

STATES OF JERSEY ORDER PAPER

Tuesday 14th and Wednesday 15th September 2004, and,
if necessary, Tuesday 21st and Wednesday 22nd September 2004

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Social Security (General Benefit) (Amendment No. 2) (Jersey) Order 2004. R&O 76/2004.

Employment and Social Security Committee.

Social Security (Airmen) (Amendment) (Jersey) Order 2004. R&O 77/2004.

Employment and Social Security Committee.

Social Security (Mariners) (Amendment No. 2) (Jersey) Order 2004. R&O 78/2004.

Employment and Social Security Committee.

Social Security (Married Women) (Amendment No. 3) (Jersey) Order 2004. R&O 79/2004.

Employment and Social Security Committee.

Social Security (Residence and Persons Abroad) (Amendment No. 2) (Jersey) Order 2004. R&O 80/2004.

Employment and Social Security Committee.

Social Security (Overlapping Benefits) (Amendment No. 4) (Jersey) Order 2004. R&O 81/2004.

Employment and Social Security Committee.

Social Security (Medical Certification) (Amendment) (Jersey) Order 2004. R&O 82/2004.

Employment and Social Security Committee.

Social Security (Contributions) (Amendment No. 8) (Jersey) Order 2004. R&O 83/2004.

Employment and Social Security Committee.

Social Security (Claims and Payments) (Amendment No. 4) (Jersey) Order 2004. R&O 84/2004.

Employment and Social Security Committee.

Social Security (Determination of Disablement Questions) (Amendment) (Jersey) Order 2004. R&O 85/2004.

Employment and Social Security Committee.

Social Security (Determination of Claims and Questions) (Amendment No.3) (Jersey) Order 2004. R&O 86/2004.

Employment and Social Security Committee.

Social Security (Incapacity Benefits) (Jersey) Order 2004. R&O 87/2004.

Employment and Social Security Committee.

Social Security (Assessment of Long Term Incapacity) (Jersey) Order 2004. <i>Employment and Social Security Committee.</i>	R&O 88/2004.
Health Insurance (Pharmaceutical Benefit) (General Provisions) (No. 2) (Amendment No. 2) (Jersey) Order 2004. <i>Employment and Social Security Committee.</i>	R&O 90/2004.
Battle of Britain Air Display (Jersey) Order 2004. <i>Environment and Public Services Committee.</i>	R&O 91/2004.
Housing (Fees) (Jersey) Order 2004. <i>Housing Committee.</i>	R&O 92/2004.
Education (Discretionary Grants) (Amendment No. 3) (Jersey) Order 2004. <i>Education, Sport and Culture Committee.</i>	R&O 93/2004.
Tourism (General Provisions) (Amendment No. 11) (Jersey) Order 2004. <i>Economic Development Committee.</i>	R&O 94/2004.
Places of Refreshment (Registration) (Fees) (Jersey) Order 2004. <i>Economic Development Committee.</i>	R&O 95/2004.
Community Provisions (Control of Exports of Dual-Use Items and Technology) (Application) (Amendment No. 3) (Jersey) Order 2004. <i>Home Affairs Committee.</i>	R&O 97/2004.
Island Planning (Designation of Sites of Special Interest) (No. 12) (Jersey) Order 2004. <i>Environment and Public Services Committee.</i>	R&O 98/2004.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

Resignation of the Deputy of St. Mary from the Economic Development Committee.

D. PRESENTATION OF PAPERS

(a) Papers for information

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

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

3rd August 2004

A Vision for the Future of Early Education and Childcare in Jersey. <i>Education, Sport and Culture Committee.</i>	R.C.35/2004.
Planning for Homes 2004. <i>Environment and Public Services Committee.</i>	R.C.36/2004.

10th August 2004

States Rental Waiting List: 6-monthly figures. R.C.37/2004.
Housing Committee.

Criminal Injuries Compensation Board: report and accounts for 2003. R.C.38/2004.
Home Affairs Committee.

17th August 2004

Jersey Financial Services Commission: 2003 annual report.
Economic Development Committee.

General Reserve: grant of additional funds to 30th June 2004. R.C.39/2004.
Finance and Economics Committee.

