

**THE STATES assembled on Wednesday,
21st July 2004, at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

All members were present with the exception of –

Senator Frank Harrison Walker – out of the Island
Senator Paul Vincent Francis Le Claire– out of the Island
Senator Edward Philip Vibert– out of the Island
Maxwell Robert de la Haye, Connétable of St. Brelade– out of the Island
Terence John Le Main, Deputy of St. Helier– out of the Island
Celia Joyce Scott Warren, Deputy of St. Saviour– out of the Island

Prayers read by the Deputy Greffier of the States

Sale of Properties – P.119/2004

Comments – P.119/2004.Com.; Comments – P.119/2004.Com.(2).; Amendment – P.119/2004.Amd.

THE STATES commenced consideration of a proposition of the Housing Committee concerning the sale of properties, and an amendment of Deputy Peter Nicholas Troy of St. Brelade that the following paragraph be substituted for paragraph (b) –

“to agree that the proceeds of the sale of the above premises should be remitted to the Treasurer of the States and returned to the general revenues of the States;”.

THE STATES, following consideration of the amendment, and in accordance with its decision of 26th May 2004 regarding the closure of a debate, adopted a proposition of Senator Philip Francis Cyril Ozouf that the question be now put.

Members present voted on the proposition of Senator Ozouf as follows –

POUR: 36

Senator J.A. Le Maistre
Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F. Routier
Senator P.F.C. Ozouf
Senator R.J. Shenton
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy J.J. Huet (H)
Deputy of St. Martin
Deputy of St. John

CONTRE: 9

Senator S. Syvret
Senator M.E. Vibert
Connétable of St. Helier
Deputy A. Breckon (S)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy J.A. Martin (H)
Deputy of Grouville
Deputy G.W.J de Faye (H)

ABSTAIN: 0

Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains
(C)
Deputy F.G. Voisin (L)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisssier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (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 St. Peter
Deputy J.A. Hilton (H)

THE STATES rejected the amendment of Deputy Peter Nicholas Troy of St. Brelade, and, in pursuance of Standing Order 31C relating to the procedure for a recorded vote when the electronic voting system was unavailable, agreed to vote by appel nominal.

Members present voted as follows –

POUR: 16

Senator S. Syvret
Senator W. Kinnard
Connétable of St. Clement
Connétable of St. Helier
Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy of St. John
Deputy P.N. Troy (B)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisssier (S)
Deputy J-A. Bridge (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy G.W.J de Faye (H)

CONTRE: 31

Senator J.A. Le Maistre
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
Senator R.J. Shenton
Connétable of St. Martin
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Mary
Connétable of St. Peter
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Deputy of Trinity
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains
(C)
Deputy J.L. Dorey (H)
Deputy F.G. Voisin (L)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy M.A. Taylor (C)
Deputy of St. Peter
Deputy J.A. Hilton (H)

ABSTAIN: 0

THE STATES resumed consideration of the proposition of the Housing Committee concerning the sale of properties, and, following discussion, Deputy Maurice François Dubras of St. Lawrence, in accordance with its decision of 26th May 2004, regarding the closure of a debate, proposed that the question be now put. The President ruled that the proposition of Deputy Maurice François Dubras of St. Lawrence was an infringement of the rights of the minority, and the proposition was disallowed. After further discussion, the President, in accordance with Standing Order 26(1), disallowed a proposition of the Deputy of St. Martin that the matter be referred back to the Housing Committee.

THE STATES, having resumed consideration of the proposition of the Housing Committee concerning the sale of properties, adopted a proposition of Senator Jean Amy Le Maistre that the question be now put, and, in pursuance of Standing Order 31C relating to the procedure for a recorded vote when the electronic voting system was unavailable, agreed to vote by appel nominal.

Members present voted as follows –

POUR: 31

Senator J.A. Le Maistre
 Senator F.H. Walker
 Senator W. Kinnard
 Senator T.A. Le Sueur
 Senator R.J. Shenton
 Connétable of St. Martin
 Connétable of St. Ouen
 Connétable of St. Saviour

 Connétable of St. Mary
 Connétable of St. Peter
 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 M.F. Dubras (L)
 Deputy G.C.L. Baudains (C)
 Deputy J.L. Dorey (H)
 Deputy F.G. Voisin (L)
 Deputy L.J. Farnham (S)
 Deputy J.B. Fox (H)
 Deputy J-A. Bridge (H)
 Deputy J.A. Martin (H)
 Deputy J.A. Bernstein (B)
 Deputy of St. Mary
 Deputy P.J.D. Ryan (H)
 Deputy M.A. Taylor (C)
 Deputy of St. Peter
 Deputy J.A. Hilton (H)

