

STATES OF JERSEY ORDER PAPER

Tuesday 22nd, Wednesday 23rd and, if necessary, Thursday 24th July 2003.

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Police Procedures and Criminal Evidence (Preparatory Hearings) Rules 2003. R&O 60/2003.

Court of Appeal and the Superior Number of the Royal Court.

Education (Discretionary Grants) (Amendment No. 2) (Jersey) Order 2003. R&O 61/2003.

Education, Sport and Culture Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

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

Jersey Police Authority: review. R.C.35/2003.
Home Affairs Committee.

Machinery of Government: establishment of scrutiny panels and public accounts committee (P.79/2003) - amendments (P.79/2003 Amd.)- comments. P.79/2003 Amd.Com.(2)
Privileges and Procedures Committee.

Machinery of Government: establishment of scrutiny panels and public accounts committee (P.79/2003) - second amendment (P.79/2003 Amd.(2)) - comments. P.79/2003 Amd.(2)Com(2)
Privileges and Procedures 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)

(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

THE STATES are asked to agree that the following matters lodged "au Greffe" be considered at their next meeting on 9th September 2003 -

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

School milk: provision for the years 2003, 2004 and 2005 P.7/2003.
(P.7/2003) - comments. Com.
Presented: 18th February 2003.
Economic Development Committee.

School milk: provision for the years 2003, 2004 and 2005 P.7/2003. Com.
(P.7/2003) - comments. (2)
Presented: 25th February 2003. (re-issue).
Finance and Economics Committee.

Social rented housing: policy on setting rents. P.29/2003.
Lodged: 18th March 2003.
Deputy G.P. Southern of St. Helier.

Social rented housing: policy on setting rents (P.29/2003) – P.29/2003. Com.
comments. (re-issue)
Presented: 29th April 2003.
Employment and Social Security Committee.

Social rented housing: policy on setting rents (P.29/2003) – P.29/2003. Com.
comments. (2)
Presented: 20th May 2003.
Housing Committee.

Social rented housing: policy on setting rents (P.29/2003) – P.29/2003. Com.
comments. (3)
Presented: 20th May 2003.
Finance and Economics Committee.

Draft Mental Health (Amendment) (Jersey) Law 200-. P.94/2003.
Lodged: 1st July 2003.
Health and Social Services Committee.

Draft Public Library (Jersey) Regulations 200-. P.95/2003.
Lodged: 8th July 2003.
Education, Sport and Culture Committee.

La Collette, St. Helier: transfer of administration of roadway. P.96/2003.
Lodged: 8th July 2003.
Environment and Public Services Committee.

Draft Agricultural Marketing (Amendment No. 7) (Jersey) Law 200. P.107/2003.
Lodged: 15th July 2003.
Economic Development Committee.

Draft Maincrop Potato Marketing Scheme (Revocation) (Jersey) Act 200-. P.108/2003.
Lodged: 15th July 2003.
Economic Development Committee.

Draft Fish Health (Amendment) (Jersey) Regulations 200-. P.111/2003.

Lodged: 15th July 2003.
Economic Development Committee.

Bas du Mont Flats, Pier Road, St. Helier: transfer of administration of land. P.112/2003.

Lodged: 15th July 2003.
Environment and Public Services Committee.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

Senator P.F.C. Ozouf will ask a question of the President of the Economic Development Committee regarding rented office accommodation at 24/26 Bath Street, St. Helier.

Senator E.P. Vibert will ask a question of the President of the Finance and Economics Committee regarding the introduction of a PAYE taxation system.

Senator E.P. Vibert will ask a question of the President of the Policy and Resources Committee regarding the publication of earnings of senior public servants.

The Deputy of St. Martin will ask a question of the President of the Housing Committee regarding Amy's House, La Route de Ste. Catherine, St. Martin.

Senator E.P. Vibert will ask a question of the President of the Policy and Resources Committee regarding the engagement of the community in the political process.

Senator E.P. Vibert will ask questions of the President of the Finance and Economics Committee regarding the appointment of a press officer.

The Deputy of St. John will ask a question of the President of the Economic Development Committee regarding the proposed introduction of a 12 mile fishing licence scheme by the Guernsey authorities.

