

**THE STATES assembled on Tuesday,  
25th October 2005 at 9.30 a.m. under  
the Presidency of the Bailiff,  
Sir Philip Bailhache.**

All members were present with the exception of –

Philip Francis Ozouf, Connétable of St. Saviour– out of the Island  
Alan Simon Crowcroft, Connétable of St. Helier– out of the Island  
David Leon Crespel, Deputy of Trinity – out of the Island  
Peter Nicholas Troy, Deputy of St. Brelade– ill  
Francis Gerald Voisin, Deputy of St. Lawrence– out of the Island

Prayers

**The Very Reverend Robert Frederick Key, B.A., Dean of Jersey – welcome**

The Bailiff, on behalf of all members, welcomed the newly appointed Dean of Jersey, The Very Reverend Robert Frederick Key, B.A.

**Senator Paul Vincent Francis Le Claire– congratulations on birth of child**

The Bailiff, on behalf of all members, congratulated Senator Paul Vincent Francis Le Claire and his wife on the recent birth of their child.

**Subordinate legislation tabled**

The following enactments were laid before the States, namely –

Termination of Pregnancy (General Provisions) (Jersey) Order 2005. <i>Health and Social Services Committee.</i>	R&O 110/2005.
Residential Homes (General Provisions) (Amendment No. 12) (Jersey) Order 2005. <i>Health and Social Services Committee.</i>	R&O 111/2005.
Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 13) (Jersey) Order 2005. <i>Health and Social Services Committee.</i>	R&O 112/2005.
Road Racing (Karts) (Jersey) Order 2005. <i>Home Affairs Committee.</i>	R&O 113/2005.
Motor Vehicles (Construction and Use) (Amendment No. 7) (Jersey) Order 2005. <i>Home Affairs Committee.</i>	R&O 114/2005.
Motor Vehicle Registration (General Provisions) (Amendment No. 14) (Jersey) Order 2005. <i>Home Affairs Committee.</i>	R&O 115/2005.

Motor Traffic (Public Service Vehicles) (Fees) (Jersey) Order 2005. <i>Home Affairs Committee.</i>	R&O 116/2005.
Motor Vehicles (Driving Licences) (Amendment No. 4) (Jersey) Order 2004. <i>Home Affairs Committee.</i>	R&O 117/2005.
Motor Cars (Driving Instruction) (Amendment No. 16) (Jersey) Order 2005. <i>Home Affairs Committee.</i>	R&O 118/2005.
Social Security (Earnings Limit) (Jersey) Order 2005. <i>Employment and Social Security Committee.</i>	R&O 119/2005.
Road Traffic (St. Helier) (Amendment No. 18) (Jersey) Order 2005. <i>Environment and Public Services.</i>	R&O 120/2005.
Road Traffic (Disabled Persons) (Parking) (Amendment No.3) (Jersey) Order 2005. <i>Environment and Public Services Committee.</i>	R&O 121/2005.
Road Traffic (Public Parking Places) (Amendment) (Jersey) Order 2005. <i>Environment and Public Services Committee.</i>	R&O 122/2005.
Financial Services (General Insurance Mediation Business (Registration and Fees)) (Amendment) (Jersey) Order 2005. <i>Economic Development Committee.</i>	R&O 123/2005.
Police (Complaints and Discipline Procedures) (Amendment) (Jersey) Order 2005. <i>Home Affairs Committee.</i>	R&O 124/2005.
Shipping (Survey and Certification) (No. 2) (Jersey) Order 2005. <i>Harbours and Airport Committee.</i>	R&O 125/2005.

## **Matters presented**

The following matters were presented to the States –

St. Mark's school: an integrated children's centre. <i>Presented by the Education, Sport and Culture Committee.</i>	R.C.81/2005.
Public Consultation. <i>Presented by the Policy and Resources Committee.</i>	R.C.82/2005.
Driver and Vehicle Standards: proposed transfer to transport and technical services (P.194/2005) – comments. <i>Presented by the Finance and Economics Committee.</i>	P.194/2005. Com.
Criminal Justice Policy (P.201/2005): comments. <i>Presented by the Finance and Economics Committee.</i>	P.201/2005. Com.
Development of Fostering and Adoption Services in Jersey (P.219/2005): comments. <i>Presented by the Finance and Economics Committee.</i>	P.219/2005. Com.

Draft Amendment (No. 2) of the Standing Orders of the States of Jersey (P.244/2005): comments. <i>Presented by the Privileges and Procedures Committee.</i>	P.244/2005. Com.
Draft Family Allowances (Jersey) Regulation 200- (P.247/2005): comments. <i>Presented by the Finance and Economics Committee.</i>	P.247/2005. Com.
Draft Health Insurance (Medical Benefit) (Jersey) Regulations 200- (P.248/2005): comments. <i>Presented by the Finance and Economics Committee.</i>	P.248/2005. Com.
Draft Amendment No. 30 to the Tariff of Harbour and Light Dues (P.249/2005): comments. <i>Presented by the Finance and Economics Committee.</i>	P.249/2005. Com.
Draft Harbours (Amendment No. 39) (Jersey) Regulations 200 (P.250/2005): comments. <i>Presented by the Finance and Economics Committee.</i>	P.250/2005. Com.
Draft Animal Welfare (Amendment) (Jersey) Law 200- (P.252/2005): comments. <i>Presented by the Finance and Economics Committee.</i>	P.252/2005. Com.

The following matter was presented on 11th October 2005 –

Jersey Labour Market at June 2005. <i>Presented by the Economic Development Committee.</i>	R.C.79/2005.
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The following matters were presented on 18th October 2005 –

Reporting of ministerial decisions. <i>Presented by the Policy and Resources Committee.</i>	R.C.80/2005.
Speeding fines: allocation of funds to Parishes (P.156/2005) – comments – addendum. <i>Presented by the Home Affairs Committee.</i>	P.156/2005. Com.(2) Add.

THE STATES ordered that the said reports be printed and distributed.

### **Matters noted – land transactions**

THE STATES noted an Act of the Finance and Economics Committee dated 6th October 2005, showing that, in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved –

- (a) as recommended by the Environment and Public Services Committee, the assignment to Mr. Nicholas Maxwell Thurman (to continue trading as a Delicatessen) by Mr. David Pipon, acting on behalf of St. Helier Food and Wine Company Limited, of the premises at Nos. 910 Beresford Market, St. Helier with Mr. Nicholas Maxwell Thurman acting as guarantor to the lessee company. The terms of the lease were otherwise unaffected and the assignment would take effect upon the signing of the relevant documentation;
- (b) as recommended by the Education, Sport and Culture Committee, the lease from the Tenants de la Commune de la Moie and H.M. Receiver General, on behalf of the Home Office, an area of land measuring 3.22.0 vergées to the north of La Moye School, St. Brelade, for a period of 21 years deemed to commence at the passing of the contracts, to allow the public to construct a sports facility for the use by La Moye School and other authorised schools, sports clubs and societies, at a commencing annual

rent of £1,250, subject to review every 3 years in line with the Jersey retail Price Index, on the basis that the lessee was permitted to construct and thereafter maintain the facilities required by the school. The public would be responsible for the reasonable legal fees of the lessor, to be capped at £3,000 in relation to this transaction; and,

- (c) as recommended by the Environment and Public Services Committee, the addendum to the lease from Mr. Neville Francis Le Boutillier of Nos. 24, 26 and 28 Bath Street, St. Helier (measuring 2,547 sq feet), for occupation by departments under the administration of the Economic Development Committee for a period of 9 years from 1st March 2003 at a current passing annual rent of £40,000, so as to defer the lease break option from 1st March 2006 to 1st March 2009, with 6 months notice to be given on or before 1st September 2008, on the basis that each party would be responsible for its own legal costs arising from this transaction, and that no other lease terms were being altered.

## Matters lodged

The following matters were lodged “au Greffe” –

Draft Water Resources (Jersey) Law 200- (P.206/2005): amendments. <i>Deputy R.C. Duhamel of St. Saviour.</i>	P.206/2005. Amd.
Draft Electronic Communications (Amendment) (Jersey) Law 200-. <i>Presented by the Economic Development Committee.</i>	P.253/2005.
Draft Law Revision (Amendment) (Jersey) Law 200-. <i>Presented by the Finance and Economics Committee.</i>	P.254/2005.

The following matters were lodged on 11th October 2005 –

Draft Law Revision (Miscellaneous Provisions) (Jersey) Law 200-. <i>Presented by the Legislation Committee.</i>	P.222/2005.
Draft States of Jersey (Modification and Transitional Provisions) (Jersey) Regulations 200-. <i>Presented by the Privileges and Procedures Committee.</i>	P.223/2005.
Draft States of Jersey Law 2005 (Appointed Day) (No. 2) Act 200-. <i>Presented by the Privileges and Procedures Committee.</i>	P.224/2005.
Draft Amendment (No. 1) of the Standing Orders of the States of Jersey. <i>Presented by the Privileges and Procedures Committee.</i>	P.225/2005.
Draft Public Finances (Transitional Provisions – States Trading Operations No. 2) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.226/2005.
Draft Data Protection (Jersey) Law 2005 (Appointed Day) Act 200-. <i>Presented by the Finance and Economics Committee.</i>	P.227/2005.
Draft Data Protection (Corporate Finance Exemption) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.228/2005.
Draft Data Protection (Credit Reference Agency) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.229/2005.

Draft Data Protection (Fair Processing) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.230/2005.
Draft Data Protection (International Co-operation) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.231/2005.
Draft Data Protection (Notification) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.232/2005.
Draft Data Protection (Sensitive Personal Data) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.233/2005.
Draft Data Protection (Subject Access Exemptions) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.234/2005.
Draft Data Protection (Subject Access Miscellaneous) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.235/2005.
Draft Data Protection (Subject Access Modification – Education) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.236/2005.
Draft Data Protection (Subject Access Modification – Health) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.237/2005.
Draft Data Protection (Subject Access Modification – Social Work) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.238/2005.
Draft Data Protection (Transfer in Substantial Public Interest) (Jersey) Regulations 200-. <i>Presented by the Finance and Economics Committee.</i>	P.239/2005.
Draft Medicines (Amendment No. 2) (Jersey) Law 2005 (Appointed Day) Act 200-. <i>Presented by the Health and Social Services Committee.</i>	P.240/2005.

The following matters were lodged on 18th October 2005 –

Draft Amendment (No. 1) of the Standing Orders of the States of Jersey (P.225/2005): amendment. <i>Presented by the Policy and Resources Committee.</i>	P.225/2005. Amd.
Draft Extradition (Designated Territories No. 2) (Jersey) Regulations 200-. <i>Presented by the Policy and Resources Committee.</i>	P.241/2005.
Draft Employment of States of Jersey Employees (Jersey) Law 2005 (Appointed Day) Act 200-. <i>Presented by the Policy and Resources Committee.</i>	P.242/2005.
Draft Employment of States of Jersey Employees (Consequential, Amendment, Repeal, Transitional and Savings Provisions) (Jersey) Regulations 200-. <i>Presented by the Policy and Resources Committee.</i>	P.243/2005.

