

STATES OF JERSEY ORDER PAPER

Tuesday 10th June 2003

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Companies (Subsidiaries) (Jersey) Order 2003. <i>Finance and Economics Committee.</i>	R&O 47/2003.
Civil Service Administration (General) (Jersey) Rules 1949 (Amendment No. 14) (Jersey) Order 2003. <i>Policy and Resources Committee.</i>	R&O 48/2003.
Civil Service Administration (Salaries) (Amendment No. 23) (Jersey) Order 2003. <i>Policy and Resources Committee.</i>	R&O 49/2003.
Agricultural Marketing (Milk) (Jersey) Order 2003. <i>Economic Development Committee.</i>	R&O 50/2003.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

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

Telecommunications Board: annual report and accounts for 2002. <i>Telecommunications Board.</i>	
Taxation of Rental Subsidies for Essentially Employed Public Employees (R.C.12/2003): Addendum. <i>Policy and Resources Committee.</i>	R.C.12/2003 Add.
Ecology Fund: report for 2002. <i>Environment and Public Services Committee.</i>	R.C.29/2003.
Board of Administrative Appeal: events surrounding hearing of 26th March 2003. <i>Privileges and Procedures Committee.</i>	R.C.30/2003
Income Tax: increase in small income exemption limits and allowances, and introduction of higher rate - comments. <i>Finance and Economics Committee.</i>	P.6/2003. Com.
Belle Vue, La Route des Quennevais, St. Brelade: proposed exchange and counter-exchange of land (P.58/2003) - comments. <i>Finance and Economics Committee.</i>	P. 58/2003. Com.
Amy's House, La Route de St. Catherine, St. Martin: proposed sale - comments. <i>Finance and Economics Committee.</i>	P.68/2003. Com.

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

27th May 2003

Public and private sector workflow projections. R.C.27/2003.
Economic Development Committee.

3rd June 2003

States of Jersey Prison Service: Annual Report 2002 – Business Plan 2003. R.C.28/2003.
Home Affairs Committee.

Public right of access to information, financial and other records of the States of Jersey (P.34/2003): comments. P.34/2003. Com.
Employment and Social Security Committee.

(b) Notification of Standing Order decisions

4th June 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)

Draft Waste Management (Jersey) Law 200- (P.211/2002): amendments. P.211/2002.
Amd.
Environment and Public Services Committee.

Benefits paid by the Housing and Employment and Social Security Committees: protection. P.75/2003.
Deputy G.P. Southern of St. Helier.

Training and Employment Partnership: disbandment. P.76/2003.
Economic Development Committee.

Law Revision (Jersey) Law 200-. P.78/2003.
Finance and Economics Committee.

Philips House, Victoria Street, St. Helier: sale to Les Vaux Housing Trust. P.77/2003
Housing Committee.

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

27th May 2003

Les Amarrages, Grève d’Azette, St. Clement: deed of arrangement. P.71/2003.
Environment and Public Services Committee.

Ecology Fund: appointment of Chairman. P.72/2003.
Environment and Public Services Committee.

Housing Regulations: reductions in qualifying periods. P.73/2003.
Deputy of St. Martin.

3rd June 2003

Public and Private Sector Housing Rental Subsidy Schemes. P.74/2003.
Housing Committee. (re-issue)

(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 matter lodged “au Greffe” be considered at the present meeting –

Janvrin School, St. Helier: new nursery class– approval of drawings. P.70/2003.
Lodged: 20th May 2003.
Education, Sport and Culture Committee.

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at their next meeting on 24th June 2003 -

Belle Vue, La Route des Quennevais, St. Brelade: proposed exchange and counter-exchange of land. P.58/2003.
Lodged: 6th May 2003.
Environment and Public Services Committee.

Belle Vue, La Route des Quennevais, St. Brelade: proposed exchange and counter-exchange of land (P.58/2003) – comments. P.58/2003.
Presented: 10th June 2003. Com.
Finance and Economics Committee.

States approval for new “user pays” charges. P.63/2003.
Lodged: 13th May 2003.
Senator S. Syvret.

Draft Public Elections (Jersey) Regulations 200-. P.64/2003.
Lodged: 20th May 2003.
Legislation Committee.