Draft Transfer of Functions (Environment and Public Services P.137/2004.
Committee) (No. 2) (Jersey) Act 200- (P.137/2004): comments. Com.
Economic Development Committee.

24th August 2004

States of Jersey Law 1966, as amended: delegation of functions – R.C.40/2004.
airport – revised parachuting guidelines.
Harbours and Airport Committee.

Licensing Law: purchase of alcohol for persons under 18 P.95/2004.
(P.95/2004) – comments. Com.(2)
Connétable of St. Martin.

31st August 2004

Jersey Competition Regulatory Authority appointments: report. R.C.41/2004.
Economic Development Committee.

Regulation of Undertakings and Development (Jersey) Law 1973: R.C.42/2004.
commentary on licences granted under Part II for the period to 30th
June 2004.
Economic Development Committee.

Fields Nos. 519, 520, 521, 524, 527 and 528, Woodside Farms, La R.C.43/2004.
Hocquarderie, Trinity: report of Mrs. C.E. Canavan.
Environment and Public Services Committee.

7th September 2004

Licensing Law: purchase of alcohol for persons under 18 P.95/2004. Com.
(P.95/2004) – comments. (3)
Home Affairs Committee.

(b) Notification of Standing Order decisions

5th August 2004

Decisions under delegated functions.
Finance and Economics Committee.

(c) Notification of acceptance of tenders

21st July 2004

Le Squez redevelopment Phases 1A and 1B.

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

Draft Law Society of Jersey Law 200- (P.154/2003): second amendments (P.154/2003 Amd.(2))– amendments. P.154/2003.
Deputy R.G. Le Hérissier of St. Saviour. Amd.(2). Amd.

Bus Service: rescindment of decisions relating to concessionary fares and adult fares after 8.00 p.m. P.150/2004.
Deputy R.G. Le Hérissier of St. Saviour.

Machinery of Government Reform: composition and election of the States Assembly. P.151/2004.
Special Committee on the Composition and Election of the States Assembly.

States Members’ parking: withdrawal of provision. P.152/2004.
Senator E.P. Vibert.

Draft Extradition (Jersey) Law 2004 (Appointed Day) Act 200-. P.153/2004.
Policy and Resources Committee.

Draft Extradition (Designated Territories) (Jersey) Regulations 200-. P.154/2004.
Policy and Resources Committee.

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

3rd August 2004

Assemblée Parlementaire de la Francophonie Executive Committee: membership. P.140/2004.
Connétable of St. Ouen.

10th August 2004

Statistics User Group: appointment of chairperson. P.141/2004.
Policy and Resources Committee.

17th August 2004

Draft Fire Precautions (Designated Premises) (Amendment No. 2) (Jersey) Regulations 200-. P.142/2004.
Home Affairs Committee.

Draft Transfer of Functions (Economic Development Committee) (Jersey) Act 200-. P.143/2004.
Economic Development Committee.

24th August 2004

States Resource Plan 2005 to 2009 (P.135/2004): amendment. P.135/2004.
Privileges and Procedures Committee. Amd.

Draft Licensing (Licence Fees) (Jersey) Regulations 200-. P.144/2004.
Economic Development Committee.

31st August 2004

Le Marais, St. Clement – redevelopment of low rise Phase I. P.145/2004.
Housing Committee.

7th September 2004

Draft Road Traffic (Amendment No. 3) (Jersey) Law 200. P.146/2004.
Environment and Public Services Committee.

Car parking charges: allocation of additional income to the funding of P.147/2004.
transport initiatives.
Environment and Public Services Committee.

Draft Mental Health (Amendment) (Jersey) Law 2004 (Appointed P.148/2004.
Day) Act 200-.
Health and Social Services Committee.

Area of land, St. Brelade, adjacent to L53, L53a and L65 Garage site, P.149/2004.
L' Avenue de la Commune, St. Peter: transfer of administration.
Harbours and Airport 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 President of the Legislation Committee will ask the States to agree to defer the following matter set down for consideration at the present meeting –

Draft The Law Society of Jersey Law 200-. P.154/2003.
Lodged: 11th November 2003.
Legislation Committee.

The President of the Environment and Public Services Committee will ask the States to agree to defer the following matter set down for consideration at the present meeting –

Speed Limits: revised policy. P.1/2004.
Lodged: 20th January 2004.
Environment and Public Services Committee.