Draft Amendment (No. 2) of the Standing Orders of the States of Jersey. <i>Presented by Senator S. Syvret.</i>	P.244/2005.
Draft Amendment (No. 3) of the Standing Orders of the States of Jersey. <i>Presented by Deputy G.C.L. Baudains of St. Clement.</i>	P.245/2005.
Draft Jersey Overseas Aid Commission (Jersey) Law 2005 (Appointed Day) Act 200-. <i>Presented by the Overseas Aid Committee.</i>	P.246/2005.
Draft Family Allowance (Jersey) Regulation 200-. <i>Presented by the Employment and Social Security Committee.</i>	P.247/2005.
Draft Health Insurance (Medical Benefit) (Jersey) Regulations 200-. <i>Presented by the Employment and Social Security Committee.</i>	P.248/2005.
Draft Amendment No. 30 to the Tariff of Harbour and Light Dues. <i>Presented by the Harbours and Airport Committee.</i>	P.249/2005.
Draft Harbours (Amendment No. 39) (Jersey) Regulations 200-. <i>Presented by the Harbours and Airport Committee.</i>	P.250/2005.
Draft Highways (Amendment No. 4) (Jersey) Law 200-. <i>Presented by the Environment and Public Services Committee.</i>	P.251/2005.
Draft Animal Welfare (Amendment) (Jersey) Law 200-. <i>Presented by the Economic Development Committee.</i>	P.252/2005

**Draft Data Protection (Jersey) Law 2005 (Appointed Day) Act 200- P.176/2005 – withdrawn**

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Finance and Economics Committee had requested the Greffier of the States to withdraw the following matter lodged “au Greffe” and set down for consideration at the present meeting, the Committee having lodged “au Greffe” a revised projet on 11th October 2005 –

Draft Data Protection (Jersey) Law 2005 (Appointed Day) Act 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.176/2005.
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**Draft Data Protection Regulations 200- P.177/2005 to P.188/2005 – withdrawn.**

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Finance and Economics Committee had requested the Greffier of the States to withdraw the following matters lodged “au Greffe” and set down for consideration at the present meeting, the Committee having lodged “au Greffe” revised projets on 11th October 2005 –

Draft Data Protection (Corporate Finance Exemption) (Jersey) Regulations 200-. Lodged: 6th September 2005. <i>Finance and Economics Committee.</i>	P.177/2005.
Draft Data Protection (Credit Reference Agency) (Jersey) Regulations 200-. Lodged: 6th September 2005.	P.178/2005.

*Finance and Economics Committee.*

Draft Data Protection (Fair Processing) (Jersey) Regulations 200-. P.179/2005.  
Lodged: 6th September 2005.  
*Finance and Economics Committee.*

Draft Data Protection (International Co-operation) (Jersey) Regulations 200-. P.180/2005.  
Lodged: 6th September 2005.  
*Finance and Economics Committee.*

Draft Data Protection (Notification) (Jersey) Regulations 200-. P.181/2005.  
Lodged: 6th September 2005.  
*Finance and Economics Committee.*

Draft Data Protection (Sensitive Personal Data) (Jersey) Regulations 200-. P.182/2005.  
Lodged: 6th September 2005.  
*Finance and Economics Committee.*

Draft Data Protection (Subject Access Exemptions) (Jersey) Regulations 200-. P.183/2005.  
Lodged: 6th September 2005.  
*Finance and Economics Committee.*

Draft Data Protection (Subject Access Miscellaneous) (Jersey) Regulations 200-. P.184/2005.  
Lodged: 6th September 2005.  
*Finance and Economics Committee.*

Draft Data Protection (Subject Access Modification – Education) (Jersey) Regulations 200-. P.185/2005.  
Lodged: 6th September 2005.  
*Finance and Economics Committee.*

Draft Data Protection (Subject Access Modification – Health) (Jersey) Regulations 200-. P.186/2005.  
Lodged: 6th September 2005.  
*Finance and Economics Committee.*

Draft Data Protection (Subject Access Modification – Social Work) (Jersey) Regulations 200-. P.187/2005.  
Lodged: 6th September 2005.  
*Finance and Economics Committee.*

Draft Data Protection (Transfer in Substantial Public Interest) (Jersey) Regulations 200-. P.188/2005.  
Lodged: 6th September 2005.  
*Finance and Economics Committee.*

**Scrutiny Panels: rescindment of decisions – P.136/2005 – withdrawn**

THE STATES noted that, in accordance with Standing Order 22(3), Deputy Gerard Clifford Lemmens Baudains of St. Clement had instructed the Greffier of the States to withdraw the following matter lodged “au Greffe” and set down for consideration at the present meeting –

Scrutiny Panels: rescindment of decisions. P.136/2005.  
Lodged: 28th June 2005.

*Deputy G.C.L. Baudains of St. Clement.*

**St. Helier Waterfront Telephone Poll: Committee of Inquiry– appointment of President – P.213/2005 – withdrawn**

THE STATES noted that, in accordance with Standing Order 22(3), Deputy Gerard Clifford Lemmens Baudains of St. Clement had instructed the Greffier of the States to withdraw the following matter lodged “au Greffe” and set down for consideration at the present meeting –

St. Helier Waterfront Telephone Poll: Committee of Inquiry– appointment of President. P.213/2005.  
Lodged: 4th October 2005.  
*Deputy G.C.L. Baudains of St. Clement.*

**St. Helier Waterfront Telephone Poll: Committee of Inquiry– statement**

Deputy Gerard Clifford Lemmens Baudains of St. Clement made a statement in the following terms–

“With regard to the Committee of Inquiry to determine who was responsible for the attempt to distort a JEP telephone poll, I was dismayed by the initial remarks of some members during the ensuing debate, when it was suggested this matter was not worthy of debate.

I was always of the view that the attempt to manipulate public opinion so that acceptance of a development might be seen to be endorsed by the public when, in my opinion, the public were overwhelmingly opposed, must surely rank as a serious issue. For this Assembly to leave such a matter without attempting to discover the culprit would, in my view, and those members of the public who contacted me, amount to an endorsement of such practices. I therefore thank members for their patience and eventual adoption of my proposition.

As will be obvious from recent media coverage, the company responsible for the attempt to manipulate the telephone poll on the waterfront schemes has now admitted its part and therefore the need to proceed with the Committee of Inquiry drops away.

Clearly the fact that the committee was about to start work in a matter of days must have some bearing on the admission. I do not believe it would have been forthcoming had this Assembly not decided to set up such an inquiry.

It would like to thank all those who suggested possible candidates for the Presidency of the Committee, and also those who expressed an interest in carrying out the work.

I would especially like to thank Mr. Sam Le Breton, who allowed his name to go forward and was, in fact due to be proposed for the position today. Clearly there is no requirement for that proposition any longer and I therefore wish to withdraw it.”

**Development of Fostering and Adoption Services in Jersey – P.166/2005 – withdrawn**

THE STATES noted that, in accordance with Standing Order 22(3), Senator Richard Joseph Shenton had instructed the Greffier of the States to withdraw the following matter lodged “au Greffe” and set down for consideration at the present meeting –

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

Development of Fostering and Adoption Services in Jersey (P.166/2005):  
comments.  
Presented: 27th September 2005.  
*Finance and Economics Committee.*

P.166/2005.  
Com.

#### **Draft Animal Welfare (Amendment) (Jersey) Law 200- P.121/2005 – withdrawn**

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Economic Development Committee had instructed the Greffier of the States to withdraw the following matter lodged “au Greffe”, the Committee having lodged “au Greffe” a revised projet on 18th October 2005 –

Draft Animal Welfare (Amendment) (Jersey) Law 200-  
Lodged: 21st June 2005.  
*Economic Development Committee.*

P.121/2005.

Draft Animal Welfare (Amendment) (Jersey) Law 200- (P.121/2005): comments.  
Presented: 19th July 2005.  
*Finance and Economics Committee.*

P.121/2005.  
Com.

#### **Draft Postal Services (Jersey) Law 2004 (Appointed Day) (No. 2) Act 200 P.205/2005 – withdrawn**

THE STATES noted that, in accordance with Standing Order 22(3), the President of the Economic Development Committee had instructed the Greffier of the States to withdraw the following matter lodged “au Greffe” –

Draft Postal Services (Jersey) Law 2004 (Appointed Day) (No. 2) Act 200 .  
Lodged: 27th September 2005.  
*Economic Development Committee.*

P.205/2005.

#### **Incorporation of Jersey Post – statement**

The President of the Finance and Economics Committee made a statement in the following terms –

“It was intended to bring forward for consideration by the States Assembly in this session the incorporation on 1st January 2006, of Jersey Post.

However, since a lengthy period has elapsed since the Finance and Economics Committee announced the appointment of the future Chairman of the Board of Directors of the Jersey Post Group, Dr. Cameror McPhail, potential conflicts of interest have arisen which do not allow Dr. McPhail to guarantee that he can commit to Jersey Post. The Committee is very grateful to Dr. McPhail for raising this potential issue before incorporation is finalised so that a new Chairman can continue the excellent work initiated by Dr. McPhail and also provide the continuity needed at such a critical stage in Jersey Post’s evolution.

The Committee last week agreed to appoint existing Shadow Board Member, Mr. Mike Liston, as the Chairman designate. However, given the limited time remaining in this States session, the Committee now intends that the incorporation of Jersey Post should take place in the first quarter of 2006.

As a consequence of this change to the incorporation timetable, P.205/2005 of the Economic Development Committee is being withdrawn and will be replaced in due course, by an amended, though similar proposition, reflecting the new schedule.”

#### **Arrangement of public business for the present meeting**

THE STATES granted leave to the President of the Environment and Public Services Committee to defer consideration of the following matters lodged “au Greffe” and set down for consideration at the present meeting to a later date –

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): comments. Presented: 27th September 2005. <i>Finance and Economics Committee.</i>	P.174/2005. Com.
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): amendment (P.174/2005 Amd.) – comments. Presented: 27th September 2005. <i>Environment and Public Services Committee.</i>	P.174/2005. Amd.Com.
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)
Strategic Travel and Transport Plan (P.174/2005): second amendment (P.174/2005 Amd.(2))– comments. Presented: 27th September 2005. <i>Environment and Public Services Committee.</i>	P.174/2005. Amd.(2)Com.
Draft Water Resources (Jersey) Law 200-. Lodged: 27th September 2005. <i>Environment and Public Services Committee.</i>	P.206/2005.

THE STATES adopted a proposition of Senator Philip Francis Cyril Ozouf that the following matter set down for consideration at the present meeting be deferred to a later date.

Criminal Justice Policy. Lodged: 20th September 2005. <i>Home Affairs Committee.</i>	P.201/2005.
Criminal Justice Policy (P.201/2005): comments. Presented: 25th October 2005. <i>Finance and Economics Committee.</i>	P.201/2005. Com.