The Deputy of St. John will ask a question of H.M. Attorney General regarding the proposed introduction of a 12 mile fishing licence scheme by the Guernsey authorities.

Senator E.P. Vibert will ask a question of the President of the Environment and Public Services Committee regarding rezoned sites under the Island Plan.

Senator E.P. Vibert will ask a question of the President of the Housing Committee regarding the action taken by that Committee following the recommendations of the Committee of Inquiry into the Allocation of Residential Property by Housing Trusts.

Senator P.V.F. Le Claire will ask a question of the President of the Policy and Resources Committee regarding the building programme in respect of the proposed Waterfront Hotel.

Senator E.P. Vibert will ask a question of the President of the Finance and Economics Committee regarding States financial borrowing and the Strategic Reserve.

Senator E.P. Vibert will ask questions of the President of the Environment and Public Services Committee regarding the Connex bus service.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

The President of the Policy and Resources Committee will make a statement regarding salaries paid to senior officers.

K. PUBLIC BUSINESS

Shadow Law Revision Board: appointment of members.
Finance and Economics Committee.
(Attached)

La Collette Fuel Farm, St. Helier: lease to Shell U.K. Limited and Esso Petroleum Company Limited. P.60/2003.
Lodged: 13th May 2003.
Harbours and Airport Committee.

La Collette Fuel Farm, St. Helier: lease to Shell U.K. Limited and Esso Petroleum Company Limited (P.60/2003) – comments. P.60/2003. Com.
Presented: 8th July 2003.
Economic Development Committee.

La Collette Fuel Farm, St. Helier: lease to Shell U.K. Limited and Esso Petroleum Company Limited (P.60/2003) – comments. P.60/2003. Com.
Presented: 8th July 2003. (2)
Environment and Public Services Committee.

Waterfront Enterprise Board Limited: dissolution. P.33/2003
Lodged: 25th March 2003.
Senator S. Syvret.

Machinery of Government: Establishment of Scrutiny Panels and Public Accounts Committee. P.79/2003.
Lodged: 10th June 2003.
Privileges and Procedures Committee.

Machinery of Government: Establishment of Scrutiny Panels and Public Accounts Committee (P.79/2003) – comments. P.79/2003. Com.
Presented: 8th July 2003.
Finance and Economics Committee.

Machinery of Government: Establishment of Scrutiny Panels and Public Accounts Committee (P.79/2003) – comments. P.79/2003. Com.
Presented: 8th July 2003. (2)
Policy and Resources Committee.

Machinery of Government: Establishment of Scrutiny Panels and Public Accounts Committee (P.79/2003) – amendments. P.79/2003. Amd.
Lodged: 24th June 2003.
Senator S. Syvret.

Machinery of Government: Establishment of Scrutiny Panels and Public Accounts Committee (P.79/2003) – amendments (P.79/2003 Amd.)– comments. P.79/2003. Amd.
Presented: 15th July 2003. Com.
Policy and Resources Committee.

Machinery of Government: establishment of scrutiny panels and public accounts committee (P.79/2003) - amendments (P.79/2003 Amd.)- comments. P.79/2003
Amd.Com.(2)
Privileges and Procedures Committee.

Machinery of Government: establishment of Scrutiny Panels and Public Accounts Committee (P.79/2003) – second amendments. P.79/2003. Amd.
Lodged: 1st July 2003. (2)
Deputy J.L. Dorey of St. Helier.

Machinery of Government: Establishment of Scrutiny Panels and P.79/2003. Amd.

