

**THE STATES assembled on Wednesday
21st September 2005, at 9.30 a.m. under
the Presidency of Mr. Michael Nelson de la Haye,
Greffier of the States.**

All members were present with the exception of –

John Baudains Germain, Connétable of St. Martin– out of the Island
Alan Simon Crowcroft, Connétable of St. Helier– out of the Island
Daniel Joseph Murphy, Connétable of Grouville – out of the Island
Jacqueline Jeannette Huet, Deputy of St. Helier– out of the Island
Terence John Le Main, Deputy of St. Helier– out of the Island
Peter Nicholas Troy, Deputy of St. Brelade– ill
Patrick John Dennis Ryan, Deputy of St. Helier– absent.

Prayers read by the Deputy Greffier of the States.

Arrangement of public business for the next meeting on 27th September 2005

THE STATES confirmed that the following matter lodged “au Greffe” would be considered at the next meeting on 27th September 2005 –

Development of Fostering and Adoption Services in Jersey. P.166/2005.
Lodged: 23rd August 2005.
Senator R.J. Shenton.

THE STATES rejected a proposition of Senator Philip Francis Cyril Ozouf that the following matter be considered as the second item of public business at the next meeting on 27th September 2005 –

Strategic Travel and Transport Plan. P.174/2005.
Lodged: 30th August 2005.
Environment and Public Services Committee.

Strategic Travel and Transport Plan (P.174/2005): amendment. P.174/2005.
Lodged: 13th September 2005. Amd.
Deputy R.G. Le Hérisse of St. Saviour.

Strategic Travel and Transport Plan (P.174/2005): second amendment. P.174/2005.
Lodged: 20th September 2005. Amd.(2)
Deputy M.F. Dubras of St. Lawrence.

Members present voted as follows –

POUR: 14

Senator P.F.C. Ozouf
Connétable of St. Lawrence
Connétable of St. John
Deputy of Trinity
Deputy J.L. Dorey (H)
Deputy C.J. Scott Warren (S)

CONTRE: 27

Senator J.A. Le Maistre
Senator S. Syvret
Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur

ABSTAIN: 0

Deputy L.J. Farnham (S)
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)

Senator P.F. Routier
Senator R.J. Shenton
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
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 of St. John
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains (C)
Deputy F.G. Voisin (L)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)

THE STATES rejected a proposition of Deputy Maurice François Dubras of St. Lawrence that the next meeting on 27th September 2005, continue, if necessary, on 28th, and 29th September 2005, and 4th October 2005, only.

Members present voted as follows –

POUR: 13

Senator J.A. Le Maistre

Senator L. Norman
Senator P.F.C. Ozouf
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Lawrence
Deputy of St. John
Deputy M.F. Dubras (L)
Deputy F.G. Voisin (L)
Deputy J-A. Bridge (H)
Deputy of St. Mary
Deputy M.A. Taylor (C)
Deputy of Grouville

CONTRE: 27

Senator S. Syvret
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator R.J. Shenton
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Clement
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)

ABSTAIN: 1

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

Deputy of St. Ouen
Deputy of St. Peter
Deputy J.A. Hilton (H)

THE STATES, having agreed that the next meeting on 27th September 2005, continue, if necessary, on 28th and 29th September 2005, and 4th, 5th and 6th October 2005, agreed that the following matters lodged “au Greffe” and set down for consideration at the next meeting be considered in the following order –

Draft Rates (Jersey) Law 200-. Lodged: 30th August 2005. <i>Policy and Resources Committee.</i>	P.170/2005.
Draft Rates (Jersey) Law 200- (P.170/2005): comments. Presented: 13th September 2005. <i>Finance and Economics Committee.</i>	P.170/2005. Com.
Draft Public Employees (Retirement) (Additional Contributions – Amendments) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Policy and Resources Committee.</i>	P.190/2005.
Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 10) (Jersey) Regulations 200. Lodged: 6th September 2005. <i>Policy and Resources Committee.</i>	P.189/2005.
Draft Consumer Safety (Jersey) Law 200-. Lodged: 5th July 2005. <i>Economic Development Committee.</i>	P.137/2005.
Speeding fines: allocation of funds to Parishes. Lodged: 20th July 2005. <i>Deputy of St. Martin.</i>	P.156/2005.
St. Helier Waterfront Development: height of buildings. Lodged: 2nd August 2005. <i>Deputy A. Breckon of St. Saviour.</i>	P.158/2005.
St. Helier Waterfront Development: height of buildings(P.158/2005) – comments. Presented: 6th September 2005. <i>Policy and Resources Committee.</i>	P.158/2005. Com.
Goods and Services Tax: exempt or zero rated items. Lodged: 16th August 2005. <i>Senator S. Syvret.</i>	P.165/2005.
La Récolte des Fruits, St. Martin: removal of agricultural occupancy restriction. Lodged: 6th September 2005. <i>Senator R.J. Shenton.</i>	P.191/2005.
St. Helier Waterfront: telephone poll– Committee of Inquiry. Lodged: 23rd August 2005. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.167/2005.
Migration policy: political responsibility. Lodged: 30th August 2005.	P.168/2005.

