

STATES OF JERSEY ORDER PAPER

Tuesday 11th May, and, if necessary, Tuesday 18th May 2004

A. COMMUNICATIONS BY THE BAILIFF

B. TABLING OF SUBORDINATE LEGISLATION

(Explanatory note attached)

Inquests and Post-Mortem Examinations (Amendment No. 4) (Jersey) Rules 2004. R&O 32/2004.
Superior Number of the Royal Court.

Royal Court (Amendment No. 20) Rules 2004. R&O 33/2004.
Superior Number of the Royal Court.

Petty Debts Court Rules 2004. R&O 34/2004.
Superior Number of the Royal Court.

Royal Court (Appeals from Petty Debts Court) Rules 2004. R&O 35/2004.
Superior Number of the Royal Court.

Road Traffic (Protective Helmets) (Jersey) Order 2004. R&O 36/2004.
Home Affairs Committee.

Community Provisions (Zimbabwe – Restrictive Measures) (No. 4) (Jersey) Order 2004. R&O 37/2004.
Policy and Resources Committee.

C. MATTERS RELATING TO COMMITTEE MEMBERSHIP

D. PRESENTATION OF PAPERS

(a) Papers for information

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

Jersey Competition Regulatory Authority: Annual Report 2003.
Economic Development Committee.

Tourism Development Fund: Annual Report 2003. R.C.21/2004.
Economic Development Committee.

Public Sector Housing: establishment of a management company (P.105/2003) – comments. P.105/2003.
Finance and Economics Committee. Com.

Public Sector Housing: establishment of a management company (P.105/2003) – comments. P.105/2003.
Housing Committee. Com.(2)

Income Tax: allowance for children over 17 in full-time education (P.16/2004) – comments. P.16/2004. Com.
Finance and Economics Committee.

Committee of Inquiry: construction of 76 houses at Jambart Lane, St. Clement; and public consultation procedures (P.33/2004)– comments. <i>Environment and Public Services Committee.</i>	P.33/2004. Com. (2)
Fields 1282 and 1287, La Fredée Lane, St. Helier: extinguishment of restrictive covenants (P.48/2004) – comments. <i>Finance and Economics Committee.</i>	P.48/2004. Com.
Former School, Clearview Street, St. Helier: proposed sale (P.49/2004) – comments. <i>Housing Committee.</i>	P.49/2004. Com. (2)
Travelling and entertaining costs: provision of information (P.51/2004) – comments. <i>Finance and Economics Committee.</i>	P.51/2004. Com. (2)
Sale of properties (P.52/2004): comments. <i>Finance and Economics Committee.</i>	P.52/2004. Com.
Modernisation of Jersey’s Gambling Legislation (P.62/2004): comments. <i>Finance and Economics Committee.</i>	P.62/2004. Com.

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

4th May 2004

Administrative Appeals System: proposals for improvement – consultation report. <i>Privileges and Procedures Committee.</i>	R.C.20/2004.
Travelling and entertaining costs: provision of information (P.51/2004) – comments. <i>Privileges and Procedures Committee.</i>	P.51/2004. Com.
Le Squez Estate, St. Clement, Phase 1A: redevelopment– approval of drawings (P.76/2004) – comments. <i>Finance and Economics Committee.</i>	P.76/2004. Com.

(b) Notification of Standing Order decisions

15th and 29th April 2004

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)

Machinery of Government: relationship between the Parishes and the Executive (P.40/2004) – amendment. <i>Connétable of St. Helier.</i>	P.40/2004. Amd.
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Machinery of Government: relationship between the Parishes and the Executive (P.40/2004) – second amendment. P.40/2004.
Policy and Resources Committee. Amd.(2)

Draft Petty Debts Court (Miscellaneous Provisions) (Jersey) Law 2000 (Appointed Day) Act 200-. P.83/2004.
Legislation Committee.

D’Hautrée Gardens, St. Saviour’s Hill, St. Saviour– proposed deed of arrangement. P.84/2004.
Education, Sport and Culture Committee.

Draft Road Traffic (Amendment No. 3) (Jersey) Law 200. P.85/2004.
Environment and Public Services Committee.

Draft Privileges and Immunities (Diplomatic, Consular, etc.) (Amendment) (Jersey) Law 200-. P.86/2004.
Legislation Committee.

Jersey Community Relations Trust: appointment of Chairman and a Trustee. P.87/2004.
Policy and Resources Committee.

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

4th May 2004

States Strategic Plan 2005 to 2010. P.81/2004.
Policy and Resources Committee.

Vote of censure: Senator Frank Harrison Walker. P.82/2004.
Senator E.P. Vibert.

(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 Environment and Public Services Committee will seek leave to defer consideration of the proposition concerning the former School, Clearview Street, St. Helier: proposed sale, (P.49/2004 lodged “au Greffe” on 30th March 2004), from the present meeting to a later date.

The President of the Economic Development Committee will seek leave to defer consideration of the proposition concerning the Jersey Competition Regulatory Authority: appointment of member and Chairman, (P.63/2004 lodged “au Greffe” on 20th April 2004), from the present meeting to a later date.

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at their next meeting on 25th May 2004 –

Machinery of Government: relationship between the Parishes and the Executive. P.40/2004.
Lodged: 9th March 2004.

Policy and Resources Committee.

