

## THE STATES assembled on Wednesday 21st April 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 –

Senator Sarah Craig Ferguson – excused attendance (joined at 9.50 a.m.)

Senator John Alexander Nicholas Le Fondré – excused attendance (joined at 10.01 a.m.)

Connétable Leonard Norman of St. Clement – excused attendance (joined at 12.44 p.m.)

Connétable Sadie Anthea Le Sueur-Rennard of St. Saviour – excused attendance (joined at 9.42 a.m.)

Deputy Montfort Tadier of St. Brelade – excused attendance

Deputy Michael Roderick Higgins of St. Helier – excused attendance (joined at 10.07 a.m.)

Deputy Jeremy Martin Maçon of St. Saviour – excused attendance

Deputy Jessica Harriet Perchard of St. Saviour – excused attendance

Deputy Kevin Glyn Pamplin of St. Saviour – excused attendance (joined at 9.50 a.m.)

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.

#### **Written Questions**

The Bailiff, in accordance with Standing Order 12(4)(b), ruled that the answer tabled on 19th April 2021 by the Minister for Health and Social Services to the question asked by Deputy Inna Gardiner of St. Helier (WQ.164/2021) did not contravene Standing Order 12(2A), and that an alternative answer was therefore not required.

#### Draft Road Traffic (No.66) (Jersey) Regulations 2020- P.15/2021

THE STATES commenced consideration of the Draft Road Traffic (No.66) (Jersey) Regulations 202-and adopted the principles.

Members present voted as follows –

POUR: 40 CONTRE: 0 ABSTAIN: 0

Senator I.J. Gorst

Senator L.J. Farnham

Senator T.A. Vallois

Senator K.L. Moore

Senator S.W. Pallett

Senator S.Y. Mézec

Connétable of St. Lawrence

Connétable of St. Saviour

Connétable of St. Brelade

Connétable of Grouville

Connétable of Trinity

Connétable of St. Peter

Connétable of St. Mary

Connétable of St. Ouen

Connétable of St. Martin

Connétable of St. John

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Deputy of Grouville

Deputy K.C. Lewis (S)

Deputy S.J. Pinel (C)

Deputy of St. Martin

Deputy of St. Ouen

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 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)

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Regulations 1 to 5.

Members present voted as follows -

POUR: 40 CONTRE: 0 ABSTAIN: 0

Senator I.J. Gorst

Senator L.J. Farnham

Senator S.C. Ferguson

Senator T.A. Vallois

Senator S.W. Pallett

Senator S.Y. Mézec

Connétable of St. Lawrence

Connétable of St. Saviour

Connétable of St. Brelade

Connétable of Grouville

Connétable of Trinity

Connétable of St. Peter

Connétable of St. Mary

Connétable of St. Ouen

Connétable of St. Martin

Connétable of St. John

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Deputy of Grouville

Deputy K.C. Lewis (S)

Deputy S.J. Pinel (C)

Deputy of St. Martin

Deputy of St. Ouen

Deputy L.M.C. Doublet (S)

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)

THE STATES made Regulations entitled the Road Traffic (No.66) (Jersey) Regulations 2021 under the Order in Council of 26th December 1851 and Article 92 of the Road Traffic (Jersey) Law 1956.

Members present voted as follows -

POUR: 39 CONTRE: 0 ABSTAIN: 0

Senator L.I. Gorst

Senator L.J. Farnham

Senator T.A. Vallois

Senator S.W. Pallett

Senator S.Y. Mézec

Connétable of St. Lawrence

Connétable of St. Saviour

Connétable of St. Brelade

Connétable of Grouville

Connétable of Trinity

Connétable of St. Mary

Connétable of St. Ouen

Connétable of St. Martin

Connétable of St. John

Deputy J.A. Martin (H)

Deputy G.P. Southern (H)

Deputy of Grouville

Deputy K.C. Lewis (S)

Deputy S.J. Pinel (C)

Deputy of St. Martin

Deputy of St. Ouen

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 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)

# Draft Intellectual Property (Unregistered Rights) (Amendment – Disability and Rights in Performances) (Jersey) Regulations 202- P.16/2021

THE STATES commenced consideration of the Draft Intellectual Property (Unregistered Rights) (Amendment – Disability and Rights in Performances) (Jersey) Regulations 202- and adopted the principles.

Members present voted as follows –

POUR: 38 CONTRE: 0 ABSTAIN: 0

Senator I.J. Gorst

Senator L.J. Farnham

Senator J.A.N. Le Fondré

Senator T.A. Vallois

Senator S.W. Pallett

Senator S.Y. Mézec

Connétable of St. Helier

Connétable of St. Saviour

Connétable of St. Brelade

Connétable of Grouville

Connétable of Trinity

Connétable of St. Mary

Connétable of St. Ouen

Connétable of St. Martin

Connétable of St. John

Deputy J.A. Martin (H)

Deputy of Grouville

Deputy K.C. Lewis (S)

Deputy S.J. Pinel (C)

Deputy of St. Martin

Deputy of St. Ouen

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 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)

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Regulations 1 to 11.