Members present voted as follows –

**POUR: 29**

**CONTRE: 17**

**ABSTAIN: 0**

Senator J.A. Le Maistre  
Senator L. Norman  
Senator F.H. Walker  
Senator T.A. Le Sueur

Senator S. Syvret  
Senator W. Kinnard  
Senator P.V.F. Le Claire  
Senator P.F. Routier

Senator M.E. Vibert  
 Senator P.F.C. Ozouf  
 Connétable of St. Martin  
 Connétable of St. Brelade  
 Connétable of St. Peter  
 Connétable of St. Clement  
 Connétable of St. Lawrence  
 Connétable of Grouville  
 Connétable of St. John  
 Deputy R.C. Duhamel (S)  
 Deputy A. Breckon (S)  
 Deputy J.J. Huet (H)  
 Deputy T.J. Le Main (H)  
 Deputy J.L. Dorey (H)  
 Deputy L.J. Farnham (S)  
 Deputy R.G. Le Hérissier (S)  
 Deputy J.B. Fox (H)  
 Deputy J.A. Martin (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 J.A. Hilton (H)  
 Deputy G.W.J. de Faye (H)

Senator R.J. Shenton  
 Connétable of St. Ouen  
 Connétable of St. Mary  
 Connétable of Trinity  
 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 G.P. Southern (H)  
 Deputy P.J.D. Ryan (H)  
 Deputy of Grouville  
 Deputy of St. Peter

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the present meeting –

Draft Data Protection (Jersey) Law 2005 (Appointed Day) Act 200-. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	P.227/2005.
Draft Data Protection (Corporate Finance Exemption) (Jersey) Regulations 200-. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	P.228/2005.
Draft Data Protection (Credit Reference Agency) (Jersey) Regulations 200-. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	P.229/2005.
Draft Data Protection (Fair Processing) (Jersey) Regulations 200-. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	P.230/2005.
Draft Data Protection (International Co-operation) (Jersey) Regulations 200-. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	P.231/2005.
Draft Data Protection (Notification) (Jersey) Regulations 200-. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	P.232/2005.
Draft Data Protection (Sensitive Personal Data) (Jersey) Regulations 200-.	P.233/2005.

Lodged: 11th October 2005. Finance and Economics Committee.	
Draft Data Protection (Subject Access Exemptions) (Jersey) Regulations 200- Lodged: 11th October 2005. Finance and Economics Committee.	P.234/2005.
Draft Data Protection (Subject Access Miscellaneous) (Jersey) Regulations 200- Lodged: 11th October 2005. Finance and Economics Committee.	P.235/2005.
Draft Data Protection (Subject Access Modification – Education) (Jersey) Regulations 200- Lodged: 11th October 2005. Finance and Economics Committee.	P.236/2005.
Draft Data Protection (Subject Access Modification – Health) (Jersey) Regulations 200- Lodged: 11th October 2005. Finance and Economics Committee.	P.237/2005.
Draft Data Protection (Subject Access Modification – Social Work) (Jersey) Regulations 200- Lodged: 11th October 2005. Finance and Economics Committee.	P.238/2005.
Draft Data Protection (Transfer in Substantial Public Interest) (Jersey) Regulations 200- Lodged: 11th October 2005. Finance and Economics Committee.	P.239/2005.

### **Arrangement of public business for the next meeting on 1st November 2005**

THE STATES confirmed that the following matters lodged “au Greffe” would be considered at the next meeting on 1st November 2005, in the following order –

Draft States of Jersey (Modification and Transitional Provisions) (Jersey) Regulations 200- Lodged: 11th October 2005. <i>Privileges and Procedures Committee.</i>	P.223/2005.
Draft States of Jersey Law 2005 (Appointed Day) (No. 2) Act 200. Lodged: 11th October 2005. <i>Privileges and Procedures Committee.</i>	P.224/2005.
Draft Amendment (No. 1) of the Standing Orders of the States of Jersey. Lodged: 11th October 2005. <i>Privileges and Procedures Committee.</i>	P.225/2005.
Draft Amendment (No. 1) of the Standing Orders of the States of Jersey (P.225/2005): amendment. Lodged: 18th October 2005. <i>Policy and Resources Committee.</i>	P.225/2005. Amd.
Draft Public Finances (Transitional Provisions – States Trading Operations	P.226/2005.

No. 2) (Jersey) Regulations 200. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	
Draft Medicines (Amendment No. 2) (Jersey) Law 2005 (Appointed Day) Act 200-. Lodged: 11th October 2005. <i>Health and Social Services Committee.</i>	P.240/2005.
Draft Employment of States of Jersey Employees (Jersey) Law 2005 (Appointed Day) Act 200-. Lodged: 18th October 2005. <i>Policy and Resources Committee.</i>	P.242/2005.
Draft Employment of States of Jersey Employees (Consequential, Amendment, Repeal, Transitional and Savings Provisions) (Jersey) Regulations 200-. Lodged: 18th October 2005. <i>Policy and Resources Committee.</i>	P.243/2005.
Draft Jersey Overseas Aid Commission (Jersey) Law 2005 (Appointed Day) Act 200-. Lodged: 18th October 2005. <i>Overseas Aid Committee.</i>	P.246/2005.
Draft Family Allowance (Jersey) Regulation 200-. Lodged: 18th October 2005. <i>Employment and Social Security Committee.</i>	P.247/2005.
Draft Health Insurance (Medical Benefit) (Jersey) Regulations 200-. Lodged: 18th October 2005. <i>Employment and Social Security Committee.</i>	P.248/2005.
Draft Amendment No. 30 to the Tariff of Harbour and Light Dues. Lodged: 18th October 2005. <i>Harbours and Airport Committee.</i>	P.249/2005.
Draft Harbours (Amendment No. 39) (Jersey) Regulations 200. Lodged: 18th October 2005. <i>Harbours and Airport Committee.</i>	P.250/2005.
Draft Law Revision (Miscellaneous Provisions) (Jersey) Law 200-. Lodged: 11th October 2005. <i>Legislation Committee.</i>	P.222/2005.
Draft Extradition (Designated Territories No. 2) (Jersey) Regulations 200. Lodged: 18th October 2005. <i>Policy and Resources Committee.</i>	P.241/2005.
Draft Highways (Amendment No. 4) (Jersey) Law 200. Lodged: 18th October 2005. <i>Environment and Public Services Committee.</i>	P.251/2005.
Draft Animal Welfare (Amendment) (Jersey) Law 200-. Lodged: 18th October 2005. <i>Economic Development Committee.</i>	P.252/2005.

Draft Amendment (No. 2) of the Standing Orders of the States of Jersey. Lodged: 18th October 2005. <i>Senator S. Syvret.</i>	P.244/2005.
Draft Amendment (No. 3) of the Standing Orders of the States of Jersey. Lodged: 18th October 2005. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.245/2005.
Draft Policing of Parks (Jersey) Regulations 200-. Lodged: 8th March 2005. <i>Environment and Public Services Committee.</i>	P.43/2005.
Speeding fines: allocation of funds to Parishes. Lodged: 20th July 2005. <i>Deputy of St. Martin.</i>	P.156/2005.
Speeding fines: allocation of funds to Parishes (P.156/2005) – comments. Presented: 27th September 2005. <i>Finance and Economics Committee.</i>	P.156/2005. Com.
Speeding fines: allocation of funds to Parishes (P.156/2005) – comments. Presented: 27th September 2005. <i>Home Affairs Committee.</i>	P.156/2005. Com.(2)
Speeding fines: allocation of funds to Parishes (P.156/2005) – comments – addendum. Presented: 18th October 2005. <i>Home Affairs Committee.</i>	P.156/2005. Com.(2) Add.
Development of Fostering and Adoption Services in Jersey. Lodged: 5th October 2005. <i>Senator P.V.F. Le Claire.</i>	P.219/2005.

THE STATES adopted a proposition of Senator Philip Francis Cyril Ozouf that the next meeting on 1st November 2005, would only continue after 1st November 2005, if consideration of those matters considered to be time-critical, namely items P.223/2005 to P.250/2005 inclusive, had not been completed on that day.

Members present voted as follows –

**POUR: 28**

Senator J.A. Le Maistre  
 Senator L. Norman  
 Senator F.H. Walker  
 Senator W. Kinnard  
 Senator T.A. Le Sueur  
 Senator P.F.C. Ozouf  
 Connétable of St. Martin  
 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

**CONTRE: 6**

Connétable of St. Mary  
 Deputy R.C. Duhamel (S)  
 Deputy J.J. Huet (H)  
 Deputy of St. Martin  
 Deputy of St. John  
 Deputy G.C.L. Baudains (C)

**ABSTAIN: 2**

Senator P.F. Routier  
 Senator M.E. Vibert

Deputy A. Breckon (S)  
Deputy M.F. Dubras (L)  
Deputy C.J. Scott-Warren (S)  
Deputy R.G. Le Hérisier (S)  
Deputy J.B. Fox (H)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)  
Deputy of St. Mary  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy M.A. Taylor (C)  
Deputy of St. Peter  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)

### **Development of a private hospital – questions and answers**

Deputy Terence John Le Main of St. Helier tabled the following written questions of Senator Stuart Syvre President of the Health and Social Services Committee –

- “1. The Committee acknowledges that no approach was made to it by the developers of the private hospital for any kind of funding, yet the President, on 15th March 2005, informed the States that the scheme would require a ‘very, very substantial amount of public money’, and reference to the word ‘subsidy’ has been used in answer to questions on more than one occasion. Can the President inform members whether the developers themselves have ever suggested or expected any subsidy, either for capital expenditure or operating costs?
2. Would the President inform members how his earlier claim of a lack of benefits arising from the proposed scheme reconciles with the 19 benefits listed in the PriceWaterhouseCoopers (PWC) report on the proposed scheme?
3. Would the President inform members what services, if any, the Committee considered that the developers of the private hospital expected ‘free of charge’ and which were not already provided free of charge, and whether there would be any incremental cost to the taxpayer?
4. Would the President acknowledge that the cost of ‘stand-by time’ already exists aside from the proposed development of the private hospital?
5. Does the President accept that any risks associated with the development of the private hospital remain with the developers and investors of the scheme notwithstanding the PWC report suggesting ‘a shared services’ approach and, if not, the reasons why?
6. Would the President inform the Assembly if he received an approach from PWC to be interviewed, and, if so, how did the President respond to that approach?”

The President of the Health and Social Services Committee tabled the following written answers –

- “1. I refer the Deputy to my answer to Questions 1, 2 and 3 drawn from his list of written questions which were laid before the States Assembly on Tuesday 27th September 2005.
2. It would appear that I have yet again to reiterate the Health and Social Services Committee’s rejection of this proposed development. In general, the 19 supposed ‘benefits’ stated in the PWC report are spurious or so marginal as to be significantly outweighed by the general disadvantages to the public interest. The principal objection is that the proposed development would add to bed capacity, when it is clear that the General Hospital either has sufficient bed capacity or indeed, has surplus bed capacity. Further, the

General Hospital has sufficient operating theatre facilities for the present and this is amply demonstrated by the impressive reduction of waiting times, a report of which was received by the Health and Social Services Committee at its October 2005 meeting. A copy of this report is available to the Deputy and, indeed, to the proposed developers, and I would urge that they read it.