CONTRE: 13

Senator S. Syvret
 Senator P.F. Routier
 Senator M.E. Vibert
 Senator P.F.C. Ozouf
 Connétable of St. Clement
 Deputy J.J. Huet (H)
 Deputy P.N. Troy (B)
 Deputy R.G. Le Hérisier (S)
 Deputy G.P. Southern (H)
 Deputy S.C. Ferguson (B)
 Deputy of St. Ouen
 Deputy of Grouville
 Deputy G.W.J de Faye (H)

ABSTAIN: 0

THE STATES, adopting a proposition of the Housing Committee –

- (a) authorised the sale, on the open market, of the following unoccupied properties –
 1. Old Station House, Corbière, St. Brelade
 2. Winchester House, Winchester Street, St. Helier

3. 101 Don Road, St. Helier
 4. East Telephone Exchange, St. Saviour
 5. Amy's House, St. Martin
 6. L'Hôpital, St. Martin
 7. The Coach House, 48 Rouge Bouillon;
- (b) authorised the Housing Committee to utilise the proceeds of sale of the above properties to undertake the phased refurbishment of Le Clos de Roncier, St. Clement; and,
- (c) authorised the Attorney General and the Greffier of the States to pass on behalf of the Public any contract that might be necessary to pass in connection with the sale of the properties referred to in paragraph (a) above,

and, in pursuance of Standing Order 31C relating to the procedure for a recorded vote when the electronic voting system was unavailable, agreed to vote by appel nominal.

Members present voted as follows –

POUR: 31

Senator J.A. Le Maistre
 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
 Senator R.J. Shenton
 Connétable of St. Martin

Connétable of St. Ouen
 Connétable of St. Saviour
 Connétable of St. Peter
 Connétable of Trinity
 Connétable of St. Lawrence
 Connétable of Grouville
 Deputy of Trinity
 Deputy J.J. Huet (H)
 Deputy M.F. Dubras (L)
 Deputy G.C.L. Baudains (C)
 Deputy J.L. Dorey (H)
 Deputy P.N. Troy (B)
 Deputy F.G. Voisin (L)
 Deputy L.J. Farnham (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (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 J.A. Hilton (H)

CONTRE: 15

Senator S. Syvret
 Senator W. Kinnard
 Connétable of St. Mary
 Connétable of St. Clement
 Deputy R.C. Duhamel (S)
 Deputy A. Breckon (S)
 Deputy of St. Martin
 Deputy of St. John
 Deputy R.G. Le Hérisier (S)
 Deputy J-A. Bridge (H)
 Deputy G.P. Southern (H)
 Deputy J.A. Bernstein (B)
 Deputy of Grouville
 Deputy of St. Peter
 Deputy G.W.J de Faye (H)

ABSTAIN:

Senator Frank Harrison Walker – attendance

Senator Frank Harrison Walker returned to the Island prior to consideration of the proposition of Senator Philip Francis Cyril Ozouf that the question be now put on the amendment of Deputy Peter Nicholas Troy of St. Brelade concerning the sale of properties, (P.119/2004 Amd. lodged “au Greffe” on 6th July 2004), and was present for the remainder of the meeting.

Change in Presidency

The Bailiff retired from the Chair following consideration of the amendment of Deputy Peter Nicholas Troy of St. Brelade concerning the sale of properties, (P.119/2004 Amd. lodged “au Greffe” on 6th July 2004), and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Draft Stamp Duties and Fees (No. 3) (Jersey) Regulations 200 P.53/2004 Second Amendment – P.53/2004.Amd.(2)

THE STATES commenced consideration of the draft Stamp Duties and Fees (No. 3) (Jersey) Regulations 200-, as amended by an amendment of the Finance and Economics Committee, (P.53/2004 Amd.(2) lodged “au Greffe” on 6th July 2004), that the following paragraph be substituted for paragraph (1) of item 2-

| “(1) In the Petty Debts Court – | | | | |
|---------------------------------|--|-----|------------------------------|-----------|
| (a) | Where the claim does not exceed £100 | £2 | Claim Summary | Greffier |
| (b) | Where the claim exceeds £100 but does not exceed £1,000 | £10 | Claim Summary | Greffier |
| (c) | Where the claim exceeds £1,000 but does not exceed £2,500 | £25 | Claim Summary | Greffier |
| (d) | Where the claim exceeds £2,500 | £40 | Claim Summary | Greffier |
| (e) | For expulsion of a refractory tenant | £25 | Claim Summary | Greffier |
| (f) | In pursuance of the Separation and Maintenance Orders (Jersey) Law 1953 or the Maintenance Orders (Facilities for Enforcement) (Jersey) Law 2000 | £25 | Claim Summary | Greffier |
| (g) | Each intervention or opposition made during the hearing | £25 | Intervention or Opposition | Greffier |
| (h) | Fixing a date for a trial or hearing | £25 | Application or Claim Summary | Greffier” |

THE STATES adopted the preamble.