Machinery of Government: relationship between the Parishes and the Executive (P.40/2004) – amendment. Lodged: 11th May 2004. <i>Connétable of St. Helier.</i>	P.40/2004. Amd.
Machinery of Government: relationship between the Parishes and the Executive (P.40/2004) – second amendment. <i>Policy and Resources Committee.</i>	P.40/2004. Amd.(2)
Income Tax: allowance for children over 17 in full-time education. Lodged: 3rd February 2004. <i>Deputy of St. Martin.</i>	P.16/2004
Income Tax: allowance for children over 17 in full-time education (P.16/2004) – comments. Presented: 11th May 2004. <i>Finance and Economics Committee.</i>	P.16/2004. Com.
Committee of Inquiry: construction of 76 houses at Jambart Lane, St. Clement; and public consultation procedures. Lodged: 24th February 2004. <i>Deputy R.G. Le Hérisier of St. Saviour.</i>	P.33/2004.
Committee of Inquiry: construction of 76 houses at Jambart Lane, St. Clement; and public consultation procedures (P.33/2004)– comments. Presented: 9th March 2004. <i>Finance and Economics Committee.</i>	P.33/2004. Com.
Committee of Inquiry: construction of 76 houses at Jambart Lane, St. Clement; and public consultation procedures (P.33/2004)– comments. Presented: 11th May 2004. <i>Environment and Public Services Committee.</i>	P.33/2004. Com.(2)
Draft Prison (Amendment No. 5) (Jersey) Law 200-. Lodged: 23rd March 2004. <i>Home Affairs Committee.</i>	P.45/2004.
Draft Christmas Bonus (Amendment No. 2) (Jersey) Law 200-. Lodged: 6th April 2004. <i>Employment and Social Security Committee.</i>	P.55/2004.
Draft Public Holidays and Bank Holidays (Jersey) Act 200-. Lodged: 20th April 2004. <i>Legislation Committee.</i>	P.56/2004.
Public Sector Re-organisation: Five Year Vision for the Public Sector. Lodged: 20th April 2004. <i>Policy and Resources Committee.</i>	P.58/2004.
Shadow Scrutiny Panels: appointment of member. Lodged: 20th April 2004. <i>Privileges and Procedures Committee.</i>	P.59/2004.

Modernisation of Jersey's Gambling Legislation. Lodged: 20th April 2004. <i>Economic Development Committee.</i>	P.62/2004. (re-issue)
Modernisation of Jersey's Gambling Legislation (P.62/2004): comments. Presented: 11th May 2004. <i>Finance and Economics Committee.</i>	P.62/2004. Com.
States Abattoir, La Route du Veulle, La Collette St Helier: transfer of administration. Lodged: 20th April 2004. <i>Harbours and Airport Committee.</i>	P.67/2004.
States Abattoir, La Route du Veulle, La Collette, St. Helier: transfer of administration (P.67/2004) – comments. Presented: 27th April 2004. <i>Environment and Public Services Committee.</i>	P.67/2004. Com.
Animal Waste Products Site, La Rue Phillippe Durell, La Collette, St Helier: transfer of administration. Lodged: 20th April 2004. <i>Economic Development Committee.</i>	P.68/2004.
Animal Waste Products Site, La Rue Phillippe Durell, La Collette, St. Helier: transfer of administration (P.68/2004)– comments. Presented: 27th April 2004. <i>Environment and Public Services Committee.</i>	P.68/2004. Com.
Draft Non-Contributory Pensions (Repeal) (Jersey) Law 200-. Lodged: 20th April 2004. <i>Employment and Social Security Committee.</i>	P.73/2004.
Draft Social Security (Amendment No. 17) (Jersey) Law 200. Lodged: 20th April 2004. <i>Employment and Social Security Committee.</i>	P.75/2004.
Le Squez Estate, St. Clement, Phase 1A: redevelopment– approval of drawings. Lodged: 27th April 2004. <i>Housing Committee.</i>	P.76/2004.
Le Squez Estate, St. Clement, Phase 1A: redevelopment– approval of drawings (P.76/2004) – comments. Presented: 4th May 2004. <i>Finance and Economics Committee.</i>	P.76/2004. Com.
States Assembly: improving efficiency. Lodged: 27th April 2004. <i>Privileges and Procedures Committee.</i>	P.79/2004.
Vote of censure: Senator Frank Harrison Walker. Lodged: 4th May 2004. <i>Senator E.P. Vibert.</i>	P.82/2004.

F. PRESENTATION OF PETITIONS

G. QUESTIONS

The Deputy of St. John will ask a question of the President of the Economic Development Committee regarding former landings.

Senator P.V.F. Le Claire will ask a question of the President of the Home Affairs Committee regarding border restrictions.

The Deputy of St. John will ask a question of the President of the Environment and Public Services Committee regarding the St. Helier 'hoppa' bus service.

Deputy R.G. Le Hérisier of St. Saviour will ask a question of the President of the Health and Social Services Committee regarding Out Patient Clinics.

The Deputy of St. John will ask a question of the President of the Environment and Public Services Committee regarding leachate at Beauport.

The Deputy of St. John will ask questions of the President of the Economic Development Committee regarding the disposal of excess potato waste and the agricultural industry.

Deputy R.G. Le Hérisier of St. Saviour will ask a question of the President of the Environment and Public Services Committee regarding the summer tourist bus service.

The Deputy of St. Martin will ask a question of the President of the Home Affairs Committee regarding the introduction of legislation relating to the confiscation of alcohol.

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Health and Social Services Committee regarding the monitoring of drinking water.

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Finance and Economics Committee regarding income tax contributions of 1(1)(k) residents.

Deputy G.P. Southern of St. Helier will ask questions of the President of the Finance and Economics Committee regarding proposed new tax proposals.

Deputy G.C.L. Baudains of St. Clement will ask a question of the President of the Environment and Public Services Committee regarding use of the Howard Davis Farm, Trinity.

The Deputy of St. John will ask a question of the President of the Harbours and Airport Committee regarding the Jersey Harbours' Customer Services and Suppliers Survey.

The Deputy of St. John will ask a question of the President of the Policy and Resources Committee regarding the British-Irish Council.

H. MATTERS OF PRIVILEGE

I. PERSONAL STATEMENTS

J. COMMITTEE STATEMENTS

The President of the Harbours and Airport Committee will make a statement regarding Airport charges.