Policy and Resources Committee.

Migration policy: political responsibility (P.168/2005) – amendment. Lodged: 13th September 2005. <i>Deputy of St. Ouen.</i>	P.168/2005. Amd.
Millennium Town Park: establishment of a Trust. Lodged: 30th August 2005. <i>Deputy R.C. Duhamel of St. Saviour.</i>	P.169/2005.
Strategic Travel and Transport Plan. Lodged: 30th August 2005. <i>Environment and Public Services Committee.</i>	P.174/2005.
Strategic Travel and Transport Plan (P.174/2005): amendment. Lodged: 13th September 2005. <i>Deputy R.G. Le Hérisssier of St. Saviour.</i>	P.174/2005. Amd.
Strategic Travel and Transport Plan (P.174/2005): second amendment. Lodged: 20th September 2005. <i>Deputy M.F. Dubras of St. Lawrence.</i>	P.174/2005. Amd.(2)
Draft Housing (Amendment No. 12) (Jersey) Law 200. Lodged: 6th September 2005. <i>Housing Committee.</i>	P.175/2005.
Development of Fostering and Adoption Services in Jersey. Lodged: 23rd August 2005. <i>Senator R.J. Shenton.</i>	P.166/2005.
Draft States of Jersey (Amendment No. 4) Law 200. Lodged: 6th September 2005. <i>Senator S. Syvret.</i>	P.193/2005.
Draft States of Jersey (Amendment No. 4) Law 200 (P.193/2005): amendments. Lodged: 13th September 2005. <i>Deputy J.L. Dorey of St. Helier.</i>	P.193/2005. Amd.
Sale of property: La Falaise, Fliquet, St. Martin. Lodged: 9th August 2005. <i>Housing Committee.</i>	P.161/2005.
Sale of property: La Falaise, Fliquet, St. Martin (P.161/2005)- comments. Presented: 13th September 2005. <i>Finance and Economics Committee.</i>	P.161/2005. Com.
Sale of property: La Falaise, Fliquet, St. Martin (P.161/2005)- amendment. Lodged: 14th September 2005. <i>Deputy of St. Martin.</i>	P.161/2005. Amd.
Draft Standing Orders of the States of Jersey. Lodged: 9th August 2005. <i>Privileges and Procedures Committee.</i>	P.162/2005.
Draft Standing Orders of the States of Jersey (P.162/2005): amendment. Lodged: 13th September 2005.	P.162/2005. Amd.

Deputy J.L. Dorey of St. Helier.

Draft Standing Orders of the States of Jersey (P.162/2005): second amendments. P.162/2005.
Lodged: 13th September 2005. Amd.(2)
Deputy G.P. Southern of St. Helier. (re-issue)

Draft Standing Orders of the States of Jersey (P.162/2005): third amendments. P.162/2005.
Lodged: 13th September 2005. Amd.(3)
Privileges and Procedures Committee.

Draft Standing Orders of the States of Jersey (P.162/2005): fourth amendments. P.162/2005.
Lodged: 20th September 2005. Amd.(4)
Senator S. Syvret.

Draft Sea Fisheries (Trawling, Netting and Dredging) (Amendment) (Jersey) P.157/2005.
Regulations 200-.
Lodged: 2nd August 2005.
Environment and Public Services Committee.

Jersey Employment Tribunal: appointment of member. P.163/2005.
Lodged: 16th August 2005.
Employment and Social Security Committee.

Draft Petroleum (Amendment No. 2) (Jersey) Law 200. P.164/2005.
Lodged: 16th August 2005.
Home Affairs Committee.

Jersey Financial Services Commission: appointment of Commissioners. P.171/2005.
Lodged: 30th August 2005.
Economic Development Committee.