Senator E.P. Vibert will ask the States to agree to defer the following matter set down for consideration at the present meeting –

Sunday Trading legislation. P.107/2004.
Lodged: 1st June 2004.
Senator E.P. Vibert.

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at the present meeting –

Statistics User Group: appointment of chairperson. P.141/2004.
Lodged: 10th August 2004.
Policy and Resources Committee.

Draft Transfer of Functions (Economic Development Committee) P.143/2004.
(Jersey) Act 200-
Lodged: 17th August 2004.
Economic Development Committee.

Draft Licensing (Licence Fees) (Jersey) Regulations 200-. P.144/2004.
Lodged: 24th August 2004.
Economic Development Committee.

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at their next meeting on 28th September 2004 –

Draft Drainage (Jersey) Law 200-. P.193/2003.
Lodged: 16th December 2003.
Environment and Public Services Committee.

Draft Drainage (Jersey) Law 200- (P.193/2003): amendments. P.193/2003.
Lodged: 20th April 2004. Amd.
Environment and Public Services Committee.

Fields 519, 520, 521, 524, 527 and 528, Trinity – rescindment of P.74/2004.
planning permit.
Lodged: 20th April 2004.
Senator P.V.F. Le Claire.

Channel Islands Lottery: allocation of profits. P.136/2004.
Lodged: 20th July 2004.
Economic Development Committee.

Draft Transfer of Functions (Environment and Public Services P.137/2004.
Committee) (No. 2) (Jersey) Act 200.
Lodged: 20th July 2004.
Environment and Public Services Committee.

Draft Transfer of Functions (Environment and Public Services P.137/2004.
Committee) Com.
(No. 2) (Jersey) Act 200- (P.137/2004): comments.
Presented: 17th August 2004.
Economic Development Committee.

Court and Case Costs: investigation. Lodged: 20th July 2004. <i>Deputy A. Breckon of St. Saviour.</i>	P.138/2004.
Assemblée Parlementaire de la Francophonie Executive Committee: membership. Lodged: 3rd August 2004. <i>Connétable of St. Ouen.</i>	P.140/2004.
Draft Fire Precautions (Designated Premises) (Amendment No. 2) (Jersey) Regulations 200-. Lodged: 17th August 2004. <i>Home Affairs Committee.</i>	P.142/2004.
Le Marais, St. Clement – redevelopment of low rise Phase I. Lodged: 31st August 2004. <i>Housing Committee.</i>	P.145/2004.
Draft Road Traffic (Amendment No. 3) (Jersey) Law 200. Lodged: 7th September 2004. <i>Environment and Public Services Committee.</i>	P.146/2004.
Car parking charges: allocation of additional income to the funding of transport initiatives. Lodged: 7th September 2004. <i>Environment and Public Services Committee.</i>	P.147/2004.
States Members' parking: withdrawal of provision. Lodged: 14th September 2004. <i>Senator E.P. Vibert.</i>	P.152/2004.
Draft Extradition (Jersey) Law 2004 (Appointed Day) Act 200-. Lodged: 14th September 2004. <i>Policy and Resources Committee.</i>	P.153/2004.
Draft Extradition (Designated Territories) (Jersey) Regulations 200-. Lodged: 14th September 2004. <i>Policy and Resources Committee.</i>	P.154/2004.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

(a) Written Question

The President of the Harbours and Airport Committee will table an answer to a question asked by the Deputy of St. John regarding sea transportation links between Jersey and both the U.K. and France.

(b) Oral Questions

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

The Connétable of St. Martin will make a statement regarding the Electoral Register.

K. PUBLIC BUSINESS

States Resource Plan 2005 to 2009. P.135/2004.
Lodged: 20th July 2004.
Policy and Resources Committee.

States Resource Plan 2005 to 2009 (P.135/2004): amendment. P.135/2004.
Lodged: 24th August 2004. Amd.
Privileges and Procedures Committee.

States Resource Plan 2005 to 2009 (P.135/2004): second amendment. P.135/2004.
Deputy A. Breckon of St. Saviour. Amd.(2)
(attached)

Machinery of Government: votes of no confidence in individual P.6/2004.
ministers.
Lodged: 20th January 2004.
Senator S. Syvret

Machinery of Government: votes of no confidence in individual P.6/2004.
ministers (P.6/2004) – comments. Com.
Presented: 30th March 2004.
Privileges and Procedures Committee.