K. PUBLIC BUSINESS

Draft Extradition (Jersey) Law 200-. Lodged: 9th March 2004. <i>Policy and Resources Committee.</i>	P.39/2004.
Draft Extradition (Jersey) Law 200- (P.39/2004): amendments. Lodged: 27th April 2004. <i>Policy and Resources Committee.</i>	P.39/2004. Amd.
Public Sector Housing: establishment of a management company. Lodged: 8th July 2003. <i>Deputy A. Breckon of St. Saviour.</i>	P.105/2003.
Public Sector Housing: establishment of a management company (P.105/2003) – comments. Presented: 11th May 2004. <i>Finance and Economics Committee.</i>	P.105/2003. Com.
Public Sector Housing: establishment of a management company (P.105/2003) – comments. Presented: 11th May 2004. <i>Housing Committee.</i>	P.105/2003. Com.(2)
Social Security Fund: a new method of funding. Lodged: 7th October 2003. <i>Deputy G.P. Southern of St. Helier.</i>	P.137/2003.
Social Security Fund: a new method of funding (P.137/2003) – comments. Presented: 18th November 2003. <i>Employment and Social Security Committee.</i>	P.137/2003. Com.
Social Security Fund: a new method of funding (P.137/2003) – comments. Presented: 10th February 2004. <i>Finance and Economics Committee.</i>	P.137/2003. Com.(2)
Draft The Law Society of Jersey Law 200-. Lodged: 11th November 2003. <i>Legislation Committee.</i>	P.154/2003.
Draft The Law Society of Jersey Law 200- (P.154/2003): amendments. Lodged: 27th April 2004. <i>Legislation Committee.</i>	P.154/2003. Amd.
States Members' Remuneration: increases for 2004 – rescindment. Lodged: 27th January 2004. <i>Deputy T.J. Le Main of St. Helier.</i>	P.11/2004.
States Members' Remuneration: increases for 2004 – rescindment (P.11/2004) – comments. Presented: 30th March 2004. <i>Privileges and Procedures Committee.</i>	P.11/2004. Com.
States Members' Remuneration: increases for 2004 – rescindment (P.11/2004) – comments. Presented: 13th April 2004.	P.11/2004. Com.(2)

Finance and Economics Committee.

States Members' Remuneration: increases for 2004 – rescindment (P.11/2004) – amendment. P.11/2004.
Lodged: 24th February 2004. Amd.
Senator J.A. Le Maistre.

States Members' Remuneration: increases for 2004 – rescindment (P.11/2004) – second amendment. P.11/2004.
Lodged: 30th March 2004. Amd.(2)
Senator R.J. Shenton.

States Members' Remuneration: increases for 2004 – rescindment (P.11/2004) – second amendment (P.11/2004 Amd.(2))– comments. P.11/2004.
Presented: 27th April 2004. Amd.(2) Com.
Privileges and Procedures Committee.

Channel Islands Welding, La Collette: permission for alterations to head lease. P.26/2004.
Lodged: 17th February 2004.
Environment and Public Services Committee.

Fields 1282 and 1287, La Fredée Lane, St. Helier: extinguishment of restrictive covenants. P.48/2004.
Lodged: 30th March 2004.
Environment and Public Services Committee.

Fields 1282 and 1287, La Fredée Lane, St. Helier: extinguishment of restrictive covenants (P.48/2004) – comments. P.48/2004.
Presented: 11th May 2004. Com.
Finance and Economics Committee.

Travelling and entertaining costs: provision of information. P.51/2004.
Lodged: 6th April 2004.
Senator R.J. Shenton.

Travelling and entertaining costs: provision of information (P.51/2004) – comments. P.51/2004.
Presented: 4th May 2004. Com.
Privileges and Procedures Committee.

Travelling and entertaining costs: provision of information (P.51/2004) – comments. P.51/2004.
Presented: 11th May 2004. Com.(2)
Finance and Economics Committee.

Draft Shops (Sunday Trading) (No. 8) (Jersey) Regulations 200-. P.64/2004.
Lodged: 20th April 2004.
Economic Development Committee.

Draft Shipping (Jersey) Law 2002 (Appointed Day) Act 200-. P.65/2004.
Lodged: 20th April 2004.
Harbours and Airport Committee.

Draft Shipping (Amendment) (Jersey) Law 2003 (Appointed Day) Act 200-. P.66/2004.
Lodged: 20th April 2004.

Harbours and Airport Committee.

Draft Harbours (Amendment No. 37) (Jersey) Regulations 200-. Lodged: 20th April 2004. <i>Harbours and Airport Committee.</i>	P.71/2004.
Draft Boats and Surf-Riding (Control) (Amendment No. 26) (Jersey) Regulations. Lodged: 20th April 2004. <i>Harbours and Airport Committee.</i>	P.72/2004.
Waterfront Enterprise Board: appointment of member. Lodged: 27th April 2004. <i>Policy and Resources Committee.</i>	P.78/2004
Waterfront Enterprise Board: appointment of member - nomination. <i>Connétable of St. Helier.</i> <i>(attached on blue)</i>	

A.H. HARRIS
Deputy Greffier of the States

6th May 2004

Explanatory Note regarding subordinate legislation tabled at this meeting.

R&O 32/2004.

These Rules amend the Inquests and Post-Mortem Examinations (Jersey) Rules 1995, so as to increase the fees and costs for inquests and post-mortem examinations by approximately 11.1%. The fees were last increased in November 2001.

The Rules were made by the Superior Number of the Royal Court on 29th April 2004, and came into force on 1st May 2004.

R&O 33/2004.

The purpose of this amendment to the Royal Court Rules 1992, is to insert a new Rule 6/21B to enable the Royal Court, (which includes for this purpose both the Bailiff sitting alone and the Master or Judicial Greffier), to order at any stage of proceedings that they be stayed, (either on the application of any party or of the Court's own motion), so as to enable the parties to try to settle the proceedings by alternative dispute resolution, (which includes mediation and conciliation). The Rule has been introduced so that the Court may give practical effect to its encouragement for mediation and, in particular, the Jersey Legal Information Board project promoting mediation in relation to proceedings before the Royal Court.

The Rules were made by the Superior Number of the Royal Court on 29th April 2004, and come into force on 8th June 2004.

R&O 34/2004.

A. INTRODUCTION

The Petty Debts Court has been and will continue to be going through a period of change. Part of the change results from the passing by the States of Jersey of the Petty Debts Court (Miscellaneous Provisions) (Jersey) Law 2000, which was registered in the Royal Court on 20th October 2000. That will have the effect of increasing the jurisdiction of the Petty Debts Court from £2,500 to £10,000 with claims for unliquidated sums and damages being included therein. At the same time, the Petty Debts Court will gain the power to cancel a lease provided that the annual rental does not exceed £15,000.

The second cause of change has been the arrival in the last four years of two new judges, one of whom has a background as a specialist in civil procedure in Jersey.

The third cause of change is the initiative of the Bailiff through the Jersey Legal Information Board in relation to mediation which has led to a successful Mediation Pilot Project which has been going on for some time.

