

**THE STATES assembled on Wednesday,
20th April 2005 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

All members were present with the exception of –

Senator Jean Amy Le Maistre– out of the Island
Senator Richard Joseph Shenton – ill
Richard Edward Norwood Dupré, Connétable of St. John– out of the Island
Jacqueline Jeannette Huet, Deputy of St. Helier– out of the Island
Jennifer-Anne Bridge, Deputy of St. Helier– out of the Island.

Prayers

Matters lodged

The following matters were lodged “au Greffe” –

Fiscal Strategy (P.44/2005): third amendments. <i>Presented by Deputy G.P. Southern of St. Helier, and referred to the Environment and Public Services Committee.</i>	P.44/2005. Amd. (3)
Income Tax: additional liability. <i>Presented by Deputy G.P. Southern of St. Helier, and referred to the Finance and Economics Committee.</i>	P.81/2005.
Social Security Fund: removal of earnings limit. <i>Presented by Deputy G.P. Southern of St. Helier, and referred to the Finance and Economics and the Employment and Social Security Committees.</i>	P.82/2005.

Arrangement of public business for the next meeting on 10th May 2005

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 10th May 2005 –

Fiscal Strategy (P.44/2005): third amendments. <i>Deputy G.P. Southern of St. Helier.</i>	P.44/2005. Amd. (3)
Income Tax: additional liability. <i>Deputy G.P. Southern of St. Helier.</i>	P.81/2005.
Social Security Fund: removal of earnings limit. <i>Deputy G.P. Southern of St. Helier.</i>	P.82/2005.

Economic Growth Plan – P.38/2005

THE STATES resumed consideration of a proposition of the Economic Development Committee regarding an Economic Growth Plan, and, following further consideration, adopted a proposition of Deputy Jeremy Laurence Dorey of St. Helier that Standing Order 23(5) regarding the time and manner of speaking be suspended in order to

allow Deputy Geoffrey Peter Southern of St. Helier, who had spoken before proposing a reference back on 19th April 2005, to speak more than once on the question.

Members present voted as follows –

POUR: 24

Senator S. Syvret
Senator F.H. Walker
Senator W. Kinnard
Senator M.E. Vibert
Senator E.P. Vibert
Connétable of St. Ouen
Connétable of Trinity
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy of Grouville
Deputy G.W.J. de Faye (H)

CONTRE: 9

Senator P.F.C. Ozouf
Connétable of St. Saviour
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Lawrence
Connétable of Grouville
Deputy of St. John
Deputy P.N. Troy (B)
Deputy J.A. Hilton (H)

ABSTAIN: 0

THE STATES, adopting paragraph (a)(i) of the proposition, referred to their Act dated 7th July 2004 in which they approved the Fiscal Strategy and agreed that a target for economic growth of 2% per annum should be set for the period 2005 to 2009, and requested the Economic Development Committee, in conjunction with other Committees as necessary, to bring forward, for approval by the States, a strategy for delivery of this growth by February 2005, and agreed to receive the Economic Growth Plan entitled ‘Growing Jersey’s Economy’, as set out in the report of the Economic Development Committee dated 1st March 2005, and, in order to give effect to recommendations made in the Plan, further agreed that, in order to improve the skills base in Jersey and labour market performance –

- (A) the Economic Development and Education, Sport and Culture Committees should bring forward a new skills strategy to address the issues raised in the Economic Growth Plan;
- (B) the Education, Sport and Culture Committee should ensure that preparatory work begins on establishing an International Business School in the Island;
- (C) all relevant Committees should give consideration to policies that could increase labour force participation in Jersey; and,
- (D) the Economic Development Committee should help to promote and disseminate best practice in Jersey in the area of human resource management and other aspects of business performance.

Members present voted as follows –

POUR: 41

CONTRE: 7

ABSTAIN: 0

Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F.V. Le Claire
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)

Senator S. Syvret
Senator E.P. Vibert
Deputy A. Breckon (S)
Deputy G.C.L. Baudains (C)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy G.W.J. de Faye (H)

THE STATES, adopting paragraph (a)(ii) of the proposition of the Economic Development Committee, agree that, in order to create a more entrepreneurial society in Jersey, the Economic Development Committee should take the necessary steps to –

- (A) establish a pilot Small Firms Loan Guarantee Scheme;
- (B) establish a Jersey Business Angel Network;
- (C) establish a pilot Venture Capital Fund;
- (D) request the Education, Sport and Culture Committee to ensure that enterprise education was added to the curriculum for all young people in Jersey;

(E) put in place an expanded support service for small business development; and,

(F) request the Housing Committee, in consultation with other relevant Committees, to ensure that the current system of 1(1)(k) consents continued to facilitate the entry of entrepreneurs into Jersey.