Draft Matrimonial Causes (Amendment No. 11) (Jersey) Law 200-. P.65/2003.
Lodged: 20th May 2003.
Legislation Committee.

Draft Criminal Justice (Suspension of Prison Sentences) (Jersey) Law 200-. P.66/2003.
Lodged: 20th May 2003.
Legislation Committee.

Draft Housing (General Provisions) (Amendment No. 19) (Jersey) Regulations 200-. P.67/2003.
Lodged: 20th May 2003.
Housing Committee.

Amy's House, La Route de Ste. Catherine, St. Martin: proposed sale. P.68/2003.
Lodged: 20th May 2003.
Housing Committee.

Amy's House, La Route de St. Catherine, St. Martin: proposed sale P.68/2003.
(P.68/2003) - comments. Com.
Presented: 10th June 2003.
Finance and Economics Committee.

Draft Act annulling the Medicines (Kava-kava) (Prohibition) (Jersey) P.69/2003.
Order 2003.
Lodged: 20th May 2003.
Deputy G.W.J. de Faye of St. Helier.

Les Amarrages, Grève d'Azette, St. Clement: deed of arrangement. P.71/2003.
Lodged: 27th May 2003.
Environment and Public Services Committee.

Ecology Fund: appointment of Chairman. P.72/2003.
Lodged: 27th May 2003.
Environment and Public Services Committee.

Housing Regulations: reductions in qualifying periods. P.73/2003.
Lodged: 27th May 2003.
Deputy of St. Martin.

In accordance with Standing Order 17(6), the following paper is deemed to have been withdrawn –

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

In accordance with Standing Order 22(3), Deputy Alan Breckon of St. Saviour has instructed the Greffier of the States to withdraw the proposition regarding the establishment of an Office of Fair Trading, (P.97/2002 lodged "au Greffe" on 11th June 2002).

In accordance with Standing Order 22(3), the President of the Economic Development Committee has instructed the Greffier of the States to withdraw the proposition regarding the disbandment of the Training and Employment Partnership, (P.27/2003 lodged "au Greffe" on 18th March 2003), the Committee having lodged a revised proposition at the present meeting.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

Senator E.P. Vibert will ask questions of the President of the Housing Committee regarding the report of the Committee of Inquiry into Procedures for the Allocation of Residential Property by Housing Trusts.

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

Senator E.P. Vibert will ask questions of the President of the Environment and Public Services Committee regarding the Bus Strategy, newly announced bus services, and the contract with Connex Limited.

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Home Affairs Committee regarding access for emergency vehicles in St. Helier.

The Deputy of St. John will ask a question of the President of the Policy and Resources Committee regarding 'j' category staff.

Senator E.P. Vibert will ask a question of the President of the Policy and Resources Committee regarding the proposed Waterfront Hotel.

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Environment and Public Services Committee regarding main road white line painting.

The Deputy of St. John will ask a question of the President of the Environment and Public Services Committee regarding the administration of the Water Pollution (Jersey) Law 2000, in relation to the stream below Le Mourier Reservoir.

Senator E.P. Vibert will ask questions of the President of the Education, Sport and Culture Committee regarding the future use of Fort Regent, its user groups, and current expenditure on improvements of the site.

Senator E.P. Vibert will ask a question of the President of the Education, Sport and Culture Committee regarding the feasibility study on the future use of Fort Regent.

The Deputy of St. John will ask questions of the President of the Environment and Public Services Committee regarding potato leachate.

Senator E.P. Vibert will ask a question of the President of the Economic Development Committee regarding the potato market and possible financial aid.

The Deputy of St. John will ask a question of the President of the Economic Development Committee regarding unsecured agricultural loans.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

The President of the Policy and Resources Committee will make a statement regarding the EU Tax Package.

The President of the Policy and Resources Committee will make a statement regarding the Community Relations Trust.

K. PUBLIC BUSINESS

Income Tax: increase in small income exemption limits and allowances, and introduction of higher rate. P.6/2003.

Lodged: 4th February 2003.

Deputy G.P. Southern of St. Helier.