Members present voted as follows –

POUR: 41 CONTRE: 0 ABSTAIN: 0

Senator I.J. Gorst

Senator L.J. Farnham

Senator J.A.N. Le Fondré

Senator T.A. Vallois

Senator S.W. Pallett

Senator S.Y. Mézec

Connétable of St. Helier

Connétable of St. Lawrence

Connétable of St. Saviour

Connétable of St. Brelade

Connétable of Grouville

Connétable of Trinity

Connétable of St. Peter

Connétable of St. Mary

Connétable of St. Ouen

Connétable of St. Martin

Connétable of St. John

Deputy J.A. Martin (H)

Deputy of Grouville

Deputy K.C. Lewis (S)

Deputy S.J. Pinel (C)

Deputy of St. Martin

Deputy of St. Ouen

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 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)

THE STATES made Regulations entitled the Intellectual Property (Unregistered Rights) (Amendment – Disability and Rights in Performances) (Jersey) Regulations 2021 under Articles 44, 243, 274, 401 and 409(1) of the Intellectual Property (Unregistered Rights) (Jersey) Law 2011.

Members present voted as follows –

POUR: 39 CONTRE: 0 ABSTAIN: 0

Senator I.J. Gorst

Senator L.J. Farnham

Senator J.A.N. Le Fondré

Senator T.A. Vallois

Senator S.W. Pallett

Senator S.Y. Mézec

Connétable of St. Helier

Connétable of St. Lawrence

Connétable of St. Saviour

Connétable of St. Brelade

Connétable of Grouville

Connétable of Trinity

Connétable of St. Peter

Connétable of St. Mary

Connétable of St. Ouen

Connétable of St. Martin

Connétable of St. John

Deputy of Grouville

Deputy K.C. Lewis (S)

Deputy M.R. Higgins (H)

Deputy S.J. Pinel (C)

Deputy of St. Martin

Deputy of St. Ouen

Deputy L.M.C. Doublet (S)

Deputy R. Labey (H)

Deputy S.M. Wickenden (H)

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 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)

#### Draft Constitution of the States and Public Elections (Jersey) Law 202- P.17/2021

THE STATES commenced consideration of the Draft Constitution of the States and Public Elections (Jersey) Law 201- and adopted the principles.

Members present voted as follows –

POUR: 33 CONTRE: 9 ABSTAIN: 0

Senator I.J. Gorst Senator L.J. Farnham Senator T.A. Vallois Senator K.L. Moore Senator S.W. Pallett Senator S.Y. Mézec Connétable of St. Helier Connétable of St. Peter Connétable of St. Ouen Connétable of St. Martin Connétable of St. John Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy of Grouville Deputy K.C. Lewis (S) Deputy M.R. Higgins (H) Deputy S.J. Pinel (C) Deputy of St. Martin Deputy of St. Ouen

Connétable of St. Lawrence Connétable of St. Saviour Connétable of St. Brelade Connétable of Grouville Connétable of Trinity Connétable of St. Mary Deputy of St. Mary Deputy G.C.U. Guida (L) Deputy of Trinity

Deputy L.M.C. Doublet (S)

Deputy R. Labey (H)

Deputy S.M. Wickenden (H)

Deputy G.J. Truscott (B)

Deputy J.H. Young (B)

Deputy L.B.E. Ash (C)

Deputy K.F. Morel (L)

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, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, commenced consideration of Article 1 and, commencing consideration of an amendment of Senator Ian Joseph Gorst (P.17/2021 Amd.(2)), rejected an amendment of Senator Lyndon John Farnham (P.17/2021 Amd.(2)Amd.) that –

in Amendment 1, in the substituted paragraph, for "28" there should be substituted "31";

in Amendment 6, paragraphs (c), (h) and (i) should be deleted; and

in Amendment 22, for "28" there should be substituted "31".