Machinery of Government: votes of no confidence in individual P.6/2004.
ministers (P.6/2004) – comments. Com.(2).
Presented: 20th April 2004.
Policy and Resources Committee.

Royal Court House/States Building: allocation of accommodation. P.69/2004.
Lodged: 20th April 2004.
Environment and Public Services Committee.

Royal Court House/States Building: allocation of accommodation P.69/2004.
(P.69/2004) – amendment. Amd.
Lodged: 27th April 2004.
Privileges and Procedures Committee.

Draft Act annulling the Island Planning (Designation of Sites of P.109/2004.
Special Interest) (No. 9) (Jersey) Order 2004.
Lodged: 1st June 2004.
Deputy L.J. Farnham of St. Saviour.

Draft Act annulling the Island Planning (Designation of Sites of P.109/2004.
Special Interest) (No. 9) (Jersey) Order 2004 (P.109/2004): comments. Com.
Presented: 20th July 2004.
Environment and Public Services Committee.

Regulatory Reform. P.134/2004.
Lodged: 20th July 2004.
Policy and Resources Committee.

Subject to E –

Statistics User Group: appointment of chairperson. P.141/2004
Lodged: 10th August 2004.
Policy and Resources Committee.

Draft Transfer of Functions (Economic Development Committee) P.143/2004.
(Jersey) Act 200-.
Lodged: 17th August 2004.
Economic Development Committee.

Draft Licensing (Licence Fees) (Jersey) Regulations 200-. P.144/2004.
Lodged: 24th August 2004.
Economic Development Committee.

A.H. HARRIS
Deputy Greffier of the States

9th September 2004.

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 76/2004.

This Order amends the Social Security (General Benefit) (Jersey) Order 1975, in consequence of the introduction of a single incapacity benefit for injury and illness.

It also has the effect of providing that a parent in receipt of incapacity benefit or maternity allowance can obtain an increase of the benefit in certain circumstances. These can be summarized as follows –

- (a) The beneficiary and the other parent must be living together in Jersey, and ordinarily resident here.
- (b) The other parent must be in receipt of a home responsibility credit under Article 13 of the Social Security (Contributions) (Jersey) Order 1975 excepting that other person from paying contributions under the Law. (Such credits are available parent to parents who have the full-time care of children of the family who are younger than 5 years.)
- (c) The credit must relate to the first or second child of the family.

The Order was made by the Employment and Social Security Committee on 21st July 2004, and comes into force on 1st October 2004.

R&O 77/2004.

The effect of this Order is to amend the Social Security (Airmen) (Jersey) Order 1974, in consequence of the introduction of a single incapacity benefit for injury and illness.

The Order was made by the Employment and Social Security Committee on 21st July 2004, and comes into force on 1st October 2004.

R&O 78/2004.

The effect of this Order is to amend the Social Security (Mariners) (Jersey) Order 1974, in consequence of the introduction of a single incapacity benefit for injury and illness.

The Order was made by the Employment and Social Security Committee on 21st July 2004, and comes into force on 1st October 2004.

R&O 79/2004.

The effect of this Order is to amend the Social Security (Married Women) (Jersey) Order 1974, in consequence of the introduction of a single incapacity benefit for injury and illness.

The Order was made by the Employment and Social Security Committee on 21st July 2004, and comes into force on 1st October 2004.

R&O 80/2004.

The effect of this Order is to amend the Social Security (Residence and Persons Abroad) (Jersey) Order 1974, in consequence of the introduction of a single incapacity benefit for injury and illness.

The Order was made by the Employment and Social Security Committee on 21st July 2004, and comes into force on 1st October 2004.

R&O 81/2004.

The effect of this Order is to amend the Social Security (Overlapping Benefits) (Jersey) Order 1975, in consequence of the introduction of a single incapacity benefit for injury and illness.

The Order was made by the Employment and Social Security Committee on 21st July 2004, and comes into force on 1st October 2004.

R&O 82/2004.

The effect of this Order is to amend the Social Security (Medical Certification) (Jersey) Order 1974, in consequence of the introduction of a single incapacity benefit for injury and illness.