As to the future, anyone walking along the Gloucester Street entrance to the General Hospital will observe, that construction work has now begun to create additional day surgery facilities which will come on line in mid-2007. The creation of these additional day surgery facilities will have a profound effect on elective surgery. The target is that on completion of this facility the General Hospital will adopt the target that 80% of all elective surgery will be performed as day case operations; the current ratio of day to inpatient surgery being approximately 46-50%. The achievement of this 80% target will have the effect of reducing the need for inpatient beds even further.

It is in this context that the so-called '19 benefits' can be discussed. Some of these so-called benefits are about increasing additional capacity; the above makes plain that this capacity is not required. Some of the so-called benefits are about reducing costs for public services. While the quoted rationale (in the PWC report) of these cost-reducing benefits is tortuous and impenetrable, it should be clearly noted that Health and Social Services is reducing costs as per the cost reduction plans and efficiency targets agreed by the States of Jersey. Some of the so-called benefits relate to the ability of local clinicians to maximise their private sector income. Leaving aside the fact that private facilities exist in Jersey and other such private facilities are to come on line in the next year or so, those consultants employed by Health and Social Services have every opportunity to maximise their private income, provided of course that they do not breach the 'Code of Practice for Private Practice'. Some of the so-called benefits are 'benefits for Jersey residents'. One such so-called benefit is that the 'development of services will reduce the need to travel to the U.K. mainland for treatment'. If there was a local market for such services, and provided that they could be safely performed by local consultants, then they could be developed by our local consultants using existing facilities. One must assume that there is no market for such services otherwise conversations to develop them would obviously have taken place. The other so-called 'benefits for Jersey residents' are equally spurious or marginal in their impact.

3. This question simply does not make sense and is not in plain English. It is, therefore, difficult to know how to answer it. Apart from some voluntary and charitable work which contributes to the functioning of the hospital, nothing within General and Acute is provided 'free of charge'; it is all paid for by the Island's taxpayers. It is, therefore, wholly wrong of Deputy Le Main and the developer to imagine, as they appear to, that any service, for example, stand-by time, is a free good.
4. The cost of 'stand by' incurred as a consequence of the delivery of public health care services is a cost fully met by the tax payers of Jersey. Deputy Le Main and the developer want the private scheme to piggy-back on these costs being met by the taxpayer. Were this ever allowed to happen, the effect would be a dramatic subsidy to the private scheme from the public purse.
5. If the proposed development of a private hospital exists as an independent stand-alone facility then I am on the record as making it absolutely clear that such a development and associated risks would then be a matter for the developer. However, as the PWC report makes clear, to be viable, the scheme needs a partner to 'share the risks'. The developer seeks the public of Jersey, through the Health and Social Services Committee, to share that risk. Hence these increasingly ludicrous attempts to force Health and Social Services into a deal, rather than secure a private sector partner.
6. The initial meetings between PWC and the Health and Social Services Committee were conducted at senior officer level which was entirely appropriate. The latter's advice to the Health and Social Services Committee, supported by independent expert advice commissioned from the U.K., was that such a development was clearly and unambiguously not in the public interest. On that basis, I took the view that such a meeting was inappropriate and unnecessary. Nothing in the intervening period, right to the present day, persuades me that I was wrong in so declining a meeting. On the basis that the professional advice received was that the proposed scheme was not in the public interest, I felt it my duty not to assist a private sector developer in an effort to help him achieve a scheme clearly against the public

interest.”

### **Installation of CCTV cameras in Colomberie – question and answer**

Senator Paul Vincent Francis Le Claire tabled the following written question of Senator Wendy Kinnard President of the Home Affairs Committee –

“Would the President advise members whether the Committee will undertake to install CCTV cameras in Colomberie where a number of residents and traders have complained about anti social behaviour for many years?”

The President of the Home Affairs Committee tabled the following written answer –

“The current revenue funding for the cost of the telephone lines that enable pictures to be received, plus the ongoing maintenance is not sufficient to keep the existing camera network running.

It is the view of the States of Jersey Police that any increase in coverage would necessitate additional funding from the States or preferably the private sector in the area that requires cameras to provide the funding both for installation and ongoing maintenance.”

### **Safety barriers at Les Charrières – question and answer**

The Deputy of St. John tabled the following written question of Senator Philip Francis Cyril Ozouf, President of the Environment and Public Services Committee –

“Many months ago the Committee placed red and white safety barriers on the bends at Les Charrières de Bonne Nuit. Would the President advise members what action is being taken, if any, to review this matter and, if applicable, when residents can expect to see them removed?”

The President of the Environment and Public Services Committee tabled the following written answer –

“In November 2000 a land slip occurred on the slope between the main road Les Charrières de Bonne Nuit and the Bonne Nuit Harbour Road. This land is not in Public ownership, being owned by a Limited Liability Company. The land slip area was stabilised in September 2003, by the owners. As a result of the stabilisation, a small embankment at the top of the slope which formed a barrier to the road edge was removed, leaving no barrier to act as protection to road users, pedestrians and vehicles alike. Despite immediate action by the Public Services Department to press the land owner to install an adequate vehicle barrier, the road edge was left without any protection until the Department placed temporary barriers on the road. These barriers were upgraded to vehicle impact standard in July 2004. This is still the current situation.

From the time of the initial land slip in November 2000 the officers at the Public Services Department have worked with and received advice from the Law Officers’ Department to ensure that the Public’s interests have been best served. The advice from the Law Officers’ Department has been clear and consistent.

...the department (Public Services) should not carry out remedial work which constitute an interference with the land, because that is trespass to the property of another. (Letter, 26th February 2001, to Public Services Department).

The temporary barriers have narrowed the road width which can cause some problems for larger vehicles. Permanent barriers could be installed in the road; this will permanently reduce the road width and perpetuate difficulties for motorists. In the meantime, the Law Officers’ Department is continuing to investigate an acceptable way that may bring this situation to a satisfactory resolution such that the temporary safety barriers can be removed and the road fully opened to two-way traffic.

The Committee received a further update at its meeting on 13th October 2005, and requested the Law Officers' Department to undertake further research into the liability of the company that originally owned the land."

### **The Post of Emergency Planning Officer – question and answer**

The Deputy of St. John tabled the following written question of Senator Frank Harrison Walker, President of the Policy and Resources Committee –

“Would the President, in his capacity as Vice-Chairman of the Emergencies Council, advise members at what grade the Emergency Planning Officer is employed, give full details of the job description and who this officer reports to?”

The President of the Policy and Resources Committee tabled the following written answer –

“The Emergency Planning Officer is employed at Grade 12 on the Civil Service scale and a copy of the job description is as detailed below. The postholder reports to the Bailiff in his capacity as Chairman of the Emergencies Council –

#### **JOB DESCRIPTION**

DEPARTMENT	EMERGENCY PLANNING
JOB TITLE	EMERGENCY PLANNING OFFICER

1. PURPOSE OF THE JOB

To prepare, advise and co-ordinate contingency plans for Island Emergencies in peace time and in war and to manage, control, train and equip the Jersey Warning and Monitoring Organisation and to give professional advice to the Emergencies Council, States Committees, Utility Companies and the community on radiological effects. To maintain the Island's Radiation Monitoring System and record and analyse the results.

2. DIMENSIONS OF THE JOB

Budgetary responsibility: 120k

Staff responsibility: .75FT, 38 volunteers

Statistics: Insurance £3.2m.

3. KNOWLEDGE AND EXPERIENCE

The postholder should be a graduate of an Armed Forces or Emergency Services Staff College and should, ideally, have completed the Management of Disaster and Civil Emergencies Course at the Police College, Bramshill. There should also be a thorough knowledge of the implications of emergency planning in a modern society and in particular, an excellent awareness of nuclear physics and the physiological and environmental implications of radiological incidents – for war and peace-time risks. This knowledge will probably have been gained by work in a similar role or through the Armed Services or Emergency Services and through appropriate specialist courses.

In addition, the postholder should have excellent verbal and written communication skills and be able to present views and ideas clearly and persuasively at the most senior level; he needs tact and diplomacy in order to achieve the co-ordination of plans at an Insular level. He should also be able to manage, develop,

train and organise staff and have an understanding of budgetary matters.

#### 4. PRINCIPAL ACCOUNTABILITIES

##### 1. MANAGING STAFF

- 1.1. Ensure that quality and quantity of manpower is available to meet establishment requirements.
- 1.2. Ensure that all staff are instructed in their duties and responsibilities and that training needs are identified and fulfilled.

##### 2. MAIN FUNCTIONS

- 2.1. Identify and recommend to the Emergencies Council, as required, proposals for the re-organisation and/or rationalisation of the emergency planning arrangements for the Island.
- 2.2. To prepare overall plans for dealing with a major emergency affecting the Island in peace time or war and to reflect changes in statutory requirements or policy; to mitigate the effects of major emergencies on the Public. Contingency plans cover the full spectrum of hazards and require related training, exercising and regular review and re-issue.
- 2.3. To liaise with the Emergency Services, States Departments, Parishes and Utilities Companies in the preparation and co-ordination of their emergency plans and to audit their effectiveness for the Council in meeting the strategic objectives.
- 2.4. To co-ordinate all Voluntary Organisations to enable them to act in support of the Emergency Services.
- 2.5. To attend public meetings as determined by the Emergencies Council in the context of Emergency Plans and to present the Insular Authorities point of view and deal with points raised by the public at those meetings.
- 2.6. To train and equip all Parish Liaison Officers and members of the Jersey Warning and Monitoring Organisation for dealing with any radiological or non-radiological disaster.
- 2.7. To prepare reports for the Emergencies Council in monitoring the functions of the Insular Authorities and the Island's preparedness for disaster.
- 2.8. To liaise with the French Authorities, NATO, the Home Office, the Ministry of Defence, the Department of Trade and Industry, the National Radiological Protection Board and Guernsey on matters relating to nuclear radiation, oil and chemical contamination.
- 2.9. To provide information to the press or appear on television or radio following clearance by the Bailiff, or his nominated deputy.
- 2.10. To ensure effective budgetary control in respect of expenditure relating to the department.
- 2.11. To plan and control an annual Combined Services Emergency Exercise and any other exercises that may be required.
- 2.12. To maintain the Island's Radiation Monitoring System and record and analyse the results.

##### 3. EXECUTIVE

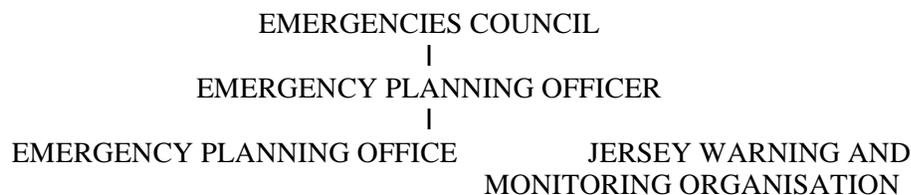
- 3.1. Attend meetings of the Emergencies Council, NATO, the Home Office, Prefecture de la Manche and States Committees to participate in the formulation of overall policy recommendations for Emergency Planning on an Insular and International level.

