



**THE STATES assembled on Tuesday
2nd March 2021, at 9.30 a.m. under
the Presidency of the Bailiff,
Timothy John Le Cocq, Esquire.**

All members were present at roll call with the exception of –

Connétable Sadie Anthea Le Sueur-Rennard of St. Saviour – excused attendance (joined at 11.28 a.m.)
Deputy Jessica Harriet Perchard of St. Saviour – excused attendance

Prayers

Standing Order 55A – meeting held remotely

THE STATES assembled remotely, in accordance with Standing Order 55A, as the Bailiff considered that it was not possible to convene or maintain a quorate meeting in view of a substantial risk to the health of both States Members and the public.

Subordinate enactments tabled

The following enactments were tabled, namely –

Covid-19 (Workplace Restrictions) (Amendment No. 9) (Jersey) Order 2021. <i>Minister for Health and Social Services.</i>	R&O.15/2021.
Road Traffic (Public Parking Places – Charges) (Amendment) (Jersey) Order 2021. <i>Minister for Infrastructure.</i>	R&O.17/2021.
Road Traffic (St. Mary) (Amendment No. 3) (Jersey) Order 2021. <i>Minister for Infrastructure.</i>	R&O.18/2021.
Social Security (Contributions) (Covid-19) (Amendment No. 2) (Jersey) Order 2021. <i>Minister for Social Security.</i>	R&O.19/2021.
Covid-19 (Gathering Control) (Amendment No. 2) (Jersey) Order 2021. <i>Minister for Health and Social Services.</i>	R&O.20/2021.
Covid-19 (Gathering Control) (Amendment No. 3) (Jersey) Order 2021. <i>Minister for Health and Social Services.</i>	R&O.21/2021.
Education (Grants and Allowances) (Amendment) (Jersey) Order 2021. <i>Minister for Education.</i>	R&O.22/2021.
Road Traffic (St. Saviour) (Amendment No. 14) (Jersey) Order 2021. <i>Minister for Infrastructure.</i>	R&O.23/2021.
Covid-19 (Workplace Restrictions and Gathering Control) (Amendment No. 2) (Jersey) Order 2021. <i>Minister for Health and Social Services.</i>	R&O.24/2021.

Prison (Amendment No. 5) (Jersey) Rules 2021. <i>Minister for Home Affairs.</i>	R&O.25/2021.
Covid-19 (Workplace – Twentieth Extension) (Jersey) Order 2021. <i>Minister for Health and Social Services.</i>	R&O.26/2021.
Covid-19 (Gathering Control – Fourth Extension) (Jersey) Order 2021. <i>Minister for Health and Social Services.</i>	R&O.27/2021.
Road Traffic (Periodic Technical Inspections – General Provisions) (Amendment) (Jersey) Order 2021 <i>Minister for Infrastructure.</i>	R&O.28/2021.

Documents presented

Migration Control Policy (P.137/2020): third amendment (P.137/2020 Amd.(3)) – Comments. Presented: 25th February 2021, <i>Privileges and Procedures Committee.</i>	P.137/2020. Amd.(3). Com.
Migration Control Policy (P.137/2020): third amendment (P.137/2020 Amd.(3)) – Comments. Presented: 26th February 2021, <i>Council of Ministers.</i>	P.137/2020. Amd.(3). Com.(2).
States of Jersey Law 2005: Delegation of Functions to Prison Governor – Minister for Home Affairs – Revised Delegations February 2021. Presented: 12th February 2021, <i>Minister for Home Affairs.</i>	R.15/2021.
Government Plan 2021 – 2024 (as amended). Presented: 15th February 2021, <i>Council of Ministers.</i>	R.16/2021.
Annex to the Government Plan 2021 – 2024. Presented: 15th February 2021, <i>Council of Ministers.</i>	R.17/2021.
Disability Strategy Update 2020. Presented: 15th February 2021, <i>Minister for Social Security.</i>	R.18/2021.
Land Transactions under Standing Order 168(3) – Office Accommodation Project, Union Street, St. Helier – Agreement. Presented: 16th February 2021, <i>Minister for Infrastructure.</i>	R.19/2021. (re-issue)
Land Transactions under Standing Order 168(3) – Office Accommodation Project, Union Street, St. Helier – Agreement: Addendum. Presented: 16th February 2021, <i>Minister for Infrastructure.</i>	R.19/2021. Add.
States of Jersey Law 2005- delegation of functions – Minister for Social Security – revised delegations February 2021. Presented: 16th February 2021, <i>Minister for Social Security.</i>	R.20/2021.
Notice under Article 29A(1)(b) of the States of Jersey Law 2005: Minister for Children and Education and Minister for Housing and Communities. Presented: 16th February 2021, <i>Chief Minister.</i>	R.21/2021.
Andium Homes Limited - Amendment to Transfer Agreement. Presented: 17th February 2021, <i>Minister for Treasury and Resources.</i>	R.22/2021.