Income Tax: increase in small income exemption limits and P.6/2003.

allowances, and introduction of higher rate (P.6/2003) - comments. Presented: 10th June 2003.. <i>Finance and Economics Committee.</i>	Com.
Tax liability of essentially employed public sector employees. Lodged: 18th February 2003. <i>Deputy P.N. Troy of St. Brelade.</i>	P.20/2003.
Tax liability of essentially employed public sector employees. Lodged: 4th March 2003. <i>Deputy of St. John.</i>	P.23/2003.
Taxation of rental subsidies for essentially employed public employees. Presented: 18th March 2003, <i>and linked to P. 20/2003 and P.23/2003 above.</i> <i>Policy and Resources Committee.</i>	R.C.12/2003.
Taxation of Rental Subsidies for Essentially Employed Public Employees (R.C.12/2003): Addendum. Presented: 10th June 2003, <i>and linked to P. 20/2003 and P.23/2003 above.</i> <i>Policy and Resources Committee.</i>	R.C.12/2003 Add.
Audit Commission: appointment of Chairman. Lodged: 13th May 2003. <i>Finance and Economics Committee.</i>	P.59/2003. <i>(re-issue)</i>
Draft Opticians (Registration) (Amendment) (Jersey) Law 200-. Lodged: 13th May 2003. <i>Health and Social Services Committee.</i>	P.61/2003.
Draft Jersey Association for Mental Health and Jersey Schizophrenia Fellowship (Integration with Jersey Focus on Mental Health) (Jersey) Law 200-. Lodged: 13th May 2003. <i>Health and Social Services Committee.</i>	P.62/2003.
Subject to E -	
Janvrin School, St. Helier: new nursery class– approval of drawings. Lodged: 20th May 2003. <i>Education, Sport and Culture Committee.</i>	P.70/2003.

M.N. DE LA HAYE
Greffier of the States

5th June 2003

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 47/2003.

The effect of this Order is to provide that rights that are attached to shares held by way of security on 1st September 2002, shall be treated for the purposes of Article 2 of the Companies (Jersey) Law 1991 (which relate to the definitions “subsidiary”, wholly-owned subsidiary” and “holding body”) as being held by the person providing that security.

The Order was made by the Finance and Economics Committee on 21st May 2003, after consultation with the Jersey Financial Services Commission, and came into force on the day it was made.

R&O 48/2003

The effect of this Order is to increase annual leave entitlements, for civil servants in Grades 1 to 10, in the following ways –

- (a) officers whose service exceeds 13 years but does not exceed 16 years will be entitled to 26 days leave:
- (b) officers whose service exceeds 16 years but does not exceed 20 years will be entitled to 27 days leave.

In all other respects, existing annual leave entitlements remain unchanged.

The Order was made on 29th May 2003, and came into force on 1st June 2003.

R&O 49/2003

This Order, which was made on 29th May 2003, prescribes Civil Service salaries with effect from 1st June 2003.

R&O 50/2003

This Order replaces the Sale of Milk (Jersey) Order 1961, as amended, so as to revise the provisions concerned with supply of milk in sealed containers, to apply metric instead of imperial measurements and to remove the penalties for non-compliance with the Order. The changes of substance are as follows –

- (a) except in the case of school milk (which must now be supplied in 189 millilitre containers instead of the equivalent 1/3 of a pint) or milk sold from automatic vending machines, milk may only be sold in quantities of ½ litre or multiples of ½ litre, instead of quantities of ½ pint or multiples of ½ pint as previously;
- (b) all milk must now be delivered to the purchaser in sealed containers of any sort; the reference to delivery of larger quantities in churns has been removed; and,
- (c) the provision purporting to create offences and penalties for non-compliance with the Order is no longer included (since Article 23 of the Agricultural Marketing (Jersey) Law 1953 already contains the necessary sanctions).

The Order was made on 4th June 2003, and came into force on 5th June 2003.