The latest draft Rules seek to achieve the following –

- (a) to make the necessary provisions so that the increase in jurisdiction of the Petty Debts Court can take effect;
- (b) to incorporate various aspects of the Royal Court Rules into the Petty Debts Court Rules when these aspects will be needed for the increased jurisdiction;
- (c) at the same time to make certain improvements to the Petty Debts Court Rules; and
- (d) to incorporate into the Petty Debts Court Rules both the provisions of the relevant Practice Direction which enabled the Mediation Pilot Project to take place and various other amendments to the actual practice of the Petty Debts Court which have developed as part of the Mediation Pilot Project.

B. THE NEW RULES

The numbering of the 1992 Rules is eccentric in that certain of the rules are numbered as in 1/5 although there is no Part 1 of the Rules. However, the majority of the Rules simply have an individual number such as 12. In the 2002 Rules each rule has its own number.

RULE 1 This deals with matters of interpretation which were formally in Rule 1/1. The number of rules referred to in the definition of “the Court” has been increased. A definition of “the Claim Summary” has been added as the term “the billet” is thought to be incomprehensible to litigants in person. A definition of “judgment by default” has been added mainly for the purposes of Rule 26. A definition of “originating summons” has been added in order to distinguish these from an interlocutory summons or a second summons in proceedings. A definition of “proceedings” has been added which is similar to that in the Royal Court Rules. One of the major problems with the 1992 Rules is that most of the rules refer to “actions” whereas there are a variety of matters relating to tenancies and family matters which cannot be described as actions. Where these are included then the word “proceedings” is used but when a true action is intended then the word “action” is used.

RULE 2 This is simply the former Rule 1/2.

RULE 3 This is simply the former Rule 1/3.

RULE 4 This is simply the former Rule 1/4.

RULE 5 Divisions of the Court.

The idea of divisions of the Court has been raised by the Housing Department who are concerned at the adverse and unfair publicity which a tenant could receive if he were being evicted through no fault of his own. Eventually the intention is to change the name of the Court from the Petty Debts Court to something such as the Civil Claims Court. However, in the meantime, there will be some advantage if eviction proceedings are brought in the Tenancy Division of the Petty Debts Court. During the course of the drafting of these rules I actually found that the separate existence of a Civil Claims Division was useful because I needed to define certain types of action and found that these were always brought in that division. I suspect that the existence of separate Tenancy and Family Divisions will also be useful in due time because the procedures in each of these are different.

The Tenancy Division includes the new power to cancel leases as well as the old eviction order power and also includes claims for arrears of rent or for damages in lieu of rent if these are brought together with an eviction or a cancellation. If the claim for rent is brought separately then there is no reason why it should not be treated like any other action.

The jurisdiction of the Family Division is self explanatory. This name is being suggested rather than that of Matrimonial Causes Division because, although at this time all the matters in the Petty Debts Court relate to marriages, it may be that in the future the Petty Debts Court may have some jurisdiction in relation to family matters which goes beyond that of matrimonial causes.

The jurisdiction of the Civil Claims Division is simply those matters which are not either in the Tenancy Division or in the Family Division.

RULE 6 This corresponds with the former rule 1/6 except that the references therein are now to “proceedings” and not to “actions”.

RULE 7 The previous provisions were partly in Rule 1/5 (Date of appearance), partly in the former Rule 14

(Form of summons and record of service) and partly in the former Rule 20 (Interest on claims). However, new provisions have been added for the plaintiff to specify an address for service in the Island (7(1)(b)), in an action in which damages shall be claimed for a statement to be included of the quantification of the said general damages (7(2)(a)) and for a statement to be made of the total sum which the defendant must pay in order to settle the matter prior to the first hearing of an action in the Civil Claims Division (7(2)(b)). The references are now to “originating summons”. The forms of summons only apply in the Civil Claims Division.

In the Royal Court the normal rule is that general damages are not to be quantified. However, the Royal Court has an unlimited jurisdiction whereas the Petty Debts Court will have a total jurisdiction limited to £10,000. Furthermore, the lack of quantification of general damages leads to a situation in which, where there is a default on the part of the defendant, judgment is only given for liability with damages to be assessed later. This can lead to a requirement for the defendant to be served twice out of the jurisdiction or by substituted service with greatly increased costs. If, as suggested here, the initial claim, which will be contained in an originating summons, quantifies the general damages being sought, then, upon the default of the defendant, the plaintiff can obtain a final judgment for a quantified sum.

The idea of the originating summons including a statement as to the sum which the defendant must pay prior to the first hearing has been suggested by Mr. Eric Tricot. It is a very good idea because it enables defendants to know where they stand. It also means that plaintiffs cannot include wholly unreasonable claims for costs in the originating summons. The form of summons makes provision for the settlement figure to be reduced by the amount of the stamp duty where payment is made prior to tabling

RULE 8 The provision of a requirement for the giving of an address for service both by the plaintiff, in the original summons, and by a defendant once a first appearance has occurred before the Court which has not concluded the proceedings, is very useful indeed. It means that a party who has served another party or against whom an action has been commenced does not have to obtain an order for service out or substituted service where the other party disappears because the other party will always have an address for service in the jurisdiction to which documents can be sent on his behalf. The default provision of the address of the last advocate or solicitor is also very useful because it often covers the situation in which a party fails to comply with the terms of the rule and such default provision already exists in the Royal Court Rules.

RULE 9 This corresponds with the former Rule 2.

RULE 10 This is similar to the former Rule 3.

However, the Rule is now expressly subject to the provisions relating to substituted service, service of process on agent of oversea principle and service of process for recovery of land where no-one appears to be in possession.

Actions for the cancellation of a lease have been added under 10(d).

The provisions in relation to an Ordre Provisoire remain the same as in the Royal Court.

RULE 11 This is similar to the old Rule 4.

RULE 12 This corresponds broadly to the old Rule 5.

However, in the case of a body corporate, new provisions (c) and (d) have been added so that the summons can either be left or sent by post to the last known place of business of the body corporate. There does not appear to be any logical reason as to why a summons can be sent to the last known address or last known place of business of an individual but not to the last known place of business of a body corporate. Extreme difficulties can arise if the body corporate is a foreign company or otherwise a foreign body corporate as it will not have a registered office in the jurisdiction.

Paragraph (4) has been generally redrafted in order to make it clearer.

RULE 13 This corresponds to the old Rule 6.

RULE 14 This corresponds to the old Rule 7.

RULE 15 This corresponds to the old Rule 8.