The Order was made by the Employment and Social Security Committee on 21st July 2004, and comes into force on 1st October 2004.

R&O 83/2004.

The effect of this Order is to amend the Social Security (Contributions) (Jersey) Order 1975, in consequence of the introduction of a single incapacity benefit for injury and illness.

The Order was made by the Employment and Social Security Committee on 21st July 2004, and comes into force on 1st October 2004.

R&O 84/2004.

The effect of this Order is to amend the Social Security (Claims and Payments) (Jersey) Order 1974, in consequence of the introduction of a single incapacity benefit for injury and illness.

The Order was made by the Employment and Social Security Committee on 21st July 2004, and comes into force on 1st October 2004.

R&O 85/2004.

This Order amends the Social Security (Determination of Disablement Questions) (Jersey) Order 1974, in consequence of the introduction of a single incapacity benefit for injury and illness.

The Order was made by the Employment and Social Security Committee on 21st July 2004, and comes into force on 1st October 2004.

R&O 86/2004.

This Order amends the Social Security (Determination of Claims and Questions) (Jersey) Order 1974, in consequence of the introduction of a single incapacity benefit for injury and illness.

The Order was made by the Employment and Social Security Committee on 21st July 2004, and comes into force on 1st October 2004.

R&O 87/2004.

This Order replaces the Social Security (Incapacity Benefit) (Jersey) Order 1974, and the Social Security (Accident Benefit) (Jersey) Order 1974, in consequence of the introduction of a single incapacity benefit for injury and illness.

The Order was made by the Employment and Social Security Committee on 21st July 2004, and comes into force on 1st October 2004.

R&O 88/2004.

This Order replaces the Social Security (Disablement Benefit) (Assessment of Disablement) (Jersey) Order 1974 in consequence of the introduction of a single incapacity benefit for injury and illness.

The Order was made by the Employment and Social Security Committee on 21st July 2004, and comes into force on 1st October 2004.

R&O 90/2004.

This Order applies the £1.28 dispensing fee to a smaller range of controlled drugs and a lower dispensing fee of 43p to drugs mainly of the benzodiazepam type.

The Order was made on 28th July 2004, and comes into force on 1st October 2004.

R&O 91/2004.

Article 1 grants permission to the promoter of the Battle of Britain Air Display to use the roads and places listed in the Article for the viewing of the display on 9th September 2004, if the promoter obtains insurance in relation to the display.

Article 2 sets out the requirements as to insurance that the promoter must obtain.

Article 3 requires the promoter to provide public notice of the event and the intended restrictions.

Article 4 specifies the public roads and places that the promoter may close during the day of the display and the practice session on the day before the display.

Article 5 permits the promoter to close part of the beach in St Aubin's Bay during the day of the display and the practice session on the day before the display, and to allow entry to the beach during the practice session (but not during 12.30 p.m. and 5 p.m. on the day of the display).

Article 6 prohibits waiting on part of St Aubin's Road on the day of the display.

Article 7 permits the promoter to allow the public to enter parts of the site (other than the relevant part of the beach) on the day of the display.

Article 8 provides an exception to some restrictions set out in the Road Traffic (Saint Lawrence) (Jersey) Order 1990. It also provides, to vehicles intending to access premises on or adjacent to the site to which the Order relates (other than Elizabeth Castle), an exception to the restrictions in the Order relating to vehicle movement.

Article 9 specifies the name of this Order.

The Order was made on 29th July 2004.

R&O 92/2004.

This Order prescribes –

- (a) a fee of £50 for an application for a consent under the Housing (Jersey) Law 1949 to a transaction, other than a short-term lease; and,
- (b) a fee of £20 for a variation of a consent granted under that Law, other than a variation of a consent in relation to a short-term lease.

The Order was made on 29th July 2004, and came into force on 20th August 2004.

R&O 93/2004.

Article 1 specifies that the Education (Discretionary Grants) Order 2001 is being amended by this Order.

Article 2 amends Schedule 2 to alter the amounts payable for maintenance, travel costs, the allowance for attending courses during the vacation, and alters the amount of the total maximum student grant for a year from £8,900 to £9,600.

Article 3 alters the amount of the maximum grant to a student studying a course in Jersey from £3,804 to £3,949.