Fiscal Policy Panel: Re-appointment of Member. Presented 22nd February 2021, <i>Minister for Treasury and Resources</i> .	R.23/2021.
Transfers Between Heads of Expenditure Under the Public Finances (Jersey) Law 2019: Article 18 – 15th February 2021. Presented: 23rd February 2021, <i>Minister for Treasury and Resources</i> .	R.24/2021.
Land Transactions under Standing Order 168(3) – No.2 Maison D’Azette, La Grande Route de St Cote, St Clement Cancellation of Existing 99-Year Lease and Transfer of the Public’s Flying-Freehold Ownership. Presented: 24th February 2021, <i>Minister for Infrastructure</i> .	R.25/2021.
Conclusion of UK-EU Trade and Cooperation Agreement - Inclusion of the Bailiwick of Jersey. Presented 24th February 2021, <i>Council of Ministers</i> .	R.26/2021.
Finance Law Delegation Report for the Six-Month Period to 31st December 2020. Presented 24th February 2021, <i>Minister for Treasury and Resources</i> .	R.27/2021.
Jersey Bank Depositors Compensation Board: Reappointment of Board members Presented 25 th February 2021, <i>Minister for External Relations</i> .	R.28/2021.
Registration of births, deaths, stillbirths, marriage, conversion to marriage and civil partnerships: Annual Statement for 2020 Presented 26th February 2021, <i>Minister for Home Affairs</i> .	R.29/2021.
Inclusion of the Bailiwick of Jersey in the UK/EU Trade and Co-operation Agreement: Goods and Trade. Presented: 19th February 2021, <i>Brexit Review Panel</i> .	S.R.4/2021.
Inclusion of the Bailiwick of Jersey in the UK/EU Trade and Co-operation Agreement: Fisheries. Presented: 19th February 2021, <i>Environment, Housing and Infrastructure Scrutiny Panel</i> .	S.R.5/2021.
P.137/2020 Migration Control Policy (Phase 1) Review. Presented 25th February 2021, <i>Migration Population Review Panel</i> .	S.R.6/2021.
Safer Travel Guidelines: Final Report (S.R.8/2020) – Response of the Minister for Health and Social Services. Presented: 11th February 2021, <i>Minister for Health and Social Services</i> .	S.R.8/2020. Res.
Scrutiny Review of the Government Plan: 2021-2024 – Children, Education and Home Affairs Scrutiny Panel (S.R.11/2020): Joint Ministerial Response. Presented: 12th February 2021, <i>Minister for Home Affairs</i> .	S.R.11/2020. Res.
Notification of lodged propositions	
Encroachments on the Foreshore: Revised Policy (P.111/2020) – amendment (P.111/2020 Amd.): amendment. Presented: 24th February 2021, <i>Minister for Infrastructure</i> .	P.111/2020. Amd.Amd.
Encroachments on the Foreshore: Revised Policy (P.111/2020) – second amendment. Presented: 16th February 2021, <i>Minister for Infrastructure</i> .	P.111/2020. Amd.(2).

Migration Control Policy (P.137/2020): second amendment. Lodged: 16th February 2021, <i>Deputy J.H. Perchard of St. Saviour.</i>	P.137/2020. Amd.(2).
Migration Control Policy (P.137/2020) – second amendment (P.137/2020 Amd.(2)) – amendment. Lodged: 23rd February 2021, <i>Chief Minister.</i>	P.137/2020 Amd.(2). Amd.
Migration Control Policy (P.137/2020): third amendment. Presented: 16th February 2021, <i>Migration and Population Review Panel</i>	P.137/2020. Amd.(3).
Improvements to Road Safety (P.5/2021): amendment. Lodged: 19th February 2021, <i>Minister for Infrastructure.</i>	P.5/2021. Amd.
Improvements to Road Safety (P.5/2021): second amendment. Lodged: 26th February 2021, <i>Senator S.C. Ferguson.</i>	P.5/2021. Amd.(2).
Draft States of Jersey Police Force (Amendment No.3) Law 202-. Lodged: 17th February 2021, <i>Minister for Home Affairs.</i>	P.10/2021. (re-issue)
Minimum Wage Increase Lodged: 25th February 2021, <i>Deputy G. Southern of St Helier.</i>	P.11/2021.

Withdrawal of lodged propositions

THE STATES noted that, in accordance with Standing Order 34(1), the proposers of the following propositions lodged “au Greffe” had informed the Greffier of the States that they had been withdrawn –

Migration Control Policy (P.137/2020): amendment. Lodged: 23rd October 2020, <i>Deputy J.H. Perchard of St. Saviour.</i>	P.137/2020. Amd.
Migration Control Policy (P.137/2020): third amendment. Presented: 16th February 2021, <i>Migration and Population Review Panel.</i>	P.137/2020. Amd.(3).

Written Questions

(see *Official Report/Hansard*)

- WQ.39/2021 1. The Minister for Treasury and Resources had tabled an answer on 15th February 2021 to a question asked by the Connétable of St Brelade regarding the tender for the provision of a new tug for the Ports of Jersey.
- WQ.40/2021 2. The Minister for Treasury and Resources had tabled an answer on 15th February 2021 to a question asked by Senator S.Y. Mézec regarding people earning over £1 million in Jersey.
- WQ.41/2021 3. The Chief Minister had tabled an answer on 15th February 2021 to a question asked by Deputy K.G. Pamplin of St. Saviour regarding unpublished Government reports.
- WQ.42/2021 4. The Minister for Education had tabled an answer on 15th February 2021 to a question asked by Deputy R.J. Ward of St. Helier regarding peak flow testing in schools.
- WQ.44/2021 5. H.M. Attorney General had tabled an answer on 22nd February 2021 to a question asked by Senator S.Y. Mézec regarding voting and the Powers of Attorney (Jersey) Law 1995.