RULE 16 This corresponds to the old Rule 9/1.

RULE 17 This corresponds to the old Rule 9/2. Paragraph (2) has been amended to bring it in line with Rule 16(3).

RULE 18 This corresponds to the old Rule 9/3 except that the provisions are now being widened in order to refer to the cancellation of a contract of lease and to refer not only to an immovable but also to any interest in an immovable in order to cover the new jurisdiction given by Article 1(2) of the Miscellaneous Provisions Law.

RULE 19 The previous provisions were contained partly in Rule 9/4 (Record of service) and partly in the former Rule 14 (Form of summons and record of service). These have now been put together in one new rule.

RULE 20 This corresponds to the former Rule 9/5 as it was recently amended. The text of the different sections of the Service of Process Rules has been set out in full. The previous reference in paragraph (4) to Rule 11 has had to be renumbered.

RULE 21 This corresponds to the former Rule 10 except that the reference is now to “proceedings” rather than “action”.

RULE 22 This corresponds to the old Rule 11 but the drafting has been improved.

RULE 23 This corresponds to the old Rule 12 with the references now being to “originating summons”.

RULE 24 This corresponds to the old Rule 13 with the references now being to “originating summons”.

RULE 25 This is a new rule which has been introduced in order to correspond with Rule 6/5 of the Royal Court Rules.

RULE 26 This corresponds to the old Rule 5 in relation to setting aside a judgment by default. However, it also seeks to deal with the abandonment of a judgment obtained by default and the drafting has been improved.

Paragraph (1) deals with either setting aside or abandoning a judgment by default. Under paragraph (2) an application under paragraph (1) must be made by summons before the judge and where the application is made by a defendant it must be supported by an affidavit stating the circumstances in which the default has arisen and confirming that the defendant has a good defence to the proceedings. The requirement of the affidavit confirming that the defendant has a good defence to the proceedings includes wording which is not included in the corresponding Royal Court Rule but there is case law in the Royal Court to indicate that this is nevertheless a requirement before a judgment will be set aside. These provisions bring the Petty debts Court more closely into line with the Royal Court.

RULE 27 This is a new rule which deals with what happens when the matter first comes before the judge and at any subsequent hearing on a Wednesday morning. The judge is given the ability –

- (a) to adjourn to another day or indefinitely;
- (b) to give judgment to the plaintiff for the whole or part of the claim;
- (c) to dismiss the whole or part of the proceedings;
- (d) to send the whole or any part of the proceedings which remains in dispute to mediation in accordance with Rule 28;

- (e) to give interlocutory judgment for liability with the matter of damages either being sent to proof or to mediation or with other procedural directions being given in order that the amount of damages may be assessed; or
- (f) to give procedural directions in order to bring the matters in dispute to an early resolution where the case ought not to be sent to proof; or
- (g) to send the proceedings to proof in respect of what remains in dispute.

In the past it has sometimes been assumed that the only channel available was the “to proof” channel. However, this is not appropriate in relation to matters such as evictions or certain separation and maintenance proceedings or other matters in relation to which detailed pleadings are not required. Furthermore, the Court often finds it to be helpful to order that pleadings be filed within a timetable with the matter then coming back to Court. This leads to better case management and also means that, where appropriate, the decision as to whether the matter should go to mediation can be deferred until after pleadings. The intention here is to give the Court complete flexibility to determine the procedure which is appropriate to the individual case with a view to bringing it to an early conclusion.

Under paragraph (2) the current practice direction in relation to a limit upon the number of adjournments to a subsequent ordinary sitting of the Court is transformed into a rule.

RULE 28 This Rule is entirely new and provides for mediation and for the giving of directions to prepare for mediation. The details of the mediation system are contained in a Practice Direction.

RULE 29 This corresponds with the previous Rule 16 and deals both with the previous “en preuve” procedure, which is now referred to as “sent to proof”, and with other cases in which pleadings are ordered.

The new paragraph (2) allows the Court to reject an obviously defective statement of claim upon the basis of extra time being given to the plaintiff to file a replacement statement of claim.

The new paragraph (3) introduces a specific procedure where the plaintiff fails to file a statement of claim or a replacement statement of claim within the appropriate time period.

The new paragraph (12) gives a similar power of rejection in relation to an answer (including an answer to a counterclaim) and a counterclaim to that contained in paragraph (2).

The new paragraph (13) gives an express power in relation to a judgment in default of an answer or replacement answer.

The new paragraph (14) gives a power to strike out a rejected counterclaim where no replacement counterclaim has been filed.

The new paragraph (15) gives a power to reject any other obviously defective pleading.

RULE 30 This is a new rule relating to interlocutory orders and procedural directions. Rules 31 to 39 introduce some of the interlocutory applications which can be made in the Royal Court. Because of the reduced size of the jurisdiction, as compared with the Royal Court, it is important that there be a clear limitation upon the making of such applications and that is provided by paragraph (1) which sets out the overriding principles of efficient case management and the speedy conclusion of proceedings.

Paragraph (2) describes the procedure for a party to apply for the making of an interlocutory order. The intention is that the application should be made on a Wednesday morning at the end of the normal list.

However, paragraph (3) gives the Court of its own motion the power to convene the parties to proceedings so that procedural directions can be given.

RULE 31 This imports from the Royal Court Rules the necessary procedure in relation to the joining of third parties to proceedings. Paragraph (4) gives the Court a power to reject obviously defective third party claims.

RULE 32 This imports from the Royal Court Rules the procedure in relation to the consolidation of causes or matters.

RULE 33 This imports from the Royal Court Rules the procedure in relation to the amendment of a claim or pleadings.

RULE 34 This imports from the Royal Court Rules the procedure in relation to a better statement of case or particulars.

RULE 35 This imports from the Royal Court Rules the necessary procedure in relation to discovery and inspection of documents. Paragraph (5) is an improvement on the Royal Court Rules and relates to an affidavit as to specific documents or classes of documents.

RULE 36 This imports from the Royal Court Rules a procedure in relation to judgment upon admissions.

RULE 37 This imports from the Royal Court Rules a procedure in relation to withdrawal and discontinuance of proceedings.

RULE 38 This imports from the Royal Court Rules a procedure in relation to payment into court. The reference to “one of the joint stock banks” has been replaced by “a suitable bank”.