**NOTIFICATION OF STANDING ORDER DECISIONS -
FINANCE AND ECONOMICS COMMITTEE**

(delegated functions)

4th June 2003

- (a) as recommended by the Housing Committee, the grant of a Contract Wayleave to the Jersey Electricity Company Limited in respect of the buried double high voltage circuit power supply from an existing cable route at Le Marais, St. Clement (the exact route of which was to be agreed on site between the two parties), on the basis that the Company would pay the sum of £2,000 in respect of the wayleave and also both parties' legal costs arising from this transaction;
- (b) as recommended by the Environment and Public Services Committee, the entering into a Deed of Arrangement with Mrs. Pamela Elaine Morgan, née Borrett, in order to define the boundary between public land along a section of La Route de la Trinité, Trinity and the property known as Trinity Manor (so to facilitate necessary stabilisation work to the main road), on the basis that the sum of £500 would be paid to Mrs. Morgan for the acquisition of an area of land measuring 470 square feet, and with the Committee to be responsible for Mrs. Morgan's reasonable legal costs arising from this transaction;
- (c) as recommended by the Finance and Economics Committee, the renewal of the lease from Mr. George Arthur Le Gros and Mrs. Dany Alexine Le Gros, née Gouedart of the agricultural warehouse at La Recompense, La Rue Rouge Cul, St. Lawrence, (on behalf of the Jersey Probation and After-Care Service), for a period of five years from 1st April 2003 at an annual rent commencing at £14,000, (representing a rate of £4.50 a square foot), with all other terms and conditions to remain as per the existing lease (including the Finance and Economics Committee remaining as the named lessee due to its financial relationship with the Jersey Probation and After-Care Service), on the basis that each party would be responsible for its own legal costs arising from this transaction; and,
- (d) as recommended by the Education, Sport and Culture Committee, the lease to Leeward Enterprises Limited in respect of the ground floor of the Community Hall at Springfield Stadium, St. Helier, (measuring approximately 2,352 square feet), for the provision of crèche facilities for a period of nine years from 1st October 2003, at an annual rent of £28,500 payable quarterly in advance, with rent reviews in line with the Jersey Retail Price Index after three and six years, subject to the continued use of the premises as a nursery and after-school child care facility and for no other purpose, with each party to be responsible for its own legal fees arising from this transaction.

QUESTION PAPER

(See Item G)

Senator E.P. Vibert will ask the following questions of the President of the Housing Committee -

1. The Committee of Inquiry into Procedures for the Allocation of Residential Property by Housing Trusts presented its report to the States on 13th May 2003.

In view of the fact that the Committee of Inquiry made 23 recommendations to standardise and improve methods used by Housing Trusts and the Committee in the allocation of residential properties, would the President inform members which of the recommendations the Committee will be acting upon and when?

2. In relation to the delays in the sale of first time buyer flats on the Waterfront housing development due to legal issues, would the President inform members –
 - (a) why these delays could not have been resolved during the two year construction period so that purchasers could have taken possession virtually on completion? and,
 - (b) when these legal problems are likely to be resolved so as to allow those awaiting completion to take possession of their property?"

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

“Would the President inform the Assembly whether the Committee intends to request the Assembly to debate the Population Policy Report, (P.205/2002), before the Summer recess this year and, if not, would he explain the Committee’s precise intentions in relation to this projet?”

Senator E.P. Vibert will ask the following questions of the President of the Environment and Public Services Committee -

1. In P.104/2001 regarding the Bus Strategy, which was adopted by the States on 31st July 2001, it was agreed that the licensing and regulatory functions of the former Public Services Committee, as part of the strategy, be transferred to the Jersey Competition Regulatory Authority, (JCRA).

Will the President inform members what progress has been made in this respect to date, and when this transfer will be concluded?

2. Would the President inform members –
 - (a) whether the newly announced service from the Weighbridge to Elizabeth Terminal was put out to tender and whether or not any provision has been made for this service to receive a subsidy? and,
 - (d) why the contract between the States and Connex Transport Jersey Limited is not available for public scrutiny?"

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

“Would the President inform members whether the issue of access for emergency vehicles arising from road alterations around St. Helier continues to exist and, if so, whether the Committee has made any representations to the Environment and Public Services Committee in this respect?”

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

- “(a) Would the President inform members of the annual cost to the States for the years 2000, 2001 and 2002 in respect of relocation expenses for all States employed ‘j’ category staff?
- (b) for the same periods, would the President advise members of the cost to the States in respect of subsistence allowance for all States employed ‘j’ category officers who do not bring family to the Island for the duration of the contract? and,
- (c) for the same periods, would the President advise members of the cost to the States in respect of rental subsidy for States employed ‘j’ category officers?”