- 3.2. To lead Chief Officers and other senior officials, of all States Departments, Parishes and Utility Companies on matters regarding Emergency Planning. In his relationship with relevant Chief Officers he must be able to exercise diplomacy and tact to achieve co-ordinated responses on an Insular level.
- 3.3. To keep the Emergencies Council, States Committees and the Emergency Services abreast of current developments within Emergency Planning and advise them accordingly.

4. REPRESENTATION

- 4.1. To represent the Emergencies Council, or the Insular Authorities on Emergency Planning matters, as requested by them and as required in regular meetings with NATO, the Home Office, Prefecture de la Manche, COGEMA, EDF and the States of Guernsey.

5. ORGANISATION



6. SCOPE FOR IMPACT

The postholder is the policy advisor for the Insular Authorities, outside organisations and the general public.

This post is essential to the provision of contingency plans for the Island in the event of a major emergency to ensure the Community’s wellbeing. The postholder is responsible for the maintenance of these plans and overseeing their implementation in the event of an incident or major emergency.

Under the Emergency Powers and Planning (Jersey) Law, 1990, the Emergency Planning Officer acts as an adviser to the Chairman in any crisis which requires activation of the Emergencies Council. He will therefore need direct access to the Emergencies Council and will be required to gain their trust and confidence immediately. Where there are emergencies involving other Committees e.g. Agriculture and Fisheries, the Emergency Planning Officer must be able to demonstrate his ability to gain the trust and confidence of that Committee also.

As the Island’s representative in meetings with NATO, U.K. and French government agencies the Emergency Planning Officer needs to demonstrate the appropriate levels of professionalism and ability. The postholder is also Chairman of the Major Incident Co-ordination Group – consisting of Chief Officers of the Emergency Services.

7. WORKING RELATIONSHIPS

The postholder has regular and frequent contact with:

- The Emergencies Council – see attached.
- The Bailiff.
- The Lieutenant Governor.
- Emergency Services (Police, Fire, Ambulance, Health Services etc.)
- Public Utilities.
- Voluntary Organisations.
- Parish Authorities.

Other States Departments.  
Local and National (and sometimes foreign) media.  
The Home Office.  
The Department of Trade and Industry.  
Ministry of Agriculture, Fisheries and Food.  
National Radiological Protection Board.  
NATO – The Group of Experts on Warning and Detection Systems.  
COGEMA) French nuclear/  
EDF ) electrical industry.  
Guernsey.

## 8. PRINCIPAL CHALLENGES IN THE JOB

To propose and advise the Emergencies Council on Policy and Strategy to enable the Island to meet its statutory and humanitarian obligations to prepare contingency plans to mitigate the effects of Major Emergencies on the Public, such obligations include the restoration of normal life and rehabilitation.

To advise the Bailiff and the Policy and Resources Committee on the implications of International and U.K. Regulations or legislative proposals on radiological matters and their applicability to the Island.

To represent the Island's interests within the NATO Group of Experts on Warning and Detection Systems forum twice a year, maintain the Island's expertise in plotting and monitoring peace and war time nuclear incidents and participate in the planning and execution of the annual International Exercise – INTEX.

To prepare policy guidelines for the Chief Officers' Policy Group, and any other managers requesting help, for preparing contingency plans and procedures.

To audit the contingency plans of all States Departments, Emergency Services and Voluntary Services to ensure a co-ordinated response and to establish a system of crisis management.

To plan and implement training for the Jersey Warning and Monitoring Organisation, and any other organisation, to cover the full spectrum of hazards that may affect the Island.

To ensure an awareness of developments in radiological monitoring systems and emergency management aids so that the Island can use 'best practice'; attend appropriate specialist courses to maintain expertise.

To liaise with U.K. statutory bodies, the States of Guernsey, the French nuclear agencies and local government and the Insular Emergency Services to draw together all the response agencies.

To issue guidelines to the Media and the Public on immediate actions in response to an Emergency.

## Oral questions

### 1. **Deputy G.P. Southern of St. Helier of Connétable J.B. Germain of St. Martin, Chairman of th Comité des Connétables:**

“Given the efforts that went into increasing the numbers on the electoral roll and the drive to ensure improved turnout in the recent elections, would the Chairman state whether there were any difficulties encountered in accessing electoral data in some Parishes and, if so, the reasons why?”

### **Connétable J.B. Germain of St. Martin:**

“The Public Elections (Jersey) Law 2002 requires the Connétables of each Parish to prepare and maintain an electoral register for each electoral district that is within their Parish. An electoral register is to be prepared and stored in electronic form. These requirements are set out in Article 6 of the said Law. The electoral register in force for the particular election is finalised at midday on the day before nomination day. The nomination day for this election was 13th September. Article 12 requires the Connétables to

publish in printed form a copy of the electoral register in force for the particular election. Copies so published are to be available to the Judicial Greffe, the Autorisés, the Adjoints and to the candidates for the election. So far as I am aware, none of the above had any difficulty in accessing the electoral data made available in the printed copies. In addition to the requirements set out in Article 12, the Connétables also assist candidates by making available, subject to the limitations imposed by the data protection legislation, an electronic copy of the electoral registers. This assists candidates who, for example, wish to personalise correspondence to electors. Such information is only provided where a candidate has confirmed in writing that he or she is registered with the Data Protection Registrar as a data user or data bureau. I understand that some copies of the electronic electoral registers supplied to candidates were difficult to access, as the fields in which the information was stored did not convert immediately to the format of other programs such as Excel. However, as soon as this was realised, the Parishes provided step by step instructions showing how to import the data from the discs supplied to candidates into Excel and set the delimiters so that the information appeared in column format. The reason for the difficulty appears to be that in some Parishes the computer systems had been upgraded and this caused an error when opening the electoral register file. The problem could be easily overcome by opening in a different manner. We regret any inconvenience caused to candidates, but, as I have mentioned, the problem was rectified as soon as it was drawn to the attention of the Parishes.”

**1(a) Deputy G.C.L. Baudains of St. Clement:**

“It has been brought to my attention as a result of assisting one or two Senators in the recent election that the electoral roll is not in the condition that one might expect. I wonder if the Comité des Connétables could give me an assurance that things such as entries which are clearly 10 years out of date, homes that have not been occupied for many years still apparently having an elector in them and such matters are tidied up so that the actual information which is available is more correct, Sir?”

**Connétable J.B. Germain:**

“Yes, Sir. If the Deputy can give me information of where the problems occur, I will make sure the Parishes look into it.”

**1(b) Deputy R.G. Le Hérisier of St. Saviour:**

“Would the Connétable confirm that the Parishes have had a lot of trouble with the software to develop the database and that at long last there may be a resolution on the way in terms of getting better information?”

**Connétable J.B. Germain:**

“That is correct. That is the information I have had, Sir.”

**1(c) Deputy G.P. Southern:**

“Notwithstanding the reply received that as soon as possible the errors were corrected, is the Constable aware that it took a full 3 weeks to get a street order directory of the electorate out of St. Helier Parish?”

**Connétable J.B. Germain:**

“I didn’t know that, Sir. I have only had one day to look into the problems, but I will certainly look into it and, if the Deputy wants me to come back to give the reasons why, I certainly will.”

**2. Deputy G.P. Southern of St. Helier of the President of the Finance and Economics Committee:**

“What statutory basis exists to include on the effective rate notice the words ‘By law it is your responsibility to inform your employer of your effective rate’; and by informing an employer of your effective rate, does the Income Tax Instalment System (ITIS) thereby effectively indicate to that employer the level of employee earnings from a second job, or unearned income, or wife’s income; and, if so, is this human rights compliant?”

**Senator T.A. Le Sueur (President of the Finance and Economics Committee):**

“Article 41B(1) places a legal obligation on the employer to deduct tax from the earnings of an employee in accordance with the effective rate notice as detailed in Article 41B(2). As the Income Tax Law does not allow the Comptroller to send a provisional effective rate notice direct to the employer, it must be sent to the employer by the employee so as to enable the employer to comply with Article 41B(1). If the

employee does not deliver his provisional effective rate notice to the employer, perhaps because his effective rate is higher than the default rate, the Comptroller will know by mid-February in that year. He will then issue an effective rate notice direct to the employer which the Comptroller is authorised to do so by Article 41C (6) or (7) to ensure that the employee in question does not evade his proper tax deductions. In attempting to translate all this into a practical, simple and succinct message, the Comptroller acknowledges that the words used on the effective rate notice may have caused confusion in the minds of some, and so he has now instructed that the sentence in question be deleted. The effective rate does not effectively indicate to the employer an employee's earnings from a second job or unearned income or wife's income, because the employer would need to know all the details of the employee's personal and family circumstances to even begin to calculate an employee's other income due to the various tax allowances and reliefs available to employees. The Income Tax Instalment System (ITIS) legislation is, in my Committee's view, fully human rights compliant."

**2(a) Deputy G.P. Southern:**

"I appreciate the answer given, and I am aware that steps are being taken to change the wording, but the expression he uses, 'causes some confusion', should that not be that it was technically incorrect to say in law you have to, that that was not true?"

**Senator T.A. Le Sueur:**

"I think, Sir, it is a matter of interpretation. The statement said 'By law it is your responsibility to inform your employer of your effective rate', the inference being that it was not the Comptroller's obligation, but it was the employee's obligation; but I accept that it could be read in different ways and, because of that confusion, the Comptroller has withdrawn the statement."

**2(b) Deputy G.P. Southern:**

"I thank the President for his answer. Could I ask, when he gives assurance that he is sure that this is human rights compliant, what reference was made in checking for human rights compliance to the Data Protection Registrar in terms of – I don't know which Article it is but – the right to family and private life?"

**Senator T.A. Le Sueur:**

"This matter has been discussed with the Data Protection Registrar. The amount of information one can obtain from an effective rate notice is very broad and does not constitute a significant entry or intrusion into anyone's private life."

**2(c) Deputy G.P. Southern:**

"Could the President say whether that discussion took place before or after he got the stamp of approval for human rights compliance before bringing the Projet to the States?"

**Senator T.A. Le Sueur:**

"I cannot be categorical at this stage, Sir, but I believe it was well before we made the statement."

**3. Deputy J.A. Hilton of St. Helier of the President of the Home Affairs Committee:**

"Further to a statement made by the President on 19th September 2005, has a meeting been held between the 3 Presidents of those Committees involved with the Children's Executive in order to discuss whether the Magistrates should be able to sentence under-15s to the secure educational unit at Greenfields and, if so, when did this meeting take place and what was the outcome?"