RULE 39 This imports from the Royal Court Rules a procedure in relation to the adding of parties or the reduction of the number of parties to proceedings.

NOTE ON INTERLOCUTORY APPLICATIONS It should be noted that at present striking out (Rule 6/13), discovery by interrogatories (Rule 6/15) and summary judgment (Rule 7/1) have not been transferred from the Royal Court Rules. In relation to striking out and summary judgment, the court already has a jurisdiction to deal with matters at the first hearing when the case either of the plaintiff or the defendant is hopeless. In addition to this there is the power to reject an obviously defective document. Furthermore, the intention is that matters should proceed to trial at an early date and the existence of striking out and summary judgment followed by an appeal against a decision would have the effect of slowing down the procedure and is not thought to be desirable.

RULE 40 This corresponds to the old Rule 17 but has now been re-drafted and refers to “proceedings”.

Paragraph (1) deals with the fixing of a date in a case which has been fully case managed and there is a requirement that the appropriate stamp fee be paid in advance before the fixing of a date.

Paragraph (2) deals with the fixing of a date for a case which has followed the “sent to proof” procedure. Sub-paragraph now refers to four clear days rather than to four days.

Sub-paragraph (b) requires that the appropriate stamp fee be paid in advance before the fixing of a date.

Sub-paragraph (c) allows the Greffier to adjourn the application to the Court.

Sub-paragraph (e) has been redrafted because of the existence of an address for service provision in the new rules.

RULE 41 This corresponds to the old Rule 18 but has been redrafted. The time period has been brought down from two years to one year.

RULE 42 This corresponds to the old Rule 19.

RULE 43 This corresponds to the old Rule 21 except that the leave of the Bailiff is now required.

RULE 44 Paragraph (1) provides for the revocation of the 1992 rules and of the amendments thereto.

Paragraph (2) repeals various sections of the 1891 Law.

RULE 45 This is the usual citation and commencement provision.

SCHEDULE

The first form now provides a form of originating summons in the Civil Claims Division and has been amended in accordance with the provisions of Rule 7 and generally made easier for members of the public to understand.

The second form has been amended in accordance with Rule 19.

The last two forms now refer to proceedings and have been very slightly amended.

The Rules were made on 29th April 2004, and come into force on 1st June 2004.

R&O 35/2004.

A. INTRODUCTION

The Petty Debts Court (Miscellaneous Provisions) (Jersey) Law 2000 was registered in the Royal Court on 20th October 2000. Under the terms of this, rules of court are required in order to provide for a general right of appeal from the Petty Debts Court to the Royal Court.

B. THE NEW RULES

RULE 1 This deals with the definition of various terms contained in these rules.

RULE 2 This sets out the principle contained in the Law that leave is required in every case either from the court below or from the Bailiff.

RULE 3 This deals with an application for leave to the Petty Debts Court and requires that both this and any application for a stay of the Order appealed shall be made at the end of the hearing at which the Order is made.

Paragraph (3) of this rule requires that leave be granted subject to a condition that the appellant very strictly comply with the time periods set out elsewhere in the rules and that failure so to do shall set aside the grant of leave.

RULE 4 This deals with an application to the Bailiff for leave. Such an application can be made whether or not leave to appeal has been applied for or refused by the Petty Debts Court. The notice of appeal shall be substantially in the form set out in the First Schedule to the Rules.

Under the terms of paragraph (6) an application for leave alone can be heard by the Bailiff ex parte and in Chambers.

Under the terms of paragraph (7), an application for a stay can only be heard with all parties affected present.

Under the terms of paragraph (8), the grant of leave is conditional upon the appellant complying strictly with the subsequent terms of the rules and failure so to do has the effect of setting aside the grant of leave.

RULE 5 Paragraph (1) deals with the service of the notice of appeal which shall be substantially in the form set

out in the Second Schedule to the Rules upon the respondent where leave to appeal is granted by the Petty Debts Court and with the filing of documents with the Greffier.

Paragraph (2) deals with the serving of documents upon the respondent where leave to appeal is granted by the Bailiff and with the filing of documents with the Greffier.

Paragraph (3) deals with the fixing of a date for the hearing of the appeal. The form of notice to fix a date shall be substantially in the form set out in the Third Schedule to the Rules.

RULE 6 This deals with the requesting of a transcript and with the steps to be taken once this has been produced.

RULE 7 This deals with the filing of skeleton arguments by all parties to the appeal.

RULE 8 This deals with the extension or abridgement of time.

RULE 9 This deals with the citation and commencement of the rules.

SCHEDULES The First to Third Schedules provide the forms which are required by Rules 4(1), 5(1) and 5(3) respectively.

CONCLUSION The Rules do not deal expressly with the provision of bundles for the court but this is a matter which is already dealt with by practice directions in the Royal Court.

The Rules were made on 29th April 2004, and come into force on 1st June 2004.

R&O 36/2004

This Order continues the requirement that motorcyclists and their passenger must wear protective helmets but extends the range of helmets that may be worn from those that comply with relevant British Standards to those that comply with relevant international standards.

The Order was made on 30th April 2004, and came into force 7 days after it was made.

R&O 37/2004

The purpose of this Order is to give force and effect to a new EC Council Regulation concerning certain restrictive measures in respect of Zimbabwe, the previous Regulation, which was also given effect in Jersey, having expired.

The Order was made on 6th May 2004, and came into force forthwith.