Members present voted as follows –

POUR: 42

CONTRE: 6

ABSTAIN: 0

Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F.V. Le Claire
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

Senator S. Syvret
Senator E.P. Vibert
Deputy A. Breckon (S)
Deputy G.C.L. Baudains (C)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)

THE STATES, adopting paragraphs (a)(iii) and (a)(iv) of the proposition of the Economic Development Committee, agreed that, in order to encourage greater competition in Jersey and capture the benefits this could bring, the Economic Development Committee should ensure that –

(A) the legal powers of the Jersey Competition Regulatory Authority were kept under review and that it developed a high profile in the Island; and,

(B) further consideration was given to the best way to enhance the consumer voice in Jersey;

and charged the Economic Development Committee to produce and publish before the end of 2005 a review of external transport policy in Jersey.

Members present voted as follows –

POUR: 40

CONTRE: 8

ABSTAIN: 0

Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

Senator S. Syvret
Senator P.V.F. Le Claire
Senator E.P. Vibert
Deputy A. Breckon (S)
Deputy G.C.L. Baudains (C)
Deputy P.N. Troy (B)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)

THE STATES, adopting paragraph (a)(v) of the proposition of the Economic Development Committee, agreed to charge the Finance and Economics Committee to develop a new framework for the Strategic Reserve and Fiscal

Policy that encapsulated the proposals in the Economic Growth Plan for a new counter-cyclical Stabilisation Fund, with the Strategic Reserve clearly reserved for use only if the Island faced a major shock to its economy.

Members present voted as follows –

POUR: 37

Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)

CONTRE: 11

Senator S. Syvret
Senator P.V.F. Le Claire
Senator E.P. Vibert
Deputy A. Breckon (S)
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy G.W.J. de Faye (H)

ABSTAIN: 0

THE STATES, adopting paragraph (b) of the proposition of the Economic Development Committee, agreed to approve, in principle, the additional funding required to implement the Plan and charged the Finance and Economics Committee, in consultation with the Economic Development Committee, to assess the most appropriate source of funding.

Members present voted as follows –

POUR: 41

Senator L. Norman
Senator F.H. Walker

CONTRE: 7

Senator S. Syvret
Senator P.V.F. Le Claire

ABSTAIN: 0

Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy F.G. Voisin (L)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

Senator E.P. Vibert
Deputy A. Breckon (S)
Deputy G.C.L. Baudains (C)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)

Draft Education (Provided Schools) (Jersey) Regulations 200- P.34/2005

THE STATES, in pursuance of Article 3 of the Education (Jersey) Law 1999, made Regulations entitled the Education (Provided Schools) (Jersey) Regulations 2005.

Rent Control Tribunal: appointment of members – P.52/2005

THE STATES, adopting a proposition of the Housing Committee, and in pursuance of Article 3(1) of the Dwelling Houses (Rent Control) (Jersey) Law 1949, as amended, appointed the following persons to act as Chairman and Members of the Rent Control Tribunal for a further period ending on 12th April 2006, namely –

Mr. Terence Lavery– Chairman
Mrs. Mary Gaiger
Mr. Ronald Peter Welling

Mr. Christopher John Sheehan.

Draft Extradition (Designated Territories) (Jersey) Regulations 200- P.53/2005

THE STATES, in pursuance of Articles 6 and 120 of the Extradition (Jersey) Law 2004, made Regulations entitled the Extradition (Designated Territories) (Jersey) Regulations 2005.

Draft Health Care (Registration) (Amendment) (Jersey) Law 2002 (Appointed Day) Act 200- P.45/2005

THE STATES, in pursuance of Article 11(2) of the Health Care (Registration) (Amendment) (Jersey) Law 2002 made an Act entitled the Health Care (Registration) (Amendment) (Jersey) Law 2002 (Appointed Day) Act 2005.

Draft Health Care (Registration) (No. 2) (Jersey) Regulations 200 P.46/2005

THE STATES, in pursuance of Article 17 of the Health Care Registration (Jersey) Law 1995, made Regulations entitled the Health Care (Registration) (No. 2) (Jersey) Regulations 2005.

Equalisation of Welfare – P.57/2004

Comments

THE STATES commenced consideration of a proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement concerning the equalisation of welfare and, following consideration, the Connétable of St. Helie sought leave to propose that the States move to the consideration of the next item on the Order Paper. The Bailiff ruled that, in accordance with Standing Order 27(1), the proposition was an infringement of the rights of a minority and it was, therefore, disallowed.