Public Accounts Committee (P.79/2003) – second amendment (P.79/2003 Amd.(2))– comments. Presented: 15th July 2003. <i>Policy and Resources Committee.</i>	(2)Com.
Machinery of Government: establishment of scrutiny panels and public accounts committee (P.79/2003) - second amendment (P.79/2003 Amd.(2)) - comments. <i>Privileges and Procedures Committee.</i>	P.79/2003 Amd. (2)Com(2)
Draft Investigation of Fraud (Amendment No. 2) (Jersey) Law 200-. Lodged: 10th June 2003. <i>Legislation Committee.</i>	P.80/2003.
Draft Hire Cars (Repeal) (Jersey) Law 200-. Lodged: 24th June 2003. <i>Home Affairs Committee.</i>	P.86/2003.
Former School, Clearview Street, St. Helier: transfer of administration. Lodged: 24th June 2003. <i>Education, Sport and Culture Committee.</i>	P.87/2003.
Gorseland, La Rue de la Corbière, St. Brelade: proposed sale. Lodged: 24th June 2003. <i>Home Affairs Committee.</i>	P.88/2003.
Gorseland, La Rue de la Corbière, St. Brelade: proposed sale (P.88/2003) – comments. Presented : 8th July 2003. <i>Finance and Economics Committee.</i>	P.88/2003. Com.
Draft Regulation of Investigatory Powers (Jersey) Law 200-. Lodged: 24th June 2003. <i>Home Affairs Committee.</i>	P.89/2003.
Waterfront Shop Units, Albert Pier, St. Helier: sale. Lodged: 1st July 2003. <i>Housing Committee.</i>	P.92/2003.
Waterfront Shop Units, Albert Pier, St. Helier: sale (P.92/2003)– comments. Presented: 8th July 2003. <i>Finance and Economics Committee.</i>	P.92/2003. Com.

<p>Appointments Commission: re-appointment of member. Lodged: 1st July 2003. <i>Policy and Resources Committee.</i></p>	<p>P.93/2003.</p>
<p>Draft Health Care (Registration) (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200-. Lodged: 8th July 2003. <i>Health and Social Services Committee.</i></p>	<p>P.97/2003.</p>
<p>Catherine Quirke House, 6 Gloucester Street, St. Helier: redevelopment. Lodged: 8th July 2003. <i>Health and Social Services Committee.</i></p>	<p>P.98/2003.</p>
<p>Public Lotteries Board: appointment of members. Lodged: 8th July 2003. <i>Economic Development Committee.</i></p>	<p>P.99/2003.</p>
<p>Draft Transfer of Functions (Environment and Public Services Committee) (Jersey) Act 200-. Lodged: 8th July 2002. <i>Economic Development Committee.</i></p>	<p>P.100/2003.</p>
<p>Draft Transfer of Functions (Environment and Public Services Committee) (Jersey) Act 200- (P.100/2003): comments. Presented: 8th July 2003. <i>Environment and Public Services Committee.</i></p>	<p>P.100/2003. Com.</p>
<p>Former St. Aubin's Market, St. Aubin, St. Brelade: transfer of administration. Lodged: 8th July 2002. <i>Economic Development Committee.</i></p>	<p>P.101/2003.</p>
<p>Former St. Aubin's Market, St. Aubin, St. Brelade: transfer of administration (P.101/2003) – comments. Presented: 8th July 2003. <i>Environment and Public Services Committee.</i></p>	<p>P.101/2003. Com.</p>
<p>Waterfront Enterprise Board: re-appointment of members. Lodged: 8th July 2003. <i>Policy and Resources Committee.</i></p>	<p>P.103/2003. <i>(re-issue).</i></p>
<p>Waterfront Enterprise Board Limited: provision of information by the Policy and Resources Committee. Lodged: 8th July 2003. <i>Senator S. Syvret.</i></p>	<p>P.106/2003.</p>

M.N. DE LA HAYE
Greffier of the States

17th July 2003.

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 60/2003.

These Rules make provision for –

- (a) the purposes of the holding by the Bailiff of preparatory hearings under Part 10 of the Police Procedures and Criminal Evidence (Jersey) Law 2003 (“the Law”) in –
 - (i) long or complex cases; or
 - (ii) cases in which a person may give evidence through a live television link or a video recording of an interview may be given in evidence;
- (b) regulating the practice and procedure of the Court of Appeal for the purposes of appeals against rulings as to the admissibility of evidence or as to questions of law, made at preparatory hearings.

The Rules come into force on the same day as the States by Act appoint for Article 88 of the Law to come into force.

The Rules were made by the Court of Appeal and the Superior Number of the Royal Court on 16th July 2003.

R&O 61/2003.

The effect of this Order is to increase, with effect from 1st September 2003, the maximum amounts of discretionary grants and allowances for higher and vocational education.