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

15th April 2004

- (a) as recommended by the Environment and Public Services Committee, the sub-lease to Paul Davis Freight Services Limited from Avo Shocks International of Unit 5, La Rue Gosset, La Collette, St. Helier, for a period of nine years from a date to be agreed, at an annual rent of £42,000, with the remaining terms to be those contained in the head lease between the public and the Head Lessee, on the basis that the head lessee would be responsible for meeting any reasonable legal and surveyors fees arising from the transaction;
- (b) as recommended by the Economic Development Committee, the lease to Mr. Richard John Baudains, of La Pepiniere Farm, La Rue de Crabbé, St. Mary, of Fields Nos. 330 and 331, St. Mary (required for the grazing of cattle) at an annual rent of £225, with the lease being deemed to have commenced upon the completion of the contract for a period of three years, on the basis that each party was to be responsible for its own legal costs arising from the transaction;
- (c) as recommended by the Economic Development Committee, the sub-lease to Master Farms Limited, of Westlands Farm, Route de Francief, St. Brelade, of Fields Nos. 810 and 811, adjacent to The Elms, St. Mary, from the National Trust for Jersey (which had agreed to the sub-lease in accordance with clause 3(ii) of the Head-Lease), for a period of 21 months from 25th March 2004 until 24th December 2005, at an annual rent of £1,510 payable in two equal instalments on 24th June 2004 and 2005. All other terms and conditions were to remain as in the Head-Lease and each party was to be responsible for its own legal costs arising from the transaction;
- (d) as recommended by the Housing Committee, the lease to the Jersey Electricity Company Limited of an area of land sufficient for the provision of the proposed electricity sub-station (No. 650) at the former Le Coic Hotel Redevelopment site, Janvrin Road, St. Helier, for a period of 99 years from the date of occupation of the building, for a one-off payment of £990 upon completion of contracts, on the basis that each party would be responsible for its own legal costs arising from the transaction;
- (e) as recommended by the Environment and Public Services Committee, the annulment of the lease to CTS Computing Limited of the Ground Floor offices at Broadcasting House, Rouge Bouillon, St. Helier, presently subject to a lease for a period of four years from 25th March 2003 at an annual rent of £30,320, subject to payment by the tenant of one quarter's rental and any additional professional and managing agent's fees arising from the transaction.

29th April 2004

- (f) as recommended by the Environment and Public Services Committee, the sale to the Trustees of the Douglas Haig Memorial Homes of two areas of land at Nos. 1 to 12 Princess Elizabeth Court, Greve dAzette, St. Clement, so as to enable the further development of the site by the construction of additional residential units to house members of the ex-Service community, for a nominal sum of £10, subject to appropriate conditions and/or covenants in order to ensure the continued use of the site for social rented housing within the stated objectives of the Trust;
- (g) as recommended by the Housing Committee, the entering into of a Deed of Arrangement with Mr. Clement Charles Pallot and Mrs. Phyllis May Pallot, née Le Lievre, in relation to the grant of access rights to the public onto the property No. 2 Garlyckehythe, Janvrin Road, St. Helier, with or without workmen, material ladders and scaffolding in order to repair, replace, maintain and up-keep not only the newly-built walls (which work was to be the sole responsibility of the public) but also parts of the roof, soffits and gutters; the said works to be carried out as quickly as possible and to cause the least inconvenience possible to the owners of No. 2 Garlyckehythe, with the public to reinstate any affected areas to the same state as they were before the work was carried out. Any rights of access would be conditional upon two weeks notice being given to the owners of No. 2 Garlyckehythe except in the case of an emergency. It was intended that the

abovementioned clauses would be created in perpetuity and the public was to pay for the reasonable legal costs incurred, up to a maximum of £750, by the owners of No. 2 Garlyckehythe in relation to the preparation of the contract and that the public was to pay the current owners of No. 2 Garlyckehythe the sum of £500 in recognition of the grant of the abovementioned rights. As part of the abovementioned works the public would re-build the existing party wall between the two properties concerned with the public being responsible for all costs relating thereto; and,

- (h) as recommended by the Environment and Public Services Committee, the sale to Mr. James William Wesley Harrison and Miss Emma Letitia Pirouet of a section of land (measuring 105 square metres) to the west of No. 9 Vue des Mielles, La Route des Quennevais, St. Brelade (as shown on Plan No. 12/1091/1), for consideration of £2,735, on the basis that Mr. Harrison and Miss Pirouet would be responsible for both parties' reasonable legal costs arising from the transaction, together with the administration costs of the Department of Property Services - estimated at £300.

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QUESTION PAPER

(See Item G)

The Deputy of St. John will ask the following question of Deputy Francis Gerald Voisin of St. Lawrence, President of the Economic Development Committee -

“Would the President advise members –

- (a) whether the Committee proposes to restrict the number of ormers landed, and, if so, would he explain the reasons for this and provide evidence to support the proposals together with the levels of ormer landings that will apply? and,
- (b) if records of ormer landings currently exist, and, if so, how these records have been compiled and the size of these landings over the last three years?”

Senator Paul Vincent Francis Le Claire will ask the following question of Senator Wendy Kinnard, President of the Home Affairs Committee –

“Would the President advise members –

- (a) whether the Committee will be reviewing the need to tighten border controls amid concerns that individuals granted bail in the U.K. are coming to Jersey pending their U.K. trial, and, if so, provide members with the reasons for this?
- (b) whether the Committee considers Jersey to have become a ‘soft-target’ for such individuals from the U.K.? and,
- (c) whether the Committee will be taking action regarding this matter, and, if so, what action will be taken?”

The Deputy of St. John will ask the following question of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee –

“Would the President inform members whether any financial settlement was awarded to Pioneer Coaches some years ago when an agreement to provide a ‘hoppa’ bus service for St. Helier was withdrawn at late notice, and, if so, the size of the settlement and from where the funds were made available?”

Deputy Roy George Le Hérisssier of St. Saviour will ask the following question of Senator Stuart Syvret, President of the Health and Social Services Committee –

“Would the President advise members–

- (a) of the number, and percentage, of patients who did not attend Out Patient Clinics over the last three calendar years?
- (b) of the estimated cost of this non attendance?
- (c) of the reasons why the Benchmarking Report indicates that these figures are higher than those in other comparable jurisdictions? and,
- (d) explain what steps, if any, are planned to rectify this situation?”

The Deputy of St. John will ask the following question of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee –

“Would the President inform members –

- (a) whether leachate is still being collected from Beauport and, if so, how much longer it is anticipated that this will have to continue?
- (b) of the total volume of leachate collected, and the cost of collection and disposal, in 2003?
- (c) of the total volume collected since the leachate problem was identified in the 1990’s?
- (d) of the total cost, since the problem was first identified, of collection, treatment, disposal and storage of the leachate, plus the cost of any remedial works to date?”

The Deputy of St. John will ask the following questions of Deputy Francis Gerald Voisin of St. Lawrence, President of the Economic Development Committee –

- “1. Would the President explain to members whether the Committee has formulated a policy on the disposal of excess potato waste arising during this year’s season, as in 2003 some was disposed of at Crabbé and some was dumped on fields. If so, could he provide details for members?
2. Would the President inform the Assembly whether the Committee has in place a policy to protect smaller farm units in the light of the emergence of one single very large business within the agriculture industry which has led to concern that a monopoly situation is being created? If so, could he provide details for members?”