**Senator W. Kinnard (President of the Home Affairs Committee):**

"As Deputy Hilton is aware, the Presidents of Home Affairs, Housing and Social Services and Education, Sport and Culture met yesterday as planned to discuss the proposed dual route into secure care for children under the age of 15. The timing of the question is such, Sir, that we have not been afforded the opportunity to feed back to our own Committees on the outcome, so I do apologise to Committee members. A civil route into secure care already exists. The new Children's Law that came into effect in August allows the Royal Court, in its civil capacity, to make a secure order following an application by the Health and Social Services Committee. That order can only be made where a child has a history of

absconding or is likely to suffer significant harm or cause injury to others unless secured. Civil orders depend upon an application being made to the Royal Court, but there is the possibility that a child under 15 may be presented to the criminal court, where the seriousness or the level of offending is such that a secure route may need to be considered. Against this background, the Presidents acknowledged that a gap did exist in the court's powers, and that there is much to be gained by working in partnership with the courts to shape the proposals for a criminal route into secure care. The Presidents are also of the view that the deprivation of a child's liberty should be an absolute last resort and that strict criteria and built-in safeguards are needed in new legislation that would set out the court's powers and ensure human rights compliance. We are advised that, for their part, the courts are sensitive to these caveats and are willing to continue working with the Children's Executive towards a solution. The Presidents believe that significant progress has been made in preparing a way to make an appropriate use of secure care and, as a result of yesterday's meeting, the Children's Executive will now take forward the development of draft legislation for a route into secure care via the criminal courts."

**3(a) Deputy J.A. Hilton:**

"I thank the President for her answer and I must say that I am pleased that the 3 Presidents have made this decision. I think it is probably what the majority of the public of this Island were actually looking for. Can I take it, as the Criminal Justice Policy has been deferred for debate to a later date, than an amendment will be added to the Criminal Justice Policy in light of what the President has said today?"

**Senator W. Kinnard:**

"I don't believe there is a need to amend the Criminal Justice Policy because it actually says within the Policy that a dual route into secure care may well be appropriate."

**3(b) Deputy R.G. Le Hérisssier of St. Saviour:**

"I wonder could the President clarify that it was indeed the decision of the 3 Presidents to deny this particular power to the Magistrates' Court; is that correct?"

**Senator W. Kinnard:**

"It wasn't a matter of denial; it was a basic different philosophy. There are other communities, including, I think, Guernsey, who are going this route. Certainly in the Scottish system, the route is not actually through the criminal courts for youngsters of this age. It was a matter of finding what was going to work appropriately for Jersey; and I do believe that there has been a great meeting of minds and a great will for the Executive and the courts to work together in ensuring that we do have an appropriate route that we feel is going to be in the best interests of young people in this situation, because we are aware that there are dangers and risks to young people who are imprisoned. That is why it is important that, whatever route we have, we must ensure that the care that is available in the secure unit is appropriate to their needs. I do believe, Sir, that there has been a meeting of minds in that way."

**3(c) The Deputy of St. Martin:**

"Given that I brought a Proposition to the States about 18 months ago which was vigorously opposed, including by Home Affairs and Education and my own Committee, Health, one of the reasons for giving it was because the new Greenfields wasn't built. We are now way down the road with Greenfields being built. Is it the Committee's intention to bring forward a Proposition to the House seeking a change in the law to enable the courts to have the power in advance of Greenfields being completed, given the fact that we know that it takes at least 6 months for Propositions regarding a change of law, etc. to come into effect?"

**Senator W. Kinnard:**

"Yes, obviously the legislation that we believe is necessary will require law drafting time, and whether or not there is any spare capacity we haven't actually investigated yet. But, again, it is an issue of priorities and I would have thought that it was probably a high priority for whenever the Council of Ministers meets in the New Year. I would have thought that they would have felt that this matter is of sufficiently high priority for law drafting time to be found for it. There is a lot of preparation that has to go on, the discussions between obviously the officers of the Children's Executive and the court representatives to find a system that is going to work. The idea, Sir, would be that the law could be drafted before, but of

course the powers would be used or be brought into force at a point in 2007 when the secure unit is available. The Deputy may be aware that the reason that the Committees opposed his original amendment was that we were not satisfied that the existing facilities at that time were appropriate to deliver the sort of programmes that are necessary, I think, to ensure that young people who are deprived of their liberty receive the appropriate care and support that they need to go on to lead useful lives in the community.”

**3(d) Deputy R.G. Le Hérisier:**

“I think the President has already outlined this, but just for the sake of clarification, could the President confirm that it was never the intention of members (and particularly the mover of the proposal, Deputy Hill) to create a youth prison. It was to deal with a group of people who, for various reasons, have either been failed or have failed in the system and for whom the only absolute alternative is a form of secure custody, both to protect the public and to bring some order back into some, at times, pretty chaotic lives?”

**Senator W. Kinnard:**

“I am not sure what was in the mind of the Deputy when he brought the Proposition, but I am willing to accept that, if that was the case, that was the case. I think the point that we need to make here, Sir, is, quite simply, we do know that inappropriate imprisonment of young people ends up doing much worse things to those young people and they don’t become rehabilitated. I think that it was a matter of the 3 Presidents being absolutely assured that, first, the physical facilities are appropriate and, secondly, the education that is going to be provided and the therapeutic programmes that are going to be provided will hopefully ensure that we have a very appropriate régime that won’t actually go on to do more damage to already damaged children. I think also, Sir, it is important to make the point that things have changed, that we have also had a very good response to the way in which civil orders are being used. The hope, from what I gather, of the courts and certainly of the 3 Presidents is that in fact over a period of time we will be seeing fewer and fewer young people coming before the courts with the sort of offending that we are seeing at the moment, because hopefully we will be able to deal with their difficulties and their challenges in terms of early intervention through the Criminal Justice Policy, if and ever it is debated and passed by this House, and also obviously by the actions of things like the Youth Action Team, which is already formed and so on. So I think we need to see it as a package. We need to see it in the round, but it certainly is the hope that, as time goes on, it not only will be a last resort, but there will be fewer and fewer youngsters needing to come before the courts because we will have dealt with their challenges beforehand.”

**3(e) The Deputy of St. Martin:**

“I am rather amused by the President’s assertion that we are going to have less and less people coming. I have spent a bit of time reading the Criminal Justice Policy and in there it gives an indication that we are likely to have a crime rise by 11%, so that obviously contradicts what the President was saying. But could I ask the President is she aware that at present Greenfields is accommodating young people under the age of 15 under a welfare placement order, which is exactly the same thing and the circumstances would have been the same had indeed the courts had that authority? So it seems rather strange, or would she not accept that it is rather strange, that here we have one policy which allows a certain way of putting young people into a place which was considered to be unhelpful to young people and yet the Committee is continuing to do so? Can she answer why she is allowing that to happen?”

**Senator W. Kinnard:**

“I wasn’t saying that it was necessarily unhelpful to young people. What I am saying is that there are risks. I don’t know if members remember, but they were invited to a seminar organised by the Patient and Aftercare Service where we had a number of international speakers talking on the kinds of risks that young people may face if they are imprisoned in inappropriate conditions. I am not saying that we have got that scenario here. In fact, what I am saying is that, in the future, in 2007, we are looking to an appropriate facility. What we are dealing with now at the moment is the new civil route under the Children’s Law, which is, I believe, so far having very, very positive results. But it is a different route and what we are talking about here is that that is a route through the civil court which is dealing with children who are absconding or who have particular issues which place them at risk themselves. When we are talking about a criminal route, we are talking about people getting a sentence and obviously the level of security in which they are held might be different to some of the young people who have been dealt with

at the moment. But really I think that that is probably an area, if you want to ask further questions on that of detail, better asked of the President of Education, Sport and Culture – his Committee obviously has the Greenfields facility under its wing – or indeed the President of Health, who, through the Children’s Law, has the secure order. I am trying the best I can to answer the question, but if it is not adequate it is obviously perfectly open to the Deputy to ask a further question in the future.”

**Deputy J.A. Hilton:**

“Just a point of clarification for the benefit of the public. The President referred earlier in her answer to the imprisonment of young people. Will she just confirm that the under-15s are not remanded or sentenced to the prison and that in fact it is Greenfields where they would attend? I wouldn’t want the public to think that we are remanding or sentencing under-15s to La Moye Prison?”

**Senator W. Kinnard:**

“I can clarify that under-15s are not going to be held at La Moye Prison. Indeed, they aren’t. It is a matter of concept and a matter of the way in which one is thinking about what is going to be delivered in a secure unit. We, the 3 Presidents, believe that what is appropriate is that we deal with young people although they may have been offenders, and that we deal with their needs and perhaps not focus quite so much on their deeds. So we are keen on looking at routes to secure care rather than sentencing to secure care. It is a matter, I suppose, of philosophy and a matter of the concept that is used, but I am quite happy to make it clear that we are not talking about young people under 15 going to La Moye Prison?”

**4. Deputy R.G. Le Hérisier of St. Saviour of the President of the Environment and Public Service Committee:**

“Would the President state how many meetings have been held between the Committee and/or its representatives in developing the Transport Strategy with the Jersey Bus Users’ Forum and with representatives of the Taxi and Cab Drivers Associations and who initiated each of these meetings?”

**Deputy G.W.J. de Faye of St. Helier (Member of the Environment and Public Services Committee-rapporteur)**

“Technically speaking, there have been no meetings with either of those groups in the formal ‘sit around a table’ sense. However, that is because the Committee adopted a rather dramatically different approach to how the Strategy was formulated and formulated a Strategy on the basis of consulting transport users, i.e., the general public, through a series of workshops and focus groups. In that sense, both the Bus Users’ Forum and the Taxi Cab Drivers Association were given initial and ongoing invitations to attend those workshops, though I regret to say that I do not have detail of the attendance figures. Those organisations and others have also been told that consultations are on a rolling basis and that they are in a position to make submissions to the Committee at any time. Indeed, at the 2 public meetings that were held, although the overall turnout was disappointing in numbers, by far the majority of turnout in fact came from taxi and cab drivers. I would also remind members who may not be familiar with the Proposition that the Proposition deals with a broad brush policy approach which will then proceed to reviews of various areas – buses, taxis and so on. In other words, we are in a rolling consultation position and it would be anticipated that, following adoption of the Strategy in due course, specific sit down formal negotiations would be held with the groups when minor detail is being discussed.”

**4(a) Deputy G.P. Southern of St. Helier:**

“Could the rapporteur confirm that, when he talks of disappointing numbers, the number at one meeting was 6 people present, 5 of whom were taxi drivers and all of whom left the meeting feeling that their views had been completely ignored?”

**Deputy G.W.J. de Faye:**

“Those figures are incorrect. Nevertheless, it is fair to say that I personally, with 2 officers at both meetings, spent in excess of three-quarters of an hour to an hour talking directly to taxi and cab drivers, and I was subsequently quite astonished when I met one of them, who asked me ‘When are we going to have consultation?’ I was obliged to say ‘Well, what on earth were we doing when I met you the other day?’”

**4(b) The Deputy of St. John:**

“I must say that I am appalled at the small-mindedness of the current Committee in its approach of not wanting to meet, or not having had special meetings, with the taxi/cab drivers and their various associations. Will the rapporteur please confirm that hopefully they have used the information gained over the several previous Public Services Committees and their officers with the various taxi and cab drivers’ associations; will he confirm that that information in fact was used in compiling their strategy for the Transport Strategy; and, if it wasn’t, will he give the reasons why not?”

**Deputy G.W.J. de Faye:**

“Contrary to the views of the questioner, the Committee has not been small-minded. The Committee has been in fact extremely broad-minded and we have taken on board all points of view, not necessarily those of limited groups of transport operators. Yes, the Committee has in its possession a considerable amount of information derived from previous Committees and it is all under consideration and will continue to be so in, I must emphasize, a rolling state of consultation in which taxi drivers, cab drivers, bus users’ forums and, frankly, anybody else with an interest is still entitled to make any submission they care to make.”