- WQ.45/2021 6. The Minister for Social Security had tabled an answer on 22nd February 2021 to a question asked by Senator S.Y. Mézec regarding increasing the level of the minimum wage to the same as the living wage.
- WQ.46/2021 7. The Chief Minister had tabled an answer on 24th February 2021 to a question asked by Deputy R.J. Ward of St. Helier regarding conflicts of interest.
- WQ.47/2021 8. The Minister for Education had tabled an answer on 22nd February 2021 to a question asked by Deputy R.J. Ward of St Helier regarding the free school meals pilot programme.
- WQ.48/2021 9. The Minister for Infrastructure had tabled an answer on 22nd February 2021 to a question asked by Deputy R.J. Ward of St. Helier regarding the priority given to pedestrians, cyclists and horse riders in Green Lanes.
- WQ.49/2021 10. The Assistant Minister for Treasury and Resources had tabled an answer on 22nd February 2021 to a question asked by Senator S.C. Ferguson regarding JT network problems.
- WQ.50/2021 11. The Minister for Economic Development, Tourism, Sport and Culture had tabled an answer on 22nd February 2021 to a question asked by Senator S.C. Ferguson regarding JT reliability and communication.
- WQ.51/2021 12. The Minister for Education had tabled an answer on 22nd February 2021 to a question asked by Deputy C.S. Alves of St. Helier regarding Lateral Flow Testing on Students.
- WQ.52/2021 13. The Minister for Health and Social Services had tabled an answer on 22nd February 2021 to a question asked by Deputy C.S. Alves of St. Helier regarding the Jersey Covid Alert app.
- WQ.53/2021 14. The Minister for Health and Social Services had tabled an answer on 22nd February 2021 to a question asked by Deputy C.S. Alves of St. Helier regarding workforce testing.
- WQ.54/2021 15. The Minister for Social Security had tabled an answer on 22nd February 2021 to a question asked by Deputy G.P. Southern of St. Helier regarding the rates of Income Support components.
- WQ.56/2021 16. The Minister for External Relations had tabled an answer on 22nd February 2021 to a question asked by Deputy G.P. Southern of St. Helier regarding the impact of Brexit.
- WQ.57/2021 17. The Minister for the Environment had tabled an answer on 22nd February 2021 to a question asked by Deputy I. Gardiner of St. Helier regarding the Blue Badge Scheme.
- WQ.58/2021 18. The Minister for Infrastructure had tabled an answer on 22nd February 2021 to a question asked by Deputy I. Gardiner of St. Helier regarding the Blue Badge Scheme.
- WQ.59/2021 19. The Minister for Health and Social Services had tabled an answer on 22nd February 2021 to a question asked by Deputy M.R. Higgins of St. Helier regarding the recording of incidents in the Hospital and the wider health service.
- WQ.60/2021 20. The Minister for Health and Social Services had tabled an answer on 22nd February 2021 to a question asked by Deputy M.R. Higgins of St. Helier regarding incident reports in the Hospital and the wider health service.
- WQ.61/2021 21. The Minister for Treasury and Resources had tabled an answer on 22nd February 2021 to a question asked by Deputy M.R. Higgins of St. Helier regarding the Criminal Offences Confiscation Fund.