Members present voted as follows –

**POUR: 15 CONTRE: 31** ABSTAIN: 0

Senator I.J. Gorst Senator T.A. Vallois Senator L.J. Farnham Senator K.L. Moore Senator S.C. Ferguson Senator S.W. Pallett Senator J.A.N. Le Fondré Senator S.Y. Mézec Connétable of St. Lawrence Connétable of St. Helier Connétable of St. Saviour Connétable of St. Clement Connétable of St. Brelade Connétable of Grouville Connétable of Trinity Connétable of St. Peter Connétable of St. Mary Connétable of St. Martin Connétable of St. Ouen Connétable of St. John Deputy of Grouville Deputy J.A. Martin (H) Deputy K.F. Morel (L) Deputy G.P. Southern (H) Deputy G.C.U. Guida (L) Deputy K.C. Lewis (S) Deputy of St. Peter Deputy M.R. Higgins (H) Deputy of Trinity Deputy S.J. Pinel (C) Deputy of St. Martin Deputy of St. Ouen 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 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, resuming consideration of Article 1, rejected the amendment of Senator Ian Joseph Gorst that -

for Article 1(2) there should be substituted –

"(2) In Article 2(1) (constitution of the States) for "29 Deputies" there is substituted "28 Deputies.";

in the heading to Part 2, after "ELECTION OF" there should be inserted "SENATORS AND";

for the inserted Article 5 there should be substituted –

#### Term of office

- (1) The term of office of a Deputy for a constituency
  - (a) begins with the day on which the person elected as Deputy takes the oath of that office: and
  - (b) ends with the earlier of
    - (i) the first day on which a Deputy elected for that constituency at the next ordinary election takes the oath of that office, or

- (ii) the resignation of the Deputy in accordance with Article 12.
- (2) The term of office of a Senator
  - (a) begins with the day on which the person elected as Senator takes the oath of that office; and
  - (b) ends with the earlier of
    - (i) the first day on which a Senator elected at the next ordinary election takes the oath of that office, or
    - (ii) the resignation of the Senator in accordance with Article 12.

#### 5A Transitional provision for the 2022 ordinary election

- (1) This Article applies in relation to a person who, immediately before the 2022 ordinary election, holds office as a Deputy for a constituency (a "pre-2022 constituency").
- (2) Where the Deputy's pre-2022 constituency comprises an area within St. Helier, Article 5 has effect in relation to the Deputy as if for sub-paragraph (b)(i) there were substituted
  - "(i) the first day on which a Deputy elected for any of the constituencies of St. Helier South, St. Helier Central or St. Helier North at the next ordinary election takes the oath of that office, or".
- (3) In any other case, Article 5 has effect in relation to the Deputy as if the reference in Article 5(b)(i) to "that constituency" were a reference to the constituency that includes, or corresponds to, the Deputy's pre-2022 constituency.
- (4) In paragraph (1), the reference to the 2022 ordinary election is a reference to the election held in accordance with Article 6(1).";

in the inserted Article 6, after "Deputies", in each place it occurred, there should be inserted "and Senators":

for Article 9(2), (3) and (4) there should be substituted –

"(2) This Law comes into force on a day to be specified by the States by Act.";

in the inserted Schedule 1, in the second column of the table (number of Deputies to be returned) –

- (a) in the entry for the constituency of St. Helier South, for "4" substitute "3";
- (b) in the entry for the constituency of St. Helier Central, for "5" substitute "4";
- (c) in the entry for the constituency of St. Helier North, for "4" substitute "3";
- (d) in the entry for the constituency of St. Saviour, for "5" substitute "4";
- (e) in the entry for the constituency of St. Clement, for "4" substitute "3";
- (f) in the entry for the constituency of St. Brelade, for "4" substitute "3";
- (g) in the entry for the constituency of St. Mary, St. Ouen and St. Peter, for "4" substitute "3";
- (h) in the entry for the constituency of St. John, St. Lawrence and Trinity, for "4" substitute "3":
- (i) in the entry for the constituency of Grouville and St. Martin, for "3" substitute "2";

in paragraph 2 of Part 1 of Schedule 2, sub-paragraphs (2) and (4) should be deleted, and the subparagraphs renumbered accordingly;

in paragraph 3 of Part 1 of Schedule 2, in inserted Article 1A(1), for "a Deputy" there should be substituted "a Senator, Deputy";

in paragraph 4 of Part 1 of Schedule 2, sub-paragraphs (5) and (6) should be deleted;

for paragraph 5 of Part 1 of Schedule 2, there should be substituted –

# "5 Article 9A (supplementary electoral registers for elections of Senators, Deputies and Connétables) amended

In Article 9A(1), after "the parish" there is inserted "which is, or part of which is, the electoral district".":

paragraph 7 of Part 1 of Schedule 2 should be deleted, and the subsequent paragraphs renumbered accordingly;

in paragraph 8(4) of Part 1 of Schedule 2, in the inserted paragraph (2AA), for "ordinary elections for Deputies" there should be substituted "ordinary elections for Senators and Deputies";

paragraphs 9 and 10 of Part 1 of Schedule 2 should be deleted, and the subsequent paragraphs renumbered accordingly;

in paragraph 11 of Part 1 of Schedule 2, sub-paragraphs (2), (3) and (6) should be deleted, and the subparagraphs renumbered accordingly;