Senator E.P. Vibert will ask the following question of the President of the Policy and Resources Committee -

“In September 2001, preliminary site work on the new Waterfront Hotel ceased because the development company building the hotel claimed that it was unable to raise the necessary funds due to the September 11th crisis, which caused lack of confidence in the travel industry.

Will the President inform members of the reasons for the continued delay and when it is expected that building works will re-commence and the expected date of completion?”

Deputy G.C.L. Baudains of St. Clement will ask the following question of the President of the Environment and Public Services Committee -

“In answer to questions on 13th May 2003, the President advised that main road white line painting was work of a specialised nature.

Would the President inform members –

- (a) whether up to four vehicles can be engaged at the same time for any one road marking job, and, if so, the reasons for this?
- (b) whether cost per mile comparisons have ever been made with other jurisdictions? and,
- (c) what criteria makes this work of a specialist nature, and whether the Committee has received any expressions of interest from local contractors, and, if so, whether the Committee will now be seeking tenders for the work?”

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

“As the Committee with responsibility for administering the Water Pollution (Jersey) Law 2000, would the President advise members whether a permit has been issued for the discharge of waste into the stream below Le Mourier Reservoir from the new di-nitrification plant at that reservoir, and, if so, would he confirm whether the concentration of effluent discharged into the stream is harmful to humans, wild animals or domestic pets that drink from the stream?”

Senator E.P. Vibert will ask the following questions of the President of the Education, Sport and Culture Committee -

1. (a) Now that the tendering process is complete in relation to the proposed feasibility study into the future use of Fort Regent, would the President inform members of the cost of the winning tender for this work?
 - (b) Will the President inform members –
 - (i) whether it has yet been established that the sports activities currently carried out at Fort Regent can all be re-located elsewhere to the satisfaction of the 42 groups using these facilities, and, if not the reasons why? and,
 - (ii) whether the Committee has obtained the view of the Environment and Public Services Committee regarding the construction of a sports centre at the Le Rocquier site, and, if not, the reasons why?
2. (a) Would the President advise members of the cost of the current replacement of the escalators at Fort Regent and building of a bistro/clubhouse for Active Card members?
 - (b) Would the President also advise members of the business rationale of continued spending on Fort Regent when the Committee is actively looking for ways in which it can be handed over to private enterprise within the next three to four years?”

Senator E.P. Vibert will ask the following question of the President of the Education, Sport and Culture Committee -

“(a) Would the President confirm that it has been decided not to proceed with a full conservation plan on the historical importance of Fort Regent prior to a feasibility study being carried out, to determine whether or not private enterprise could take over the Fort and develop it commercially?”

If the answer to (a) is in the affirmative, would the President advise members –

- (b) whether a specialist consultant has been engaged to carry out a more rapid overview of conservation constraint and opportunities in the form of a conservation statement, and, if so, at what cost to the States? and,
- (c) whether liaison has taken place with the Jersey Heritage Trust or the Société Jersiaise over the matter of a conservation plan.”

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

- “1. Will the President inform members whether potato leachate is still being removed from Beauport and whether, in the past, any of the leachate was disposed of through a discharge pipe near the Jersey New Waterworks Company Limited’s desalination plant at Corbière, and if so, when?”
2. Recently it has been reported that St. Brelade’s Bay has failed to be awarded an EU mandatory pass by the Marine Conservation Society in its 2003 Good Beach Guide. Will the President inform members whether St. Brelade’s Bay is monitored by the water resources section of the Public Services Department, and, if so, provide details of the number of tests undertaken annually and the results of these tests and what, if any, actions have been taken as a result?”

Senator E.P. Vibert will ask the following question of the President of the Economic Development Committee -

“In view of the apparently difficult trading conditions in the potato market and the possible serious financial implications for a large number of Jersey potato farmers, would the President inform members whether the Committee will be bringing forward proposals for additional financial aid to the farming industry for 2003?”

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

“Will the President give details of the number of unsecured agricultural loans that are outstanding within the industry, and when these were put in place?”