Article 4 alters the maximum amount of the distance learning grant.

Article 5 increases the amount of a grant to attend an interview from £235 to £245.

Article 6 specifies the name by which this amending Order may be cited and that the Order shall come into force on 1st September 2004.

The Order was made on 28th July 2004.

R&O 94/2004.

This Order increases the fees for the grant or renewal of registration of premises under the Tourism (Jersey) Law 1948 by approximately 2.5%. The fees were last increased on 1st October 2003.

This Order was made on 10th August 2004, and comes into force on 1st October 2004.

R&O 95/2004.

This Order increases by approximately 2.5% the prescribed fee for registration, or renewal of registration, of premises as a place of refreshment under the Places of Refreshment (Jersey) Law 1967. The fees were last increased on 1st January 2004.

The Order was made on 10th August 2004, and comes into force on 1st January 2005.

R&O 97/2004.

The Community Provisions (Control of Exports of Dual-Use Items and Technology) (Application) (Jersey) Regulations 2002 were promulgated on 12th June 2002. They were introduced to keep in the Island in step with the European Community and U.K. regimes for controlling the export of dual-use items.

Dual-use items are items, including software and technology, which can be used for both civil and military purposes. In 2000 the E.C. introduced a regime for the control of dual-use items by the introduction of Council Regulation (EC) No. 1334/2000. The Policy and Resources Committee and the Finance and Economics Committee, believed that it was “appropriate for Jersey to play its part in co-operating in the important area of arms control and non-proliferation by giving effect to the E.C. Dual-Use Export Regulations in Jersey”.

Regulation 2 of the Community Provisions (Control of Exports of Dual-Use Items and Technology) (Application) (Jersey) Regulations 2002, as amended, states that “These Regulations may be amended by the [Home Affairs] Committee by Order to take account of amendments made to Council Regulation (E.C.) Number 1334/2000.”

On 19th July 2004 Council Regulation (E.C.) 1504/2004 amended Council Regulation (E.C.) 1334/2000 by replacing all 200 plus pages of its Annexes which detail the dual-use items.

The Community Provisions (Control of Exports of Dual-Use Items and Technology) (Application) (Amendment No. 3) (Jersey) Order 2004 will take account of the effect of Council Regulation (E.C.) 1504/2004.

The effect of the Council Regulation is to vary the restrictions on the exporting of dual-use items.

The Order was made on 8th September 2004, and comes into force on 30th September 2004.

R&O 98/2004.

The purpose of this Order is to designate Homestead and the land appurtenant to it together with the buildings connected to Homestead on that land, situated in La Grande Route des Augerez, in the Parish of Saint Peter, to be a site of special interest by reason of the special architectural and historical interests that attach to it.

Article 1 describes the proposed site and special interests that attach to it. It also provides for the designation.

Article 2 provides for the name of the Order and for its commencement.

Schedule 1 provides the description of the position and extent of the proposed site.

Schedule 2 shows a plan of the proposed site.

This Order was made on 9th September 2004, and came into force on that date.