Members present voted as follows –

POUR: 35

Senator J.A. Le Maistre
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator P.F.C. Ozouf
Senator R.J. Shenton
Connétable of St. Ouen
Connétable of St. Saviour
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
Connétable of St. John
Deputy of Trinity
Deputy A. Breckon (S)
Deputy J.J. Huet (H)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisssier (S)
Deputy J-A. Bridge (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J de Faye (H)

CONTRE: 6

Deputy R.C. Duhamel (S)
Deputy of St. Martin
Deputy of St. John
Deputy G.C.L. Baudains (C)
Deputy J.B. Fox (H)
Deputy G.P. Southern (H)

ABSTAIN:

Regulations 1 and 2, together with the Schedule were adopted.

THE STATES, in pursuance of Article 3 of the Stamp Duties and Fees (Jersey) Law 1998, made Regulations entitled Stamp Duties and Fees (No. 3) (Jersey) Regulations 2004.

Change in Presidency

The Bailiff returned to the Chamber during consideration of the preamble to the draft Stamp Duties and Fees (No. 3) (Jersey) Regulations 2004, as amended, of the Finance and Economics Committee, (P.53/2004 lodged “au Greffe” on 6th April 2004 and P.53/2004 Amd.(2) lodged “au Greffe” on 6th July 2004), and the meeting continued under his presidency.

Fields 181, 182 and 183, St. Peter: restriction on development– P.133/2004

THE STATES commenced consideration of a proposition of the Deputy of St. Peter concerning Fields 181 182 and 183, St. Peter: restriction on development, and, following discussion, adopted a proposition of the Deputy of St. John that, in accordance with its decision of 26th May 2004, regarding the closure of a debate

the question be now put.

Members present voted as follows –

POUR: 24

Senator J.A. Le Maistre
Senator L. Norman
Senator F.H. Walker
Senator T.A. Le Sueur
Senator R.J. Shenton
Connétable of St. Saviour
Connétable of St. Mary
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity

Connétable of St. Lawrence
Connétable of Grouville

Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy of St. John
Deputy J.L. Dorey (H)
Deputy L.J. Farnham (S)
Deputy J-A. Bridge (H)
Deputy J.A. Bernstein (B)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy of St. Peter

CONTRE: 19

Senator S. Syvret
Senator W. Kinnard
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Connétable of St. Peter
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains
(C)
Deputy P.N. Troy (B)
Deputy R.G. Le Hérissier
(S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy J.A. Hilton (H)
Deputy G.W.J de Faye (H)

ABSTAIN:

THE STATES, adopting a proposition of the Deputy of St. Peter, referred to their Act dated 10th July 2002, in which they agreed to re-zone Fields 181, 182 and 183, St. Peter for Category A Housing, and requested the Environment and Public Services Committee to limit development on the said site to a maximum of 54 three-bedroomed two-storey units or 68 two-bedroomed two-storey units, or any equivalent combination of three and two-bedroomed units.

Members present voted as follows –

POUR: 25

Senator J.A. Le Maistre
Senator S. Syvret
Senator L. Norman
Senator W. Kinnard
Senator R.J. Shenton
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)

CONTRE: 18

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. Saviour
Connétable of St. Helier
Deputy A. Breckon (S)
Deputy M.F. Dubras (L)
Deputy P.N. Troy (B)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy S.C. Ferguson (B)

ABSTAIN: 0

Deputy of St. Martin
Deputy of St. John
Deputy G.C.L. Baudains
(C)
Deputy J.L. Dorey (H)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisier (S)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy of St. Peter

Deputy of St. Ouen
Deputy M.A. Taylor (C)
Deputy J.A. Hilton (H)
Deputy G.W.J de Faye (H)

Change in Presidency

The Bailiff retired from the Chair during consideration of the proposition of the Deputy of St. Peter concerning Fields 181, 182 and 183, St. Peter: restriction on development, (P.133/2004 lodged "au Greffe" on 6th July 2004), and the meeting continued under the presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

Draft Nursing and Residential Homes (Amendment No. 2) (Jersey) Law 200 P.132/2004

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

Adjournment

THE STATES then adjourned, having agreed to reconvene on Thursday 22nd July 2004, in order to continue consideration of the outstanding items of public business.

THE STATES rose at 5.20 p.m.

A.H. HARRIS

Deputy Greffier of the States.