THE STATES, following further discussion, rejected the proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement, requesting that they–

- (a) agree that the cost of providing welfare for persons born in the Island should be met from parish funds with every parish contributing in accordance with the proportion of quarters of rateable value of land assessed in that parish;
- (b) agree, in principle, that –
 - (i) each parish would be charged annually with the proportion of welfare costs for those born in the Island as is equivalent to that parish's proportion of the total rateable value of land in the Island,
 - (ii) a person claiming welfare would apply to the parish in which he or she was ordinarily resident, and
 - (iii) a central fund be established into which parish contributions would be paid and that provision should be made for the appropriate management, administration and audit of those funds by the parishes,

and to charge the Legislation Committee to bring forward for approval appropriate legislation to implement the changes.

Members present voted as follows –

POUR: 1

CONTRE: 37

ABSTAIN: 0

Deputy G.C.L. Baudains (C)

Senator S. Syvret

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of St. Lawrence
Connétable of Grouville
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

Change in Presidency

The Bailiff retired from the Chair prior to the States voting on the proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement concerning the equalisation of welfare, (P.57/2004 lodged "au Greffe" on 20th April 2004), and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Land in St. Lawrence near Tesson Mill and Field 621, St. Brelade: rezoning- P.33/2005

THE STATES commenced consideration of a proposition of Deputy Jacqueline Ann Hilton of St. Helier requesting them to refer to their Act dated 11th July 2002, in which they approved the Island Plan 2002 and, *inter alia*, approved the zoning shown on the Island Proposals Map 1/02, and to agree to rezone with immediate effect from the Built Up Area to the Green Zone –

- (a) an area of land situated in the Parish of St. Lawrence, bounded to the south by Tesson Mews, to the west by La Rue du Moulin de Tesson and to the north and east by La Vallée de St. Pierre, as shown hatch on the attached drawing dated 9th February 2005; and,

- (b) Field 621, La Route de Noirmont, St. Brelade, as shown hatched on the attached drawing dated 17 February 2005.

THE STATES, following discussion, granted leave to Deputy Jacqueline Ann Hilton of St. Helier to withdraw the proposition.

Senator Leonard Norman declared an interest and withdrew from the Chamber prior to the consideration of this matter.

Land in St. Clement: rezoning– P.40/2005 – withdrawn

THE STATES granted leave to Deputy Gerard Clifford Lemmens Baudains of St. Clement to withdraw the proposition concerning land in St. Clement: rezoning, (P.40/2005 lodged “au Greffe” on 1st March 2005).

**Draft Planning and Building (Amendment No. 2) (Jersey) Law 200 P.47/2005
Amendment**

THE STATES commenced consideration of the Draft Planning and Building (Amendment No. 2) (Jersey) Law 200-, and adopted the preamble.

THE STATES commenced consideration of Articles 1 to 5 and adopted an amendment of Deputy Celia Joyce Scott Warren of St. Saviour that, immediately after the heading to Article 3, there be inserted the following paragraphs –

“(1) In Article 114 of the principal Law for paragraphs (1) and (2) there shall be substituted the following paragraphs –

“(1) This Article applies to a decision by the Committee to grant planning permission on an application made to it in accordance with Article 9(1) if a submission was made to the Committee in respect of the application prior to the Committee making its decision by a person (other than the applicant) who –

(a) has an interest in land; or

(b) is resident on land,

any part of which is within 50 metres of any part of the site to which the planning permission relates.

(2) For the purposes of paragraph (1), a person who has made a submission to the Committee includes a body or person created by statute (other than a Committee) that has commented on the application as a result of the Committee’s compliance with Article 17.”;

and to number the existing paragraph of Article 3 as paragraph (2) of that Article

Members present voted as follows –

POUR: 19

CONTRE: 18

ABSTAIN: 0

Senator S. Syvret
Senator W. Kinnard
Senator P.V.F. Le Claire
Senator E.P. Vibert

Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F. Routier

Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains (C)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy of St. Peter
Deputy J.A. Hilton (H)

Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Saviour
Connétable of St. Brelade
Deputy of Trinity
Deputy J.L. Dorey (H)
Deputy F.G. Voisin (L)
Deputy J.B. Fox
Deputy S.G. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy G.W.J. de Faye (H)

THE STATES adopted Articles 1 to 5, as amended.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Planning and Building (Amendment No. 2) (Jersey) Law 200.

Members present voted as follows –

POUR: 33

Senator S. Syvret
Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.V.F. Le Claire
Senator P.F. Routier
Senator P.F.C. Ozouf
Senator E.P. Vibert
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy M.A. Taylor (C)
Deputy of St. Peter

CONTRE: 1

Senator M.E. Vibert

ABSTAIN: 0

Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

THE STATES rose at 6.55 p.m.

M.N. DE LA HAYE

Greffier of the States.