- WQ.62/2021 22. The Minister for Economic Development, Tourism, Sport and Culture had tabled an answer on 1st March 2021 to a question asked by Deputy L.B.E. Ash of St. Clement regarding the football goals at F.B. Fields and Le Rocquier School.
- WQ.63/2021 23. The Minister for Treasury and Resources had tabled an answer on 1st March 2021 to a question asked by Senator S.Y. Mézec regarding Income Tax assessment bands for the years 2011 to 2021.
- WQ.64/2021 24. The Minister for Treasury and Resources had tabled an answer on 1st March 2021 to a question asked by Senator S.Y. Mézec regarding incomes above £1 million and relative low incomes.
- WQ.65/2021 25. The Chief Minister had tabled an answer on 1st March 2021 to a question asked by Senator K.L. Moore regarding letters of instruction issued by Ministers.
- WQ.66/2021 26. The Chair of the Privileges and Procedures Committee had tabled an answer on 1st March 2021 to a question asked by Senator S.Y. Mézec regarding the declarations of interest made by States members as private residential landlords.
- WQ.67/2021 27. The Minister for Treasury and Resources had tabled an answer on 1st March 2021 to a question asked by Deputy K.F. Morel of St. Lawrence regarding the charges levied by Jersey Electricity.
- WQ.68/2021 28. The Minister for Treasury and Resources had tabled an answer on 1st March 2021 to a question asked by Deputy K.F. Morel of St. Lawrence regarding the telecom charges levied by JT.
- WQ.69/2021 29. The Minister for Treasury and Resources had tabled an answer on 1st March 2021 to a question asked by Deputy K.F. Morel of St Lawrence regarding the charges levied by Jersey Water.
- WQ.70/2021 30. The Minister for the Environment had tabled an answer on 1st March 2021 to a question asked by Deputy R.J. Ward of St. Helier regarding the subsidy of the Home Energy Audit Scheme.
- WQ.71/2021 31. The Minister for Infrastructure had tabled an answer on 1st March 2021 to a question asked by Deputy R.J. Ward of St. Helier regarding the use of fuel in the Island.
- WQ.72/2021 32. The Minister for Education had tabled an answer on 1st March 2021 to a question asked by Deputy R.J. Ward of St. Helier regarding the use of consultants in the production of the education reform program.
- WQ.73/2021 33. The Assistant Chief Minister had tabled an answer on 1st March 2021 to a question asked by the Deputy of St. Mary regarding the prospective relocation of the Crematorium as part of the Hospital project at Overdale.
- WQ.74/2021 34. The Minister for Health and Social Services had tabled an answer on 1st March 2021 to a question asked by Deputy K.G. Pamplin of St. Saviour regarding the selection of the Independent Advisory Panel to the Assisted Dying Citizens' Jury.
- WQ.75/2021 35. The Minister for Children and Housing had tabled an answer on 1st March 2021 to a question asked by Deputy K.G. Pamplin of St. Saviour regarding staffing levels at the Child and Adolescent Mental Health Service.
- WQ.76/2021 36. The Minister for Health and Social Services had tabled an answer on 1st March 2021 to a question asked by Deputy K.G. Pamplin of St. Saviour regarding staffing levels in his department.
- WQ.77/2021 37. H.M. Attorney General had tabled an answer on 1st March 2021 to a question asked by Deputy M.R. Higgins of St. Helier regarding the concept of bias in relation to the activities of politicians, civil servants, the Law Officers' Department and the Judiciary.

- WQ.78/2021 38. The Minister for Social Security had tabled an answer on 1st March 2021 to a question asked by Deputy M.R. Higgins of St. Helier regarding Income Support.
- WQ.79/2021 39. The Minister for Treasury and Resources had tabled an answer on 1st March 2021 to a question asked by Deputy M.R. Higgins of St. Helier regarding High Value Residents.
- WQ.80/2021 40. The Minister for Health and Social Services had tabled an answer on 1st March 2021 to a question asked by Deputy L.M.C Doublet of St. Saviour regarding the restrictions on gatherings.
- WQ.81/2021 41. The Minister for Health and Social Services had tabled an answer on 1st March 2021 to a question asked by Deputy L.M.C Doublet of St. Saviour regarding the risk assessments undertaken when exempting younger children from public health guidance.
- WQ.82/2021 42. The Minister for Health and Social Services had tabled an answer on 1st March 2021 to a question asked by Deputy L.M.C Doublet of St. Saviour regarding the needs and rights of younger children in relation to the Covid-19 Winter Strategy.

The Bailiff, in accordance with Standing Order 12(4)(b), ruled that the answer tabled on 22nd February 2021 by the Minister for Treasury and Resources to the question asked by Deputy Michael Roderick Higgins of St. Helier (WQ.61/2021) contravened Standing Order 12(2A), and directed the Minister to submit an answer that did not contravene the Standing Order.

The Bailiff, in accordance with Standing Order 12(4)(b), ruled that the answer tabled on 1st March 2021 by the Minister for Health and Social Services to the question asked by Deputy Louise Mary Catherine Doublet of St. Saviour (WQ.82/2021) contravened Standing Order 12(2A), and directed the Minister to submit an answer that did not contravene the Standing Order.

Oral Questions

(see Official Report/Hansard)

- OQ.34/2021 1. Deputy K.G. Pamplin of St. Saviour asked a question of the Minister for Children and Education regarding the impact of the Covid-19 pandemic on the implementation of the recommendations of the Independent Jersey Care Inquiry.
- OQ.51/2021 2. Deputy M.R. Higgins of St. Helier asked a question of H.M. Attorney General regarding the legal responsibility for oversight of the States of Jersey Police.
- OQ.65/2021 3. Deputy I. Gardiner of St. Helier asked a question of the Chief Minister regarding legislation to address cyber-abuse, cyberbullying and online trolling.
- OQ.48/2021 4. Deputy G.P. Southern of St. Helier asked a question of the Minister for Social Security regarding the changes to Income Support components since 2014.
- OQ.63/2021 5. Senator S.Y. Mézec asked a question of the Chief Minister regarding measures taken by the Government of Jersey to address the impact of a long-term freeze in real-terms earnings.
- OQ.54/2021 6. Deputy L.M.C. Doublet of St. Saviour asked a question of the Minister for Health and Social Services regarding the legal provisions regarding children under the age of 12 and gatherings.
- OQ.55/2021 7. The Connétable of St. Helier asked a question of the Minister for Treasury and Resources regarding the review of the provision of public services by the Parishes.