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

5th August 2004

- (a) As recommended by the Environment and Public Services Committee, the addendum to the undermentioned leases in order to clarify the boundary between the two properties at Grève de Lecq, St. Ouen –
- (i) the lease to Mr. John William Eagle and Mrs. Viviane Christine Eagle, née Le Tiec, (trading as Starfish Limited) of Colleens Café (in respect of an alteration to the north-western boundary); and
 - (ii) the lease to Mr. Richard Ropert and Mrs. Harriet Ropert, née Fane, of Café de Lecq (in respect of an alteration to the south-eastern boundary);
- (b) as recommended by the Health and Social Services Committee, the renewal of the lease from Mrs. Eileen Mary Renouf, née Pallot, of the three-bedroom bungalow known as Teramar, La Route du Petit Clos, Trinity Hill, St. Helier (required for occupation by the Superintendent Radiographer) for a period of three years from 1st April 2004 at an annual rent of £13,000 (representing a rate of £250 a week) payable quarterly in advance, subject to annual review on 1st April 2005 and 2006 in line with the Jersey Retail Price Index, on the basis that the tenant would be responsible for the full payment of the rent and all utility, service and Parish Rate charges;
- (c) as recommended by the Environment and Public Services Committee, the entering into of a Deed of Arrangement with Mr. Michael Graeme Moignard, owner of the property known as Seaside Cottage, St. Lawrence, which adjoined the St. Aubin's Bay promenade, in order to clarify the southern boundary with the adjacent public land, in accordance with the Drawing by Bailhache Labesse entitled "Conveyancing Details address Seaside Cottage, La Rue de la Haule, St. Lawrence" and as shown as points A, B and C thereon with the owner of Seaside Cottage having the right to build a wall, fence or other enclosure to that boundary line, with the public retaining the right to join against the south-west corner of any enclosure, on the basis that each party would be responsible for its own legal costs arising from the transaction. [The Committee accordingly rescinded its Act No. A2(a) dated 8th January 2004];
- (d) as recommended by the Harbours and Airport Committee, in relation to the lease of an area of land (Letting No. SA1- measuring approximately 5,500 square feet) on the north quay at St. Aubin's Harbour, St. Brelade –
- (i) the annulment of the existing lease to Battrick's Boatyard Limited; and
 - (ii) the lease of the land to Alcora Limited for a period of 99 years commencing from 1st July 2004, at an annual rent of £30,000 subject to a review at eight years from commencement and every seven years thereafter in accordance with the open market value;
- (e) as recommended by the Harbours and Airport Committee, the lease to Endeavour Holdings Limited of office accommodation (Letting No. A52- measuring 1,200 square feet) at the Albert Pier Terminal, St. Helier for a period of three years from 1st February 2004 at an annual rent of £6,192 (representing a rate of £5.16 a square foot), payable quarterly in advance, subject to annual review in line with the Jersey Retail Price Index;
- (f) as recommended by the Health and Social Services Committee, the entering into of a Deed of Arrangement with Mr. Victor Cosby Davies, owner of La Casita, 5 Runnymede Court, Roseville Street, St. Helier, in order to allow Mr. Davies to erect a maintenance scaffold across the full 3'0" width between the boundary wall with Willows House, The Limes Residential Nursing Home, Green Street, St. Helier, up to the boundary wall, subject to reasonable advance notice being given and a maximum period of eight weeks for the scaffold to remain in situ, on the basis that the owner would not be charged a consideration for being granted amended access rights, and that each party would be responsible for its own legal fees arising from the

transaction;

- (g) as recommended by the Housing Committee, the lease to Mr. Wilson Taylor Brown and Mrs. Tania Brown, née Le Luan, of the garage pertaining to Flat D7, Quennevais Park, St. Brelade, for the balance of the existing 99-year lease of the said Flat D7, Quennevais Park due to expire on 25th December 2064 and to be co-terminus with the said lease, on the basis of a nominal sum of £10, subject to Mr. and Mrs. Brown being responsible for both parties' legal fees arising from the transaction;
- (h) as recommended by the Health and Social Services Committee, the lease from Miss Florence Anne Moulder of the five-bedroom property known as St. Luke's Lodge, Elizabeth Street, Georgetown, St. Saviour (including two parking spaces), required for use as a group home, for a period of nine years from 1st July 2004 at an annual rent of £20,000, subject to annual increases in line with the Jersey Retail Price Index, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (i) as recommended by the Education, Sport and Culture Committee, the lease to the Jersey Badminton Association of the La Pouquelaye Badminton Hall, situated on Field No. 1233, St. Helier, for a period of 95 years deemed to have commenced on 1st January 1995 at an annual rent commencing from 1st January 2005 equating to a commencing rent in January 1995 of £100 increased in proportion to the increase in the Jersey Retail Price Index between the two dates (approximately £145), subject to annual review every five years from 1st January 2005 and to be increased in proportion to the increase in the said Index between the date of the previous review and the date of the review, on the basis of the terms set out in a report dated 25th March 2004 of the Director of Property Services, and with each party to be responsible for its own legal costs arising from the transaction; and,
- (j) as recommended by the Harbours and Airport Committee, the renewal of the lease to D.K. Collins Marine Limited of accommodation (Letting No. S22) South Pier, St. Helier for a period of one year (in view of the redevelopment plan for the St. Helier Yacht Club, which occupied the same site) from 1st April 2004 at an annual rent of £3,817.55.