**4(c) Deputy R.G. Le Hérissier:**

“Would the rapporteur confirm that the term ‘rolling consultation’ is in fact a misnomer and that he was approached several times by the president of the Bus Users’ Forum, who found it impossible to arrange a meeting and, indeed, exceptionally conscientious though he be, decided that it was time to call it a day and resign from that position?”

**Deputy G.W.J. de Faye:**

“That information is completely, utterly and entirely incorrect. The chairman of the Bus Users’ Forum sent me one email, enquiring who should he discourse with to put his point across. I emailed a reply, saying ‘You have contacted exactly the right person and I look forward to hearing from you again.’ I never heard anything else.”

**4(d) Deputy G.P. Southern:**

“I note with interest that the rapporteur says he spent three-quarters of an hour talking to people. Has he tried the novel device for a consultation of actually listening to people?”

**Deputy G.W.J. de Faye:**

“Yes.”

**5. The Deputy of St. John of the President of the Harbours and Airport Committee:**

“Did a meeting take place in August 2005 between the marine traders/users and the Harbours Department under the chairmanship of the Managing Director of the Jersey Electricity Company Limited (JEC) and, if so, why and for what purpose was the meeting held; were the marine traders/users consulted regarding the chair at this meeting and, if not, why; and will the Committee in future consult on chairmanship in advance of meetings being held?”

**Senator L. Norman (President of the Harbours and Airport Committee):**

“The answer, Sir, is yes. A meeting was held on 16th August 2005 in order that marine traders and other associations could feed into the Jersey Harbours’ business planning process for the next 3 years. However, the meeting in question was in fact chaired by the Chief Executive of Jersey Harbours. Jersey Harbours has been undergoing a review of marine leisure facilities and, in particular, the opportunity for potential future developments and improvements within the industry. The meeting was held to enable Jersey Harbours to work with our customers, to understand how best to provide the services they want, building better customer relationships based on two-way open conversation. In order to assist with this and to allow representatives from Jersey Harbours to take a more active rôle in the meeting, it was agreed that it would be useful to include an independent person to facilitate discussion at the meeting. It was important that this person did not have a vested interest in either the marine leisure industry or Jersey Harbours. As the Managing Director of the JEC was not acting as chair or taking an active rôle in the meeting other than to facilitate discussion, it was not felt necessary to consult with attendees in advance.

Feedback from the meeting has formed part of the wider business planning process and has proved invaluable during this time. The Committee is very grateful to Mr. Liston for his help and support.”

**5(a) The Deputy of St. John:**

“Given that the Chief Executive was at the meeting for part of the time, I am concerned and I would like to know why Mr. Liston, the Chief Executive of the JEC, was chairing the meeting, given that in fact he is part and parcel of one of the users of the harbours and airport properties, given that they have facilities within the compounds or the areas of the harbours. As this matter was of concern to fellow users and traders, will in future the Committee itself make sure that there is a level playing field as to who actually chairs this particular group of people?”

**Senator L. Norman:**

“As I explained, the meeting was chaired by the Chief Executive of Jersey Harbours. If the Deputy thinks that this particular gentleman, the Managing Director of the JEC, has a particular interest in Jersey Harbours, of course that would apply to everybody who uses the harbours or has facilities from the harbours and that would be all of us. I think it is worth remembering that 2 years ago the Managing Director of the JEC was involved with a consultation process with the marine traders and users as the normal part of the Jersey Appointments Commission involvement in the preparation of a job description and person specification for the post of Chief Executive at Jersey Harbours. He was in this case seen as the ideal person to approach to help facilitate the discussions, not to chair the meeting.”

**5(b) The Deputy of St. John:**

“Is this a forerunner to put the Managing Director of the JEC in place for any incorporation that might take place in the ports?”

**Senator L. Norman:**

“No, Sir.”

**6. The Deputy of St. John of the President of the Economic Development Committee:**

“Over many months the Committee has been in negotiations with Guernsey over fishing rights for Jersey fishermen in Guernsey waters. Would the President advise members what action, if any, has been taken by the Committee to resolve the situation?”

**Deputy M.A. Taylor of St. Clement (Economic Development Committee– rapporteur):**

“Talks with Guernsey have been occurring in the late summer and early autumn of this year and substantial progress has been made. However, a technical issue has arisen which requires legal advice. Until that advice is forthcoming, the talks have been suspended.”

**6(a) The Deputy of St. John:**

“Could the rapporteur give an indication whether any Jersey fishermen have been prosecuted for fishing in Guernsey waters or are pending prosecution by the Guernsey authorities for fishing in Guernsey waters?”

**Deputy M.A. Taylor:**

“Yes, Sir, I do know of one case where a Jersey registered fisherman is, I understand, being prosecuted on a technical matter.”

**6(b) The Deputy of St. John:**

“That being the case, is it the Economic Development Committee who represents the fishermen through Agriculture and Fisheries, and will it be assisting the costs of the fishermen, given that this is in dispute? I believe that if the Islands had got together sooner, we would not be in the position we are today, so will the Economic Development Committee be helping to finance the costs that will be incurred by this fisherman who has been prosecuted?”

**Deputy M.A. Taylor:**

“I am not sure exactly which case the Deputy is referring to here, but there is one fisherman who is Jersey registered but based mainly in the United Kingdom. I don’t know the exact details of that case, but I can

assure the Deputy that Jersey is doing everything in its power to try and resolve the whole issue of licensing.”

**6(c) The Deputy of St. John:**

“Does the rapporteur believe that in the early stages the Economic Development Committee dragged its feet so that we now find ourselves in this position because of the lack of action on that Committee’s part and that of Policy and Resources in the early days?”

**Deputy M.A. Taylor:**

“No, Sir, I don’t. In the early days, Deputy Gerald Voisin was given many reassurances that Guernsey wanted to accommodate an early resolution of this affair, and we went down that path in good faith thinking this.”

**The Deputy of St. John:**

“I would like to thank the Rapporteur for his reply, Sir.”

**The Bailiff:**

“That concludes Question Time.”

**St. Mark’s School: an integrated children’s centre – statement**

The President of the Education, Sport and Culture Committee made a statement in the following terms –

“On 20th January 2004, this Assembly approved the drawings for a new school at La Pouquelaye. States members will be aware that the new school, d’Auvergne, opened in September 2005 and resulted in the closure of La Pouquelaye and St. Marks Schools.

At the time I said that I would return to the States about the future of the two closed schools. I also indicated that the Education, Sport and Culture Committee no longer had a defined use for the St. Mark’s site and the Victoria College Board of Governors was considering its suitability as a pre-prep.

Since then, the administration of the La Pouquelaye site has been handed over to the Property Services Department and I understand that the Parish of St. Helier is interested in purchasing the building for community use.

As far as the St. Mark’s site is concerned, a number of developments have caused the Committee to reconsider its position.

1. In January 2004, a Children’s Executive was established to give effect to the recommendations of the Bull Report (2000). Subsequently the Health and Social Services, Home Affairs and Education, Sport and Culture Committees endorsed the recommendations of the Executive. This signalled the beginning of more integrated working between departments providing services for children.
2. In June 2004, the Victoria College Board of Governors abandoned its plans for St. Mark’s due to potential traffic problems.
3. In July 2005, the Education, Sport and Culture Committee published its vision for early childhood education and care, *‘Investing in Our Future’*, (R.C.54/2005), which included a recommendation for the development of an Integrated Children’s Centre in the town area.

Following consultation with our strategic partners, the Health and Social Services and Home Affairs Committees, the Education, Sport and Culture Committee now plans to move forward with the development of an Integrated Children’s Centre and has identified the St. Mark’s site as being suitable for this purpose. States members will today receive R.C.81/2005 which sets out, in more detail, the rationale for this plan and how it will be achieved.

The Presidents of the Finance and Economics and Environment and Public Services Committees have been consulted about the future use of the St. Mark's site and have indicated their support for the development of the Integrated Children's Centre, recognising that this is the most appropriate use for the site at this time.

It is anticipated that the new Centre will be fully functional by January 2006."

#### **Draft Bankruptcy (Désastre) (Amendment No. 5) (Jersey) Law 200 P.172/2005**

##### **Comments**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Bankruptcy (Désastre) (Amendment No. 5) (Jersey) Law 200.

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

##### **Comments**

THE STATES resumed consideration of a proposition of Senator Richard Joseph Shenton concerning the St. Helier Waterfront Development: direction to W.E.B. Ltd., having adjourned previous consideration of the matter on 21st September 2005.

THE STATES, following further consideration, granted leave to Senator Richard Joseph Shenton to withdraw the proposition.

#### **Draft Terrorism (Amendment) (Jersey) Law 200- P.160/2005**

THE STATES commenced consideration of the draft Terrorism (Amendment) (Jersey) Law 200-, and adopted the preamble.

Members present voted as follows –

**POUR: 25**

**CONTRE: 0**

**ABSTAIN: 0**

Senator F.H. Walker  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator P.F.C. Ozouf  
Senator R.J. Shenton  
Connétable of St. Martin  
Connétable of St. Ouen  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of Grouville  
Connétable of St. John  
Deputy R.C. Duhamel (S)  
Deputy J.J. Huet (H)  
Deputy of St. Martin  
Deputy of St. John  
Deputy M.F. Dubras (L)  
Deputy J.L. Dorey (H)  
Deputy C.J. Scott-Warren (S)  
Deputy R.G. Le Hérisier (S)  
Deputy J.A. Bernstein (B)

Deputy of St. Mary  
Deputy M.A. Taylor (C)  
Deputy of St. Peter

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Terrorism (Amendment) (Jersey) Law 200-.

**La Récolte des Fruits, St. Martin: removal of agricultural occupancy restriction- P.191/2005**  
**Comments**

THE STATES, adopting a proposition of Senator Richard Joseph Shenton, requested the Environment and Public Services Committee to reconsider its decision in relation to units of accommodation at La Récolte des Fruits La Rue de la Fosse à Grès, St. Martin and to approve the removal of the agricultural occupancy condition c units.

Members present voted as follows –

**POUR: 31**

Senator J.A. Le Maistre  
Senator S. Syvret  
Senator L. Norman  
Senator F.H. Walker  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator R.J. Shenton  
Connétable of St. Martin  
Connétable of St. Ouen  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of St. Lawrence  
Deputy A. Breckon (S)  
Deputy of St. Martin  
Deputy of St. John  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy C.J. Scott-Warren (S)  
Deputy L.J. Farnham (S)  
Deputy R.G. Le Hérisssier (S)  
Deputy J.B. Fox (H)  
Deputy J-A. Bridge (H)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy S.C. Ferguson (B)  
Deputy of Grouville  
Deputy of St. Peter

**CONTRE: 12**

Senator M.E. Vibert  
Connétable of Grouville  
Connétable of St. John  
Deputy R.C. Duhamel (S)  
Deputy J.J. Huet (H)  
Deputy J.L. Dorey (H)  
Deputy J.A. Bernstein (B)  
Deputy of St. Mary  
Deputy P.J.D. Ryan (H)  
Deputy M.A. Taylor (C)  
Deputy J.A. Hilton (H)  
Deputy G.W.J. de Faye (H)

**ABSTAIN: 0**

**Driver and Vehicle Standards: proposed transfer to transport and technical services – P.194/2005**

THE STATES, adopting a proposition of the Policy and Resources Committee, referred to their Act dated 6th July 2005, in which *inter alia* they agreed that following the introduction of the ministerial system there should be a Minister for Transport and Technical Services, and –

agreed that political responsibility for the Driver and Vehicle Standards Department, and the functions undertaken by that Department, should be transferred from the Home Affairs Minister to the Transport and Technical Services Minister.