Deputy Roy George Le Hérissier of St. Saviour will ask the following question of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee –

“Would the President advise members –

- (a) what the loss of revenue is to Connex as a result of awarding the licence to Easylink to operate a summer tourist service?
- (b) what the estimated contribution is to the Committee’s revenues from the premium applied to the Easylink Services? And
- (c) why a town “Hoppa” service was not made part of the Easylink Service?”

The Deputy of St. Martin will ask the following question of Senator Wendy Kinnard, President of the Home Affairs Committee –

“Will the President inform members when the Committee intends to present draft legislation relating to the confiscation of alcohol for the consideration of the States following the adoption of P.46/2002 on 21st May 2002, and explain the reasons for the continuing delay in presenting the draft legislation concerned?”

Deputy Gerard Clifford Lemmens Baudains of St. Clement will ask the following question of Senator Stuart Syvret, President of the Health and Social Services Committee –

“Would the President advise members –

- (a) how many staff at the Health and Social Services Department are currently employed on water pollution, quality monitoring and related health aspects? and,
- (b) whether the Committee monitors the level of chlorine in Jersey’s mains water and, if so, give figures showing how it compares with the guidelines the Committee uses in view of recent concerns expressed in the U.K. regarding chlorine in drinking water?”

Deputy Gerard Clifford Lemmens Baudains of St. Clement will ask the following question of Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee –

“In an answer to a recent question regarding proposed new tax measures, the Vice-President stated *‘it is a condition that a 1(1)(k) resident who takes up residence on economic grounds must pay an agreed amount of tax every year’*.

Will the President advise members what action, if any, is taken when such a resident’s contribution falls substantially below that level, either through declining income or by re-arrangement of his/her affairs?”

Deputy Geoffrey Peter Southern of St. Helier will ask the following questions of Senator Terence Augustine Le Sueur, President of the Finance and Economics Committee –

- “1. In response to questions on 30th March 2004, the President informed members that the Comptroller of Income Tax had ruled in 154 cases of tax avoidance under Article 134A of the Income Tax Law in the previous 6 months. Will the President inform members –
 - (a) how many cases in total were ruled on in the full year to April 2004 along with the total value involved under Article 134A?
 - (b) the total number of transactions and their total value that were wholly or partially counteracted under the article? and,
 - (c) the total number of transactions and their total value that were allowed under the article?
2. In his proposal to introduce a Goods & Services Tax (GST) at 5%, the President has given assurances that those who fall below income tax thresholds will be protected from further financial strain by increases in benefits of the order of £9 – £13.5 million. Would the President inform members –

what measures will be put in place to prevent the risk of creating a ‘benefits trap’ by such a move as the incentives of employment relative to benefits are proportionately reduced?
3. In answer to questions on 30th March 2004, the President stated that the Committee was pursuing ways of recovering estimated tax losses of between £20 and £30 million relating to non-finance businesses owned non-locally. Would the President inform members –
 - (a) what progress has been made on this issue? and,
 - (b) whether this situation places these businesses at a competitive advantage compared with locally owned non-finance businesses, and, if so, whether this advantage accrues to the £50 million lost tax revenue arising from finance business owned locally and non-locally?
4. In answer to questions, also on 30th March 2004, the President referred to the economic benefit test established in 1997 under the RUDL. Will the President inform members –

- (a) how this test operates today? and,
- (b) how it will be affected by a move to zero/ten tax?"

Deputy Gerard Clifford Lemmens Baudains of St. Clement will ask the following question of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee -

“Following the recent relocation of the Environment Services and Water Resources units to the Howard Davis Farm, Trinity, would the President inform members how the restrictions applying to the 1927 Deed of Gift by Mr. Davis regarding the use of those premises, if applicable, were overcome?”

The Deputy of St. John will ask the following question of Senator Leonard Norman, President of the Harbours and Airport Committee –

- “(a) Would the President advise members of the cost of Jersey Harbours’ Customer Services and Suppliers Survey and the rationale behind the survey?
- (b) The survey sheet mentions a Director of JKL Associates. Would the President confirm whether this is the same individual previously employed by the Harbours and Airport Committee on contract as a change consultant at the Airport?
- (c) Would the President indicate whether the results of this survey will be made public?”

The Deputy of St. John will ask the following question of Senator Frank Harrison Walker, President of the Policy and Resources Committee –

“Since Jersey joined the British-Irish Council, members have heard little of the Island’s involvement. Would the President advise members –

- (a) of the extent of the Island’s involvement in recent years and the reasons for the apparent lack of information being made available to the public in this regard?
- (b) what contribution Jersey has made and is still making to the British-Irish Council? and,
- (c) of the total funding by the States, if any, since the inception of the British-Irish Council.”

**WATERFRONT ENTERPRISE BOARD LIMITED:
APPOINTMENT OF MEMBER (P.78/2004) –
NOMINATION**

Connétable A.S. Crowcroft of St. Helier has given notice, in proper time and form, of his intention to make an additional nomination of a States member to be a director of the Waterfront Enterprise Board Limited, to replace Senator Philip Francis Cyril Ozouf.

The Connétable's nominee is –

Senator Edward Philip Vibert.

Consequently there will be a ballot for the appointment of a director when this matter is considered.

REPORT

The Policy and Resources Committee has proposed the appointment of Deputy Francis Gerald Voisin of St. Lawrence to the Waterfront Enterprise Board Limited. While having every respect for Deputy Voisin's achievements and qualities as a States Member, I believe that the close working relationship between the Waterfront Enterprise Board Limited and the Environment and Public Services Committee, which was provided by Senator Philip Ozouf, needs to be maintained by appointing a States Member who also serves on that Committee.

Senator Edward Vibert was elected Senator in February 2003. Currently serving on Environment and Public Services Committee and the Overseas Aid Committee, he has taken a special interest in the Waterfront Hotel project. If appointed to the Waterfront Enterprise Board Limited he will bring independent advice and valuable scrutiny to the workings of the Board. Furthermore, his sense of determination to foster accountability and value for money in all States-sponsored activities, will increase the standing of the Waterfront Enterprise Board Limited among members of the public.

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