**NOTIFICATION OF ACCEPTANCE OF TENDER UNDER RULE 5 OF THE PUBLIC
FINANCES (GENERAL) (JERSEY) RULES 1967, AS AMENDED -
FINANCE AND ECONOMICS COMMITTEE**

21st July 2004

The Housing Committee accepted the lowest tender for the drainage enabling works Le Squez redevelopment, St. Clement (Phases 1A and 1B), namely that received from Jayen Limited in the sum of £480,298.20 in a contract period of 16 weeks.

The other tenders received were, as follows -

Contractor	Tender sum:	Contact period:
Trant (Jersey) Limited	£485,292.10	18 weeks
Geomarine Limited	£496,942.35	17 weeks
Brenwal Limited	£498,524.00	19 weeks.

WRITTEN QUESTION PAPER

(See Item G)

The President of the Harbours and Airport Committee will table an answer to the following question asked by the Deputy of St. John.

- (a) Following the publication of the report by consultants OXERA into sea transport links between Jersey and both the United Kingdom and France, would the President explain why he questioned the conclusion of the report on the basis that the Consultants had “underestimated” the amount of competition on the Jersey to St. Malo sea route?
- (b) Does the Committee accept that the OXERA conclusions are very similar to those of the initial report published by the Jersey Competition Regulatory Authority (JCRA) in that they both highlight that too much capacity could affect the long-term viability of sea transport operators?
- (c) Would the President confirm whether the Committee accepts the overall conclusion of the report to be that it would be more beneficial to the future viability of the routes for a single operator, governed by an appropriate Service Level Agreement, to be licensed? If so, will the Committee undertake to study the report’s contents carefully and to take steps, with the Committee’s officers where appropriate, to ensure that the conclusions of the report are implemented as a matter of urgency?

In Appendix 11 referred to in paragraph (c) of the proposition insert the following item into the Legislation Programme for 2005 –

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FINANCIAL SERVICES OMBUDSMAN (JERSEY) LAW – NEW LAW (15 days)	ECONOMIC DEVELOPMENT COMMITTEE	None identified	None identified
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DEPUTY A. BRECKON OF ST. SAVIOUR

REPORT

Ombudsman services were first established in Sweden in 1809 to “investigate citizens complaints against public officials”.

Since then many basic systems have developed to enable ordinary people to air their complaint or grievance, (at no (or low) cost), about a specific area of public administration or trade/industry, e.g. financial services etc.

Balance of power

Areas of public administration or large, and to some extent small businesses, maybe seen to have a considerable advantage over the individual consumer, however, the Ombudsman can balance that power by being able to seek information and remedy for the “underdog” in an efficient, transparent and user friendly manner.

The Jersey Financial Services Commission is responsible for the regulation, supervision and development of the financial services industry in the Island; key features of this are:

- (a) reducing risk to the public of financial loss,
- (b) protecting and enhancing the Island’s reputation and integrity in commercial and financial matters, and
- (c) safeguarding the Island’s best economic interests.

I believe this should include an Ombudsman Scheme, giving access to local and overseas individuals who may wish to seek cost effective remedy without a costly legal process. Examples of this would be mis-sold endowment policies, hidden charges and costs, linked insurance of other products. Jersey Financial Services Commission licences many businesses, however individuals cannot easily challenge their business practices.

Conclusion

A recommendation was contained in the “Edwards Report” (Published on 19th November 1998, “Review of Financial Regulation in the Crown Dependencies”) which said that Jersey’s Financial Services businesses should have a statutory Ombudsman scheme, “which will provide an efficient and cost-effective mechanism for the resolution of disputes between financial services businesses and their customers”. The “Task Force” that was established in Jersey to respond to “Edwards” agreed with that recommendation and the Financial Services

Commission was asked to consult with interested parties and to prepare law drafting instructions for which law drafting time was allocated to enable a scheme to be introduced as soon as possible.

An Ombudsman Working Party was set up by the Financial Services Commission with a brief to prepare law drafting instructions for a Financial Services Ombudsman Scheme. The Working Party included a good cross-section of the various strands of the finance industry and concluded its work in September 2002 and passed information to the Finance and Economics Committee for approval - nothing happened.

This amendment seeks to generate some positive activity for the benefit of the individual and the finance industry.

There are no financial or manpower implications for the States arising from this amendment.