The increases (except those for home student grants and distance learning grants) reflect the 1.7 per cent increase in the United Kingdom cost of living index at 1st September 2002. The increases for home student grants and distance learning grants reflect the 4.2 per cent increase in the cost of living in Jersey at that date.

The Order was made by the Education, Sport and Culture Committee on 16th July 2003 and comes into force on 1st September 2003.

QUESTION PAPER

(See Item G)

Senator P.F.C. Ozouf will ask the following question of the President of the Economic Development Committee -

“On 18th February 2003, the States were notified that the Economic Development Committee had entered into a lease for new rented offices at Nos. 24/26 Bath Street, St. Helier, at a cost of £40,000 per annum from 25th March 2003.

Would the President:-

- (a) inform the Assembly when his Committee decided to seek approval to rent these additional offices?
- (b) inform the Assembly who is to occupy the premises, including an explanation of the proposed occupants' current accommodation?
- (c) inform the Assembly what alternatives were considered?
- (d) explain how the rental cost of the lease is being financed?
- (e) explain the total fit-out costs for the new offices and how this is being financed?
- (f) explain if there are any compensatory savings as a result of this move?”

Senator E.P. Vibert will ask the following questions of the President of the Finance and Economics Committee –

“Would the President inform members whether the Committee intends to present to the Assembly its report and recommendations relative to the introduction of a ‘Pay As You Earn’ (PAYE) taxation system for Jersey, and if so, when it proposes to do so?”

Senator E.P. Vibert will ask the following questions of the President of the Policy and Resources Committee –

“Would the President inform members whether the Committee is prepared to publish annually the names of all public servants, including those of the judiciary, earning more than £50,000 per year and include in that list the salary, job title and a brief job description? If the answer is in the negative, would the President explain why not?”

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

- “(a) In the Committee’s proposition Amy’s House, La Route de St. Catherine, St. Martin: proposed sale (P.68/2003), it is stated that Amy's House was subsequently advertised again and two offers in the sum of £275,000 were received. Will the President confirm that Amy's House was advertised for sale at £285,000 and, in fact, an offer to purchase the property at the asking price was made.”
- (b) If his answer is in the affirmative, will the President give his reasons why that fact was not made known in the report accompanying P.68/2003 and why the offer of £285,000 was not accepted?”

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

- “(a) Would the President confirm that when speaking at the recent Commonwealth Parliamentary Association Regional Conference held in Westminster and Cambridge, he told the Conference that Jersey was ‘making a real effort to engage the community more closely in the political process’?
- (b) Would he inform members what this ‘real effort’ involves and how it is manifested?
- (c) Would he also inform members what proposals he has put to the States to develop this concept during

his years in the Assembly and when will he, for instance, inform members if he has made a submission to the Legislation Committee to improve our electoral Law?"

- (d) Are members to regard his statement as implying that the States has, in past years, failed to develop a 'culture of engagement'?

Senator E.P. Vibert will ask the following questions of the President of the Finance and Economics Committee –

- “1. Would the President advise members whether the Committee has recently appointed a press officer? If the answer is in the affirmative, would the President advise the Assembly –
- (a) whether this post was advertised, and if so, where it was advertised and how many candidates applied?
 - (b) who made the appointment?
 - (c) of the terms and conditions of the post?
2. Would the President inform members whether the Committee was advised of and considered any potential conflicts of interest that could arise in this appointment, given the professional background of the press officer appointed?"

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

“Is the President aware of the negotiations taking place between the UK Government and the States of Guernsey regarding the proposed 12 mile fishing licence scheme being proposed by the Guernsey authorities, and which may penalise Jersey fishermen as the scheme will require a licence to fish in that area where currently a licence to fish is not required, and if so, would he give details of those involved in the negotiations?"

The Deputy of St. John will ask the following question of H.M. Attorney General -

Would the Attorney General –

- “(a) advise members whether he has been asked to advise on the legality of the Guernsey fishing vessel licensing scheme being proposed by the Guernsey authorities to a 12 mile zone from their coast which comes into effect on 1st October 2003? and
- (b) if so, and if the scheme is deemed to be legal, whether grandfather rights be available to existing Jersey fishermen?"