Draft Bankruptcy (Désastre) (Amendment No. 5) (Jersey) Law 200. P.172/2005.
Lodged: 30th August 2005.
Economic Development Committee.

Draft Licensing (Licence Fees) (Jersey) Regulations 200-. P.173/2005.
Lodged: 30th August 2005.
Economic Development Committee.

Draft Licensing (Licence Fees) (Jersey) Regulations 200- (P.173/2005): comments. P.173/2005.
Presented: 13th September 2005. Com.
Finance and Economics Committee.

Draft Data Protection (Jersey) Law 2005 (Appointed Day) Act 200-. P.176/2005.
Lodged: 6th September 2005.
Finance and Economics Committee.

Draft Data Protection (Corporate Finance Exemption) (Jersey) Regulations P.177/2005.
200-.
Lodged: 6th September 2005.
Finance and Economics Committee.

Draft Data Protection (Credit Reference Agency) (Jersey) Regulations 200-. P.178/2005.
Lodged: 6th September 2005.
Finance and Economics Committee.

Draft Data Protection (Fair Processing) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.179/2005.
Draft Data Protection (International Co-operation) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.180/2005.
Draft Data Protection (Notification) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.181/2005.
Draft Data Protection (Sensitive Personal Data) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.182/2005.
Draft Data Protection (Subject Access Exemptions) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.183/2005.
Draft Data Protection (Subject Access Miscellaneous) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.184/2005.
Draft Data Protection (Subject Access Modification – Education) (Jersey) Regulations 200-. <i>Finance and Economics Committee.</i>	P.185/2005.
Draft Data Protection (Subject Access Modification – Health) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.186/2005.
Draft Data Protection (Subject Access Modification – Social Work) (Jersey) Regulations 200-. <i>Finance and Economics Committee.</i>	P.187/2005.
Draft Data Protection (Transfer in Substantial Public Interest) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.188/2005.
Ecology Fund: appointment of Chairman and Trustees. Lodged: 6th September 2005. <i>Environment and Public Services Committee.</i>	P.192/2005.

Draft States of Jersey (Amendment No. 3) (Jersey) Law 200 P.143/2005

THE STATES resumed consideration of the draft States of Jersey (Amendment No. 3) (Jersey) Law 200, and adopted the preamble.

Members present voted as follows –

POUR: 28

CONTRE: 14

ABSTAIN: 3

Senator J.A. Le Maistre
Senator S. Syvret
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.V.F. Le Claire
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator R.J. Shenton
Connétable of St. Mary
Connétable of Trinity
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy of St. John
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
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. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)

Senator L. Norman
Senator F.H. Walker
Senator P.F. Routier
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Lawrence
Deputy M.F. Dubras (L)
Deputy of St. Mary
Deputy of St. Ouen
Deputy M.A. Taylor (C)
Deputy G.W.J. de Faye (H)

Deputy F.G. Voisin (L)
Deputy J-A. Bridge (H)
Deputy S.C. Ferguson (B)

THE STATES rejected Article 2.

Members present voted as follows –

POUR: 20

Senator J.A. Le Maistre
Senator S. Syvret
Senator W. Kinnard
Senator P.V.F. Le Claire
Senator R.J. Shenton
Connétable of St. Mary
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy of St. John
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 Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)

CONTRE: 25

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. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Peter
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. John
Deputy M.F. Dubras (L)
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)

ABSTAIN: 0

Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy M.A. Taylor (C)
Deputy G.W.J. de Faye (H)

THE STATES rejected Article 3.

Members present voted as follows –

POUR: 17

Senator J.A. Le Maistre
Senator S. Syvret
Senator F.H. Walker
Senator W. Kinnard
Senator R.J. Shenton
Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. John
Deputy G.C.L. Baudains (C)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy J.A. Bernstein (B)
Deputy of Grouville
Deputy J.A. Hilton (H)

CONTRE: 23

Senator L. Norman
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Connétable of St. Ouen
Connétable of St. Brelade
Connétable of St. Peter
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. John
Deputy of Trinity
Deputy of St. Martin
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisssier (S)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy M.A. Taylor (C)
Deputy of St. Peter
Deputy G.W.J. de Faye (H)

ABSTAIN: 0

THE STATES, as a consequence of the rejection of Articles 2 and 3, granted leave to Senator Stuart Syvret to withdraw the draft States of Jersey (Amendment No. 3) (Jersey) Law 200.

