this transaction. In addition, it had also been agreed that the office furniture currently within the demised premises would be left in situ and that it is either utilised by the occupying departments or disposed of as necessary. For the avoidance of doubt the lease was to be in the name of the Environment and Public Services Committee but responsibility in fulfilling the terms and conditions of the agreement would lie with the Economic Development Committee;
- (b) as recommended by the former Planning and Environment Committee (now subsumed into the Environment and Public Services Committee), the sale to the undermentioned owners of dwellings known as No. 3 and No. 4 Le Clos Lauren, Belle Vue, La Route des Quennevais, St. Brelade, of two small areas of land adjoining the southern end of the respective gardens -
- (i) Mr. Raoul Sanders Gear and Mrs. Amanda Lucy Gear, née Wright (No. 4 Le Clos Lauren)- for a consideration of £100; and
- (ii) Mr. Trevor Louis Bernard Rousseau and Mrs. Andrea Rousseau, née Hull (No. 3 Le Clos Lauren)- for a consideration of £100;
- on the basis that each party would be responsible for its own legal costs associated with this transaction; and,
- (c) as recommended by the former Sport, Leisure and Recreation Committee (now subsumed into the Education, Sport and Culture Committee), the entering into of a Deed of Arrangement with Mr. Nicholas Albert Le Gallais, owner of Les Huriaux Cottage, La Moye, St. Brelade, in order to reaffirm the right previously granted in respect of Les Huriaux Cottage to use an existing water pipe, which passed under public land at Les Creux Country Park, St. Brelade, for a consideration of £200 to be paid by Mr. Le Gallais, on the basis that Mr. Le Gallais would be responsible for both parties' legal costs associated with this transaction.

## QUESTION PAPER

(See Item G)

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

- (a) as the new transport centre plans have been agreed, can the President explain the rationale of using the Island Site instead of the Weighbridge, when a report prepared by Public Transportation Consultants Steer Davies Gleave, which was made public in July 1999, stated that there was no need to move the bus station from the Weighbridge; and,
- (b) could the President inform members of the cost of the Steer Davies Gleave Report?

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

Paragraph 3.6.3 of the report accompanying the Housing Committee's Strategic Policy (P.2/2002) states –

‘the Committee proposes to investigate the possibility of introducing schemes for the part sale of dwellings on a shared equity basis. A working party set up by the Committee will report on this matter in 2002.’

- (a) will the President inform members what progress has been made on this issue? and,
- (b) will the President indicate when the Committee expects to receive the working party's report?

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

With regard to pavement widening, bollard installation and other similar road alterations within St. Helier's ring road undertaken during the last few years, would the President –

- (a) advise whether the emergency services were fully consulted prior to such alterations? and,
- (b) state whether the emergency services have indicated that any such roads have become more difficult to use, for example, by having to mount the pavement, or have become impassable for use as a result of these alterations and, if so, would the President advise which roads are involved and give a brief description of the problems?

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

The United Kingdom government is introducing new legislation that will require all equines, including horses, ponies, donkeys and mules, irrespective of their age or status, to be registered and issued with a passport identifying the animal by the end of 2003. This will bring the United Kingdom into line with European legislation and the passport will be valid for the life of the animal and will not need to be renewed annually.

Would the President inform members whether the Committee is taking action to mirror this legislation and, if so, would he advise members when it is expected to be put in place?

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



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- (a) being mindful that the United Nations Conventions on the Rights of the Child and for the Elimination of Discrimination Against Women have been ratified by and for the UK for many years, what plans are there to ensure that these important Conventions are ratified for Jersey in the near future?
  - (b) is there any constitutional or other barrier which prevents the incorporation of the UN Covenant on Economic, Social and Cultural Rights into the domestic law of Jersey and are there any plans so to do? and,
  - (c) is Jersey required to prepare a Human Rights Plan of Action as recommended under the 1993 Vienna Declaration and Programme of Action and if so, what progress has been made with its preparation?

Deputy G.C.L. Baudains of St. Clement will ask the following questions of the President of the Finance and Economics Committee.

With regard to the Jersey Heritage Trust's Development Strategy for Mont Orgueil Castle, has the Committee been informed by the Trust –

- 1.(a) how the forecast increase in admission income of £102,000 as detailed in paragraph 9.2.3. was calculated? and,
- (b) whether the works in the Development Plan have been costed and whether any remaining balance of the £3m grant will be sufficient to cover these costs? and,
- 2. is the Committee satisfied that the works detailed in the Plan comply with the Trust's obligations under the terms of the Usufruct and the States' obligations to international conventions?

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

Would the President clarify whether it is desirable, and the intention of the Committee when employing senior civil servants, to retain the need for confidentiality clauses which cover conditions of service, or whether a more open policy should prevail?

## WAR AGAINST IRAQ (P.12/2003) - AMENDMENT

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*For the words 'without a fresh United Nations mandate, following clear evidence of the need for war' substitute the words 'unless sanctioned by the United Nations'.*

### POLICY AND RESOURCES COMMITTEE

#### **Report**

The Policy and Resources Committee supports the proposals that the States should be asked to debate the need or otherwise for the proposed use of military force against Iraq and, should such a debate be held and brought to a successful conclusion, that the views of the States Assembly should be transmitted to Her Majesty's Government and that of the United States of America in the manner proposed by Deputy Southern.

However, the Committee believes that the proposition submitted by Deputy Southern is perhaps too narrow in nature in that not only does it call for there being a '*fresh United Nations mandate*', a line already being pursued by Her Majesty's Government, but also requires such a mandate to be based on there being '*clear evidence of the need for war*'.

The Committee believes that a high level of trust should be maintained in the ability of the United Nations to consider any and all evidence placed before it, much of which it may not be possible to place in the public domain, and to arrive at a just and lawful position on this issue. To do otherwise and to seek to attach pre-conditions as to the grounds upon which such approval for action might be given could be seen as undermining that trust and might be taken to imply that the Island will only support United Nations decisions, if the island agrees with them.

The Committee believes, therefore, that the basic principle underlying this debate should be whether or not any actions against Iraq, such as the proposed use of military force, should only be taken with the approval of the United Nations and that the application of any caveats to that position should be resisted.

Thus the Committee asks the States Assembly to agree to amend to Deputy Southern's proposal as indicated, in order that the States can focus on the underlying matter of principle; whether the States will support the United Nations' decisions on whether military action against Iraq should or should not proceed.