- OQ.46/2021 8. Deputy M.R. Le Hegarat of St. Helier asked a question of the Assistant Chief Minister regarding the health services due to be relocated from Overdale to the former Les Quennevais School building.
- OQ.57/2021 9. Deputy S.M. Ahier of St. Helier asked a question of the Minister for Health and Social Services regarding the restrictions on relatives visiting family members in care homes.
- OQ.58/2021 10. Deputy C.S. Alves of St. Helier asked a question of the Chief Minister regarding the diversity of citizens' panels and juries set up by the Government of Jersey.
- OQ.61/2021 11. Deputy M. Tadier of St. Brelade asked a question of the Assistant Chief Minister regarding consultation with the residents of Les Quennevais Park and Clos des Sables regarding the relocation of facilities from Overdale to the former Les Quennevais School site.
- OQ.60/2021 12. Deputy R.J. Ward of St. Helier asked a question of the Minister for Social Security regarding the discretion exercised in cases where an adult claimant of Income Support left work without good cause and their household included children.
- OQ.45/2021 13. Deputy K.F. Morel of St. Lawrence asked a question of the Minister for International Development regarding the actions taken to help people in developing countries to gain access to Covid-19 vaccines.
- OQ.62/2021 14. Deputy R.J. Ward of St. Helier asked a question of the Minister for the Environment regarding the records kept of incidences where a residential rental property had failed to meet fire safety standards.
- OQ.52/2021 15. Deputy M.R. Higgins of St. Helier asked a question of the Minister for Social Security regarding the discretion available to her in relation to the management of debts owed by Income Support recipients due to overpayments.
- OQ.59/2021 16. Deputy C.S. Alves of St. Helier asked a question of the Minister for Health and Social Services regarding workforce testing for Covid-19.
- OQ.56/2021 17. The Connétable of St. Helier asked a question of the Minister for Infrastructure regarding the future use of the former police headquarters site in Rouge Bouillon.

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(c), the Connétable of St. Helier declared an interest that was not financial and remained in the Chamber for the question asked by Deputy Stephen Morrison Ahier of St. Helier of the Minister for Health and Social Services (OQ.57/2021).

THE STATES noted that, in accordance with Standing Order 63(9), a written response would be provided to each of the following oral questions that had not been asked during the time allowed at the meeting –

- OQ.53/2021 Deputy L.M.C. Doublet of St. Saviour to the Minister for Children and Education regarding the commitment to extend the number of weekly hours of nursery education provided by the Nursery Education Fund.
- OQ.49/2021 Deputy G.P. Southern of St. Helier to the Chief Minister regarding the Government's commitment to deliver meaningful increases to the minimum wage.
- OQ.64/2021 Senator S.Y. Mézec to the Minister for Housing and Communities regarding the ambition set out in the Jersey Homelessness Strategy that more affordable rents for social housing should be considered.

- OQ.66/2021** Deputy I. Gardiner of St. Helier to the Minister for Infrastructure regarding legislation to prohibit the use of plastic and paper bags.
- OQ.47/2021** Deputy M.R. Le Hegarat of St. Helier to the Minister for Home Affairs regarding the Jersey- E.U. Settlement Scheme.
- OQ.50/2021** Deputy K.F. Morel of St. Lawrence to the Minister for Health and Social Services regarding the removal of the Nightingale Wing of the General Hospital from Millbrook.

Oral Questions without notice

(see Official Report/Hansard)

The Minister External Relations and Financial Services for answered questions without notice from members.

The Minister for Health and Social Services answered questions without notice from members.

The Chief Minister answered questions without notice from members.

Arrangement of public business for the present meeting

THE STATES, adopting a proposition of Senator Sarah Craig Ferguson, agreed, in accordance with Standing Order 80, to suspend Standing Order 32 in order that her amendment (P.5/2021 Amd.(2)) to the proposition of the Connétable of St. Martin entitled ‘Improvements to Road Safety’ (P.5/2021) might be listed for consideration at the present meeting; and further agreed in accordance with Standing Order 26(7), to reduce the minimum lodging period in respect of the same amendment in order that it might be debated at the present meeting.

Members present voted as follows –

POUR: 38

Senator I.J. Gorst
 Senator S.C Ferguson
 Senator J.A.N. Le Fondré
 Senator T.A. Vallois
 Senator S.W. Pallett
 Connétable of St. Clement
 Connétable of St. Lawrence
 Connétable of St. Saviour
 Connétable of St. Brelade
 Connétable of Grouville
 Connétable of St. Mary
 Connétable of St. Ouen
 Connétable of St. Martin
 Deputy J.A. Martin (H)
 Deputy of Grouville
 Deputy K.C. Lewis (S)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy S.J. Pinel (C)
 Deputy of St. Martin
 Deputy of St. Ouen
 Deputy L.M.C. Doublet (S)

CONTRE: 1

Senator S.Y. Mézec

ABSTAIN: 1

Deputy M. Tadier (B)

Deputy S.M. Wickenden (H)
 Deputy of St. Mary
 Deputy G.J. Truscott (B)
 Deputy J.H. Young (B)
 Deputy L.B.E. Ash (C)
 Deputy K.F. Morel (L)
 Deputy G.C.U. Guida (L)
 Deputy of St. Peter
 Deputy of Trinity
 Deputy of St. John
 Deputy M.R. Le Hegarat (H)
 Deputy S.M. Ahier (H)
 Deputy R.J. Ward (H)
 Deputy C.S. Alves (H)
 Deputy K.G. Pamplin (S)
 Deputy I. Gardiner (H)