**Island Plan 2002: amendment to policy H8 (Housing Development within the Built-up Area) – P.90/2005
Comments**

THE STATES commenced consideration of a proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement concerning the Island Plan 2002: amendment to policy H8 (Housing Development within the Builtup Area), and, following consideration, rejected a proposition of the Deputy of St. Mary that the States move to the consideration of the next item on the Order Paper.

Members present voted as follows –

POUR: 14

Senator F.H. Walker
Senator P.F.C. Ozouf
Connétable of St. Saviour
Connétable of St. Brelade

CONTRE: 18

Senator J.A. Le Maistre
Senator L. Norman
Senator W. Kinnard
Senator R.J. Shenton

ABSTAIN: 0

Connétable of St. Peter
Connétable of St. John
Deputy of Trinity
Deputy J.L. Dorey (H)
Deputy L.J. Farnham (S)
Deputy J-A. Bridge (H)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy M.A. Taylor (C)
Deputy G.W.J. de Faye (H)

Connétable of St. Mary
Connétable of St. Clement
Connétable of Trinity
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy of St. John
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 of St. Ouen
Deputy J.A. Hilton (H)

THE STATES, following further consideration, rejected the proposition of Deputy Gerard Clifford Lemmens Baudains of St. Clement, requesting them to—

- (a) refer to their Act dated 11th July 2002, in which they approved the Island Plan 2002, and to agree to request the Environment and Public Services Committee to amend Policy H8 of the Plan, in order to remove any automatic presumption in favour of development in the Built-Up Area, as follows –

for the words “Proposals for new dwellings, extensions or alterations to existing dwellings or changes of use to residential, will normally be permitted within the boundary of the built-up area as defined on the Island Proposals Map, provided that the proposal” substitute the words “Proposals for new dwellings, extensions or alterations to existing dwellings or changes of use to residential, will not be permitted within the boundary of the built-up area as defined on the Island Proposals Map, unless the Committee is satisfied that the proposal:”;

- (b) request the Environment and Public Services Committee to ensure that, when considering any application to develop land submitted to it, it has available a full summary of all policies in the Island Plan 2002 that are relevant to the application together with an analysis of the applicability of those policies to the application.

Members present voted as follows –

POUR: 12

Senator J.A. Le Maistre
Senator S. Syvret
Senator L. Norman
Senator P.V.F. Le Claire
Connétable of St. Mary
Connétable of St. Clement
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy of St. John
Deputy G.C.L. Baudains (C)
Deputy R.G. Le Hérisssier (S)
Deputy J.A. Martin (H)

CONTRE: 24

Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.F. Routier
Senator P.F.C. Ozouf
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Peter
Connétable of Trinity
Connétable of St. John
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy C.J. Scott Warren (S)
Deputy L.J. Farnham (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)

ABSTAIN: 0

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

St. Helier Waterfront: direction to W.E.B. Ltd.– P.159/2005

Comments

THE STATES commenced consideration of a proposition of Senator Richard Joseph Shenton concerning the St. Helier Waterfront: direction to W.E.B. Ltd., and, following consideration, rejected a proposition of Deputy Lyndon John Farnham of St. Saviour that the States move to the consideration of the next item on the Order Paper.

Members present voted as follows –

POUR: 14

Senator L. Norman
Connétable of St. Brelade
Connétable of St. Peter
Connétable of Trinity
Connétable of St. Lawrence
Connétable of St. John
Deputy F.G. Voisin (L)
Deputy L.J. Farnham (S)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy M.A. Taylor (C)

CONTRE: 21

Senator J.A. Le Maistre
Senator S. Syvret
Senator F.H. Walker
Senator T.A. Le Sueur
Senator P.V.F. Le Claire
Senator P.F. Routier
Senator P.F.C. Ozouf
Senator R.J. Shenton
Connétable of St. Mary
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy of St. John
Deputy M.F. Dubras (L)
Deputy J.L. Dorey (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy of St. Ouen
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)

ABSTAIN: 0

THE STATES, having resumed consideration of the proposition of Senator Richard Joseph Shenton concerning the St. Helier Waterfront: direction to W.E.B. Ltd., then adjourned.

Adjournment

THE STATES then adjourned, having agreed to defer further consideration of the proposition of Senator Richard Joseph Shenton concerning the St. Helier Waterfront: direction to W.E.B. Ltd., (P.159/2005 lodged “au Greffe” on 2nd August 2005), until their next meeting on 27th September 2005, when it would be considered as the first item of public business.

THE STATES rose at 5.40 p.m.

A.H. HARRIS

Deputy Greffier of the States.