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

- “(a) With regard to sites rezoned in the Island Plan for housing, especially in St. Clement, would the President confirm all sites designated for housing will be a 50/50 mix of social rental/first time buyers as decided during the debate?
- (b) Would the President also confirm that the redevelopment on the rezoned site to the east of Jambart Lane, St. Clement will include the new road connecting with the Grande Route de St. Clément as put forward as one of the main reasons for choosing that site?"

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

“In his answer to a question on 10th June 2003 regarding which of the 24 recommendations made by the Committee of Inquiry into the Allocation of Residential Property by Housing Trusts, the Housing

Committee would be acting upon, the President stated that this report would be studied at the Committee' meeting on 24th 2003 June and that he would report back to the Assembly. Would the President now inform members which of the 24 recommendations the Committee will be acting on?"

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

“In answer to a question on 10th June 2003 regarding the Hotel on the Waterfront and when it could be expected that details of the building programme would be announced, the President replied that ‘by the end of June, it is expected that final approval of the funding bank’s Board will be achieved’.”

As that date has now passed, would the President inform members of the reasons for the delay and what the timetable is now?

Senator E.P. Vibert will ask the following question of the President of the Finance and Economics Committee –

- “(a) Would the President inform members of the total amount of ‘off balance-sheet borrowing’ , that is capital expenditure not funded by a Capital Vote or from Trading Fund Balances – either external funding or internal funding – to which Jersey is currently committed?
- (b) Would the President supply details of each loan giving members –
 - (i) the purpose of the loan, the date it was taken out, the balance owing, the total amount of the loan and the interest being charged?
 - (ii) the source of the funds for each loan?
- (c) Would the President advise the Assembly what the Committee’s policy is on ‘off balance sheet borrowing’?
- (d) Would the President inform members of the current amount held in the Strategic Reserve (‘the rainy day fund’), and the projected return this year?”

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

- “1. Would the President inform members –
 - (a) of the fare revenue taken by Connex for the month of June 2003?
 - (b) whether he is yet in a position to inform members of the projected size of the loss incurred by the Island and how much extra this is going to cost the taxpayer than the budgeted £1.4 million?
- 2. In its report of the operation for six months of the Connex Bus Company the States were informed that during the period covered by the report a total of 1,039,511 passengers were carried which produced a total revenue of £807,615. This was an average fare of 78p. In view of the fact that the fare structure is 80p, 100p, 125p, 155p, would the President explain this very low figure?”

PROPOSITION

SHADOW LAW REVISION BOARD: APPOINTMENT OF MEMBERS

THE STATES are asked to decide whether they are of opinion –

to refer to their Act dated 16th July 2003 in which they approved the draft Law Revision (Jersey) Law 200-, and to appoint the following as members of a shadow Law Revision Board pending the coming into force of the Law and the establishment of the Law Revision Board in accordance with the provisions of Article 2 of the Law –

Deputy Jeremy Laurence Dorey of St. Helier; and
Deputy Gerard Clifford Lemmens Baudains of St. Clement

FINANCE AND ECONOMICS COMMITTEE

Report

On 16th July 2003 the States approved the draft Law Revision (Jersey) Law 200- which, once sanctioned by Her Majesty in Council, will provide a statutory framework for the law revision project.

Article 2 of the Law will establish a Law Revision Board to oversee the law revision. In addition to the Attorney General, the Greffier of the States, the Law Draftsman and the Law Revision Manager, who will be members of Board *ex officio*, there will be two members of the States, appointed by the States, on the Board.

The Committee believes it would be helpful for the States to appoint two members of the States to join a shadow Law Revision Board at this stage. As explained during the debate on the Law, work on the law revision has already commenced and it would be beneficial for the members of the States to join the shadow Law Revision Board that is overseeing the project rather than waiting several months until the law is in force after sanction by the Privy Council. In this way the members will be able to familiarise themselves with the project at an earlier stage and participate in the work of the Board.

The Committee is pleased to nominate Deputies J.L. Dorey and G.C.L. Baudains as members of the shadow Board. Both are known for the careful consideration they give to draft legislation that is presented to the States for approval as well as for their attention to detail. The Committee is grateful to them for allowing their names to go forward for approval by the States.

Financial and manpower implications

There are no additional financial or manpower implications arising out of this proposition. The Law Revision Board will be supported from the States Greffe and the Law Draftsman's Office.