Encroachments on the Foreshore: Revised Policy P.111/2020

THE STATES, commencing consideration of a proposition of the Minister for Infrastructure entitled ‘Encroachments on the Foreshore: Revised Policy’ (P.111/2020), commenced consideration of an amendment of the Deputy of Grouville (P.111/2020 Amd.) and, adopting an amendment of the Minister for Infrastructure (P.111/2020 Amd.Amd.), agreed that, in the proposed new paragraph (b), after the words “Minister for Infrastructure” the remaining words should be deleted and there should be substituted the words “to report back to the Scrutiny Panel with his proposals for setting out, in a map or plan, the public boundary”.

Members present voted as follows –

POUR: 24

Senator L.J. Farnham
 Senator J.A.N. Le Fondré
 Senator S.Y. Mézec
 Connétable of St. Helier
 Connétable of St. Clement
 Connétable of St. Saviour
 Connétable of St. Brelade
 Connétable of St. Mary
 Connétable of St. Ouen
 Deputy J.A. Martin (H)
 Deputy K.C. Lewis (S)
 Deputy M. Tadier (B)
 Deputy J.M. Maçon (S)
 Deputy of St. Martin
 Deputy of St. Ouen
 Deputy S.M. Wickenden (H)
 Deputy G.J. Truscott (B)
 Deputy K.F. Morel (L)
 Deputy G.C.U. Guida (L)
 Deputy of St. Peter
 Deputy of Trinity
 Deputy S.M. Ahier (H)
 Deputy R.J. Ward (H)
 Deputy C.S. Alves (H)

CONTRE: 18

Senator S.C Ferguson
 Senator T.A. Vallois
 Senator K.L. Moore
 Senator S.W. Pallett
 Connétable of Grouville
 Connétable of St. John
 Connétable of Trinity
 Connétable of St. Martin
 Deputy of Grouville
 Deputy M.R. Higgins (H)
 Deputy L.M.C. Doublet (S)
 Deputy R. Labey (H)
 Deputy J.H. Young (B)
 Deputy L.B.E. Ash (C)
 Deputy of St. John
 Deputy M.R. Le Hegarat (H)
 Deputy K.G. Pamplin (S)
 Deputy I. Gardiner (H)

ABSTAIN: 0

THE STATES, adopting paragraph (a) of the amendment of the Deputy of Grouville, as amended, agreed that, after the words ‘this proposition’, there should be inserted the word “; and”; the existing paragraph should be designated as paragraph (a) and there should be inserted a new paragraph (b) as follows –

“(b) to request the Minister for Infrastructure to report back to the Scrutiny Panel with his proposals for setting out, in a map or plan, the public boundary”

Members present voted as follows –

POUR: 30

Senator S.C Ferguson
 Senator T.A. Vallois
 Senator K.L. Moore
 Senator S.W. Pallett
 Connétable of St. Helier
 Connétable of St. Clement
 Connétable of St. Saviour
 Connétable of St. Brelade
 Connétable of Grouville
 Connétable of St. John
 Connétable of Trinity
 Connétable of St. Peter
 Connétable of St. Mary
 Connétable of St. Martin
 Deputy J.A. Martin (H)
 Deputy of Grouville
 Deputy K.C. Lewis (S)
 Deputy M.R. Higgins (H)
 Deputy J.M. Maçon (S)
 Deputy of St. Martin
 Deputy L.M.C. Doublet (S)
 Deputy R. Labey (H)
 Deputy S.M. Wickenden (H)
 Deputy of St. Mary
 Deputy J.H. Young (B)
 Deputy L.B.E. Ash (C)
 Deputy of St. John
 Deputy M.R. Le Hegarat (H)
 Deputy K.G. Pamplin (S)
 Deputy I. Gardiner (H)

CONTRE: 15

Senator L.J. Farnham
 Senator J.A.N. Le Fondré
 Senator S.Y. Mézec
 Connétable of St. Lawrence
 Connétable of St. Ouen
 Deputy M. Tadier (B)
 Deputy of St. Ouen
 Deputy G.J. Truscott (B)
 Deputy K.F. Morel (L)
 Deputy G.C.U. Guida (L)
 Deputy of St. Peter
 Deputy of Trinity
 Deputy S.M. Ahier (H)
 Deputy R.J. Ward (H)
 Deputy C.S. Alves (H)

ABSTAIN: 1

Deputy G.P. Southern (H)

THE STATES, adopting paragraph (b) of the amendment of the Deputy of Grouville, as amended, agreed that –

on Page 2 of the Appendix to the report accompanying the proposition, in the section entitled ‘definitions’ –