paragraphs 12 and 13 of Part 1 of Schedule 2 should be deleted, and the subsequent paragraphs renumbered accordingly;

in paragraph 14 of Part 1 of Schedule 2, sub-paragraphs (3) and (5) should be deleted, and the subparagraphs renumbered accordingly;

paragraphs 15, 16, 17 and 18 of Part 1 of Schedule 2 should be deleted, and the subsequent paragraphs renumbered accordingly;

in paragraph 19 of Part 1 of Schedule 2, sub-paragraphs (2) and (3) should be deleted, and the subparagraphs renumbered accordingly;

paragraphs 20 and 21 of Part 1 of Schedule 2 should be deleted, and the subsequent paragraphs renumbered accordingly.

paragraphs 2 and 3 of Part 2 of Schedule 2 should be deleted, and the subsequent paragraphs renumbered accordingly;

in paragraph 4 of Part 2 of Schedule 2, sub-paragraph (2) should be deleted, and the sub-paragraphs renumbered accordingly;

in paragraph 4(3) of Part 2 of Schedule 2, for "37" there should be substituted "28"; paragraphs 6, 7, 8, 9 and 10 of Part 2 of Schedule 2 should be deleted, and the subsequent paragraphs renumbered accordingly;

in paragraph 11 of Part 2 of Schedule 2, sub-paragraphs (2), (3) and (5) should be deleted, and the subparagraphs renumbered accordingly;

paragraphs 13 and 14 of Part 2 of Schedule 2 should be deleted, and the subsequent paragraphs renumbered accordingly;

Parts 4 and 5 of Schedule 2 should be deleted, and the subsequent Parts renumbered accordingly;

paragraphs 1 to 3 of Part 6 of Schedule 2 should be deleted, and the subsequent paragraphs renumbered accordingly; and

paragraph 5 of Part 6 of Schedule 2 should be deleted.

Members present voted as follows –

**CONTRE: 29 POUR: 16** ABSTAIN: 0

Senator T.A. Vallois Senator I.J. Gorst Senator L.J. Farnham Senator S.C. Ferguson Senator J.A.N. Le Fondré Connétable of St. Lawrence Connétable of St. Saviour Connétable of St. Brelade Connétable of Grouville Connétable of Trinity Connétable of St. Mary Deputy of Grouville Deputy S.M. Wickenden (H)

Deputy of St. Mary Deputy G.C.U. Guida (L) Deputy of St. Peter

Deputy of Trinity

Senator K.L. Moore Senator S.W. Pallett Senator S.Y. Mézec Connétable of St. Helier Connétable of St. Clement Connétable of St. Peter Connétable of St. Ouen Connétable of St. Martin Connétable of St. John Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy K.C. Lewis (S) Deputy M.R. Higgins (H) Deputy S.J. Pinel (C) Deputy of St. Martin Deputy of St. Ouen Deputy L.M.C. Doublet (S)

Deputy R. Labey (H) Deputy G.J. Truscott (B) Deputy J.H. Young (B) Deputy L.B.E. Ash (C) Deputy K.F. Morel (L) 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)

### Arrangement of public business for the present meeting

THE STATES, adopting a proposition of Deputy Judith Ann Martin of St. Helier, agreed to meet on Friday 23rd April 2021, if required, in order to complete consideration of the items of public business listed for the present meeting.

Members present voted as follows –

**POUR: 40 CONTRE: 0 ABSTAIN: 0** 

Senator I.J. Gorst 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

Connétable of St. Helier

Connétable of St. Clement

Connétable of St. Saviour

Connétable of St. Brelade

Connétable of Grouville

Connétable of Trinity

Connétable of St. Peter

Connétable of St. Ouen

Connétable of St. Martin

Connétable of St. John

Deputy J.A. Martin (H)

Deputy of Grouville

Deputy K.C. Lewis (S)

Deputy M.R. Higgins (H)

Deputy S.J. Pinel (C)

Deputy of St. Ouen

Deputy L.M.C. Doublet (S)

Deputy R. Labey (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 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)

THE STATES, adopting a proposition of Senator Lyndon John Farnham, agreed that the proposition of the Safer Travel Guidelines Review Panel entitled 'Adjustment of Green Travel and Regional Categorisation ahead of reintroduction of Safer Travel Policy' (P.34/2021) would be taken as the next item of public business following completion of consideration of the Draft Constitution of the States and Public Elections (Jersey) Law 201-.

#### Adjournment

THE STATES adjourned, having agreed to reconvene on Thursday 22nd April 2021 to continue consideration of the Draft Constitution of the States and Public Elections (Jersey) Law 201- and the other outstanding items of public business listed for the meeting.

THE STATES rose at 5.40 p.m.

L.-M. HART

Deputy Greffier of the States