- (i) the heading and associated definition of “Default boundary line” should be deleted;
- (ii) the heading and associated definition of “Fair and Proper Price” should be deleted;
- (iii) within the definition of “Historic encroachments” for the words “for more than 10 years” there should be substituted the words “prior to 12th June 2015”;
- (iv) the heading and associated definition of “New/recent encroachments” should be deleted;
- (v) the heading and associated definition of “Title encroachments” should be deleted;

on Page 4 of the Appendix to the report accompanying the proposition the paragraph entitled “Categories of foreshore encroachment” should be deleted entirely;

on Page 5 of the Appendix to the report accompanying the proposition the paragraph entitled “Preamble: The principles of the policies” should be deleted entirely;

on Page 5 of the Appendix to the report accompanying the proposition the paragraph entitled “The Public’s landside ownership of the foreshore” should be deleted entirely;

on Page 7 of the Appendix to the report accompanying the proposition the paragraph entitled “Jersey Property Holdings” should be deleted entirely;

on Page 8 of the Appendix to the report accompanying the proposition, after the heading “Policies:” for the remaining text there should be substituted the following –

“Encroachments occurring after the date upon which the States approved this policy document will be required to be removed and the foreshore restored to its prior state at the cost of the encroaching party.

Encroachments occurring prior to the date upon which the States approved this policy document, but after 12th June 2015, will be dealt with as follows –

- (1) Minor encroachments will be permitted to remain subject to such reasonable conditions as the Minister may specify in a licence agreement.
- (2) Interfering encroachments will be required to be removed and the foreshore restored to its prior state at the cost of the encroaching party.
- (3) Non-interfering encroachments, which are not minor encroachments, may at the discretion of the Minister be permitted to remain subject to such reasonable conditions as he may specify in a licence agreement, including the payment of reasonable compensation.

Encroachments which have occurred prior to 12th June 2015 (historic encroachments) will be dealt with as follows –

- (1) Minor encroachments will be permitted to remain subject to such reasonable conditions as the Minister may specify in a licence agreement.
- (2) Interfering encroachments may be required to be removed and the encroaching party may be required, depending on the particular circumstances of the case (including the length of time that the encroachment has existed), to contribute appropriately to the cost of such removal.
- (3) Non-interfering encroachments, which are not minor encroachments, will be permitted to remain subject to such reasonable conditions as the minister may specify in a licence agreement.

Notwithstanding the above policies, if an encroachment at any time affects any duty of the Minister to repair or improve flood defences pursuant to the Drainage (Jersey) Law 2005, he may deal with the matter as he thinks fit.”

Members present voted as follows –

POUR: 41

Senator L.J. Farnham
 Senator S.C Ferguson
 Senator J.A.N. Le Fondré
 Senator T.A. Vallois
 Senator K.L. Moore
 Senator S.W. Pallett
 Senator S.Y. Mézec

CONTRE: 2

Deputy K.C. Lewis (S)
 Deputy of Trinity

ABSTAIN: 0

Connétable of St. Helier
Connétable of St. Clement
Connétable of St. Lawrence
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of Grouville
Connétable of St. John
Connétable of Trinity
Connétable of St. Peter
Connétable of St. Mary
Connétable of St. Ouen
Connétable of St. Martin
Deputy G.P. Southern (H)
Deputy of Grouville
Deputy M. Tadier (B)
Deputy M.R. Higgins (H)
Deputy J.M. Maçon (S)
Deputy of St. Martin
Deputy of St. Ouen
Deputy R. Labey (H)
Deputy S.M. Wickenden (H)
Deputy of St. Mary
Deputy G.J. Truscott (B)
Deputy J.H. Young (B)
Deputy L.B.E. Ash (C)
Deputy K.F. Morel (L)
Deputy of St. Peter
Deputy of St. John
Deputy M.R. Le Hegarat (H)
Deputy S.M. Ahier (H)
Deputy R.J. Ward (H)
Deputy C.S. Alves (H)
Deputy K.G. Pamplin (S)
Deputy I. Gardiner (H)

The Bailiff informed the Assembly that, following the adoption of the amendment of the Deputy of Grouville, as amended, the amendment of the Minister for Infrastructure (P.111/2020 Amd.(2)) was deemed to have been withdrawn.

THE STATES resumed consideration of the proposition of the Minister for Infrastructure, as amended, and, adopting the proposition

- (a) approved a revised policy for encroachments on the foreshore, as set out in the Appendix to the report accompanying this proposition, except that –

on Page 2 of the Appendix to the report accompanying the proposition, in the section entitled ‘definitions’ –

- (i) the heading and associated definition of “Default boundary line” should be deleted;
- (ii) the heading and associated definition of “Fair and Proper Price” should be deleted;
- (iii) within the definition of “Historic encroachments” for the words “for more than 10 years” there should be substituted the words “prior to 12th June 2015”;
- (iv) the heading and associated definition of “New/recent encroachments” should be deleted;
- (v) the heading and associated definition of “Title encroachments” should be deleted;

on Page 4 of the Appendix to the report accompanying the proposition the paragraph entitled “Categories of foreshore encroachment” should be deleted entirely;

on Page 5 of the Appendix to the report accompanying the proposition the paragraph entitled “Preamble: The principles of the policies” should be deleted entirely;

on Page 5 of the Appendix to the report accompanying the proposition the paragraph entitled “The Public’s landside ownership of the foreshore” should be deleted entirely;

on Page 7 of the Appendix to the report accompanying the proposition the paragraph entitled “Jersey Property Holdings” should be deleted entirely;

on Page 8 of the Appendix to the report accompanying the proposition, after the heading “Policies:” for the remaining text there should be substituted the following –

“Encroachments occurring after the date upon which the States approved this policy document will be required to be removed and the foreshore restored to its prior state at the cost of the encroaching party.

Encroachments occurring prior to the date upon which the States approved this policy document, but after 12th June 2015, will be dealt with as follows –

- (1) Minor encroachments will be permitted to remain subject to such reasonable conditions as the Minister may specify in a licence agreement.
- (2) Interfering encroachments will be required to be removed and the foreshore restored to its prior state at the cost of the encroaching party.
- (3) Non-interfering encroachments, which are not minor encroachments, may at the discretion of the Minister be permitted to remain subject to such reasonable conditions as he may specify in a licence agreement, including the payment of reasonable compensation.

Encroachments which have occurred prior to 12th June 2015 (historic encroachments) will be dealt with as follows –

- (1) Minor encroachments will be permitted to remain subject to such reasonable conditions as the Minister may specify in a licence agreement.
- (2) Interfering encroachments may be required to be removed and the encroaching party may be required, depending on the particular circumstances of the case (including the length of time that the encroachment has existed), to contribute appropriately to the cost of such removal.
- (3) Non-interfering encroachments, which are not minor encroachments, will be permitted to remain subject to such reasonable conditions as the minister may specify in a licence agreement.

Notwithstanding the above policies, if an encroachment at any time affects any duty of the Minister to repair or improve flood defences pursuant to the Drainage (Jersey) Law 2005, he may deal with the matter as he thinks fit.”; and

- (b) requested the Minister for Infrastructure to report back to the Scrutiny Panel with his proposals for setting out, in a map or plan, the public boundary

Members present voted as follows –

POUR: 37

CONTRE: 7

ABSTAIN: 0

Senator L.J. Farnham

Senator J.A.N. Le Fondré

Senator S.C Ferguson	Connétable of St. Mary
Senator T.A. Vallois	Connétable of St. Ouen
Senator K.L. Moore	Deputy J.A. Martin (H)
Senator S.W. Pallett	Deputy of St. Ouen
Senator S.Y. Mézec	Deputy K.F. Morel (L)
Connétable of St. Helier	Deputy of St. Peter
Connétable of St. Clement	
Connétable of St. Lawrence	
Connétable of St. Saviour	
Connétable of St. Brelade	
Connétable of Grouville	
Connétable of St. John	
Connétable of St. Peter	
Connétable of St. Martin	
Deputy G.P. Southern (H)	
Deputy of Grouville	
Deputy K.C. Lewis (S)	
Deputy M. Tadier (B)	
Deputy M.R. Higgins (H)	
Deputy J.M. Maçon (S)	
Deputy L.M.C. Doublet (S)	
Deputy R. Labey (H)	
Deputy S.M. Wickenden (H)	
Deputy of St. Mary	
Deputy G.J. Truscott (B)	
Deputy J.H. Young (B)	
Deputy L.B.E. Ash (C)	
Deputy G.C.U. Guida (L)	
Deputy of Trinity	
Deputy of St. John	
Deputy M.R. Le Hegarat (H)	
Deputy S.M. Ahier (H)	
Deputy R.J. Ward (H)	
Deputy C.S. Alves (H)	
Deputy K.G. Pamplin (S)	
Deputy I. Gardiner (H)	

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(a), Senator Ian Joseph Gorst and Deputy Susan Jane Pinel of St. Clement declared an interest and withdrew from the Chamber for the duration of the debate on the proposition of the Minister for Infrastructure.

THE STATES noted that, in accordance with the provisions of Standing Order 106(1)(c), Senator John Alexander Nicholas Le Fondré, the Connétable of St. Brelade, the Connétable of Grouville and the Deputy of St. Ouen declared an interest that was not financial and remained in the Chamber for the duration of the debate on the proposition of the Minister for Infrastructure.

Migration Control Policy P.137/2020

THE STATES commenced consideration of a proposition of the Chief Minister entitled ‘Migration Control Policy’ (P.137/2020) and, commencing consideration of an amendment of Deputy Jessica Harriet Perchard of St. Saviour (P.137/2020 Amd.(2)), commenced consideration of an amendment of the Chief Minister (P.137/2020 Amd.(2)Amd.).

THE STATES noted that, in accordance with the provisions of Standing Order 70(1A), as Deputy Jessica Harriet Perchard of St. Saviour had been excused attendance from the States, Deputy Louise Mary

Catherine Doublet of St. Saviour acted as rapporteur in relation to the amendment (P.137/2021 Amd.(2)) to the proposition of the Chief Minister.

Adjournment

THE STATES adjourned, having agreed to reconvene on Wednesday 3rd March 2021 to continue consideration of the proposition of the Chief Minister entitled 'Migration Control Policy' (P.137/2020), and the accompanying amendments, and the other outstanding items of public business listed for the meeting.

THE STATES rose at 5.28 p.m.

DR. M. EGAN

Greffier of the States