### **Draft Corruption (Jersey) Law 200- P.198/2005**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Corruption (Jersey) Law 200-.

### **Meetings of the States in 2006 – P.199/2005 Amendment**

THE STATES commenced consideration of a proposition of the Privileges and Procedures Committee concerning meetings of the States in 2006, and adopted an amendment of the Deputy of St. Martin that in paragraph (b), for the dates in Column 3, there be substituted the dates shown in the table below –

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Tuesday 17th January	Wednesday 18th January	<b>Thursday 19th January</b>
Tuesday 31st January	Wednesday 1st February	<b>Thursday 2nd February</b>
Tuesday 14th February	Wednesday 15th February	<b>Thursday 16th February</b>
Tuesday 28th February	Wednesday 1st March	<b>Thursday 2nd March</b>
Tuesday 14th March	Wednesday 15th March	<b>Thursday 16th March</b>
Tuesday 28th March	Wednesday 29th March	<b>Thursday 30th March</b>
Tuesday 11th April	Wednesday 12th April	<b>Thursday 13th April</b>
Tuesday 25th April	Wednesday 26th April	<b>Thursday 27th April</b>
Tuesday 9th May (Liberation Day)		
Tuesday 16th May	Wednesday 17th May	<b>Thursday 18th May</b>
Tuesday 23rd May	Wednesday 24th May	<b>Thursday 25th May</b>
Tuesday 6th June	Wednesday 7th June	<b>Thursday 8th June</b>
Tuesday 20th June	Wednesday 21st June	<b>Thursday 22nd June</b>
Tuesday 4th July	Wednesday 5th July	<b>Thursday 6th July</b>
Tuesday 18th July	Wednesday 19th July	<b>Thursday 20th July</b>

Tuesday 12th September	Wednesday 13th September	<b>Thursday 14th September</b>
Tuesday 26th September	Wednesday 27th September	<b>Thursday 28th September</b>
Tuesday 10th October	Wednesday 11th October	<b>Thursday 12th October</b>
Tuesday 24th October	Wednesday 25th October	<b>Thursday 26th October</b>
Tuesday 7th November	Wednesday 8th November	<b>Thursday 9th November</b>
Tuesday 21st November	Wednesday 22nd November	<b>Thursday 23rd November</b>
Tuesday 5th December	Wednesday 6th December	<b>Thursday 7th December</b>

Members present voted as follows –

**POUR: 24**

Senator J.A. Le Maistre  
 Senator L. Norman  
 Senator F.H. Walker  
 Senator W. Kinnard  
 Senator T.A. Le Sueur  
 Senator P.F. Routier  
 Connétable of St. Martin  
 Connétable of St. Ouen  
  
 Connétable of St. Brelade  
 Connétable of St. Mary  
 Connétable of St. Lawrence  
 Connétable of Grouville  
 Deputy R.C. Duhamel (S)  
 Deputy A. Breckon (S)  
 Deputy J.J. Huet (H)  
 Deputy of St. Martin  
 Deputy J.L. Dorey (H)  
 Deputy C.J. Scott-Warren (S)  
 Deputy L.J. Farnham (S)  
 Deputy J.B. Fox (H)  
 Deputy J.A. Martin (H)  
 Deputy J.A. Bernstein (B)  
 Deputy S.C. Ferguson (B)  
 Deputy J.A. Hilton (H)

**CONTRE: 13**

Senator M.E. Vibert  
 Senator P.F.C. Ozouf  
 Connétable of St. Clement  
 Connétable of Trinity  
 Connétable of St. John  
 Deputy T.J. Le Main (H)  
 Deputy M.F. Dubras (L)  
 Deputy R.G. Le Hérisier  
 (S)  
 Deputy of St. Mary  
 Deputy of St. Ouen  
 Deputy P.J.D. Ryan (H)  
 Deputy M.A. Taylor (C)  
 Deputy G.W.J. de Faye (H)

**ABSTAIN: 0**

THE STATES, adopting a proposition of the Privileges and Procedures Committee, as amended, agreed to suspend Standing Orders 4(1) and 5(1C) as necessary, and –

- (a) agreed that the Assembly as reconstituted after the elections for Senator and Deputy should meet –
  - (i) on Monday 5th December 2005, for the purpose of electing a Chief Minister designate;
  - (ii) on Thursday 8th December 2005, for the purpose of electing the Chairman of the Privileges and Procedures Committee, Ministers, the Chairmen of the Public Accounts Committee and the

Chairmen of the Scrutiny Panels; and

- (iii) on Tuesday 13th December 2005, for the purpose of electing the members of the Privileges and Procedures and Public Accounts Committees, and the members of the Scrutiny Panels;
- (b) that in the year 2006 the States should meet on the days listed in Column 1 in the table below, with the meeting to continue on the day shown in Column 2, and if necessary the day in Column 3, if consideration of the public business set down for the meeting could not be completed on the first day and second day –

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Tuesday 17th January	Wednesday 18th January	Thursday 19th January
Tuesday 31st January	Wednesday 1st February	Thursday 2nd February
Tuesday 14th February	Wednesday 15th February	Thursday 16th February
Tuesday 28th February	Wednesday 1st March	Thursday 2nd March
Tuesday 14th March	Wednesday 15th March	Thursday 16th March
Tuesday 28th March	Wednesday 29th March	Thursday 30th March
Tuesday 11th April	Wednesday 12th April	Thursday 13th April
Tuesday 25th April	Wednesday 26th April	Thursday 27th April
Tuesday 9th May (Liberation Day)		
Tuesday 16th May	Wednesday 17th May	Thursday 18th May
Tuesday 23rd May	Wednesday 24th May	Thursday 25th May
Tuesday 6th June	Wednesday 7th June	Thursday 8th June
Tuesday 20th June	Wednesday 21st June	Thursday 22nd June
Tuesday 4th July	Wednesday 5th July	Thursday 6th July
Tuesday 18th July	Wednesday 19th July	Thursday 20th July
Tuesday 12th September	Wednesday 13th September	Thursday 14th September
Tuesday 26th September	Wednesday 27th September	Thursday 28th September
Tuesday 10th October	Wednesday 11th October	Thursday 12th October
Tuesday 24th October	Wednesday 25th October	Thursday 26th October
Tuesday 7th November	Wednesday 8th November	Thursday 9th November
Tuesday 21st November	Wednesday 22nd November	Thursday 23rd November

Tuesday 5th December	Wednesday 6th December	Thursday 7th December
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**Jersey Police Complaints Authority: appointment of member – P.200/2005**

THE STATES, adopting a proposition of the Home Affairs Committee, in accordance with Article 2 of, and the Schedule to, the Police (Complaints and Discipline) (Jersey) Law 1999, re-appointed Mr. Derek Le Maistre as member of the Jersey Police Complaints Authority with effect from 1st January 2006.

**Draft Public Finances (Consequential Amendments) (Jersey) Regulations 200- P.203/2005**

THE STATES, in pursuance of Article 72 of the Public Finances (Jersey) Law 2005, made Regulations entitle the Public Finances (Consequential Amendments) (Jersey) Regulations 2005.

**Greville Bathe Fund: appointment of trustees – P.204/2005**

THE STATES, adopting a proposition of the Finance and Economics Committee, approved the appointment of Jurats John Lyndon Le Breton and Peter John Morgan for the purpose of administering the income of the Greville Bathe Fund in place of Arthur Philip Quéréé and Michael Arthur Rumfitt who, on 18th May 2004, and 3rd June 2004, respectively, ceased to hold the office of Jurat.

**Draft Public Finances (Jersey) Law 2005 (Appointed Day No. 2) Act 200 P.207/2005**

THE STATES, in pursuance of Article 73(2) of the Public Finances (Jersey) Law 2005, made an Act entitled the Public Finances (Jersey) Law 2005 (Appointed Day No. 2) Act 2005.

**Draft Public Finances (Transitional Provisions No. 1) (Jersey) Regulations 200 P.208/2005**

THE STATES, in pursuance of Article 71 of the Public Finances (Jersey) Law 2005, made Regulations entitle the Public Finances (Transitional Provisions No. 1) (Jersey) Regulations 2005.

**Draft Public Finances (Transitional Provisions No. 2) (Jersey) Regulations 200 P.209/2005**

THE STATES, in pursuance of Article 71 of the Public Finances (Jersey) Law 2005, made Regulations entitle the Public Finances (Transitional Provisions No. 2) (Jersey) Regulations 2005.

**Draft Public Finances (Transitional Provisions – States Trading Operations) (Jersey) Regulations 200-P.210/2005**

THE STATES, in pursuance of Article 71 of the Public Finances (Jersey) Law 2005 made Regulations entitle the Public Finances (Transitional Provisions – States Trading Operations) (Jersey) Regulations 2005.

**Draft Housing (Amendment No. 12) (Jersey) Law 200 P.212/2005**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Housing (Amendment No. 12) (Jersey) Law 200.

**Draft States of Jersey (Transfer of Functions from Committees to Ministers) (Amendment) (Jersey) Regulations 200- P.215/2005**

THE STATES, in pursuance of Article 49 of the States of Jersey Law 2005, made Regulations entitled the States of Jersey (Transfer of Functions from Committees to Ministers) (Amendment) (Jersey) Regulations 2005.

**Draft States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 200- P.216/2005**

THE STATES, in pursuance of Article 49 of the States of Jersey Law 2005, made Regulations entitled the States of Jersey (Amendments and Construction Provisions No. 3) (Jersey) Regulations 2005.

**Draft States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 200- P.217/2005**

THE STATES, in pursuance of Article 49 of the States of Jersey Law 2005, made Regulations entitled the States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 2005.

**Draft Data Protection (Jersey) Law 2005 (Appointed Day) Act 200- P.227/2005**

THE STATES, in pursuance of Article 72(3) of the Data Protection (Jersey) Law 2005, made an Act entitled the Data Protection (Jersey) Law 2005 (Appointed Day) Act 2005.

Members present voted as follows –

**POUR: 24**

Senator L. Norman  
Senator T.A. Le Sueur  
Senator P.F.C. Ozouf  
Connétable of St. Martin  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of St. John  
Deputy A. Breckon (S)  
Deputy of St. Martin  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy G.C.L. Baudains (C)  
Deputy L.J. Farnham (S)  
Deputy R.G. Le Hérisier (S)  
Deputy J.B. Fox (H)  
Deputy J.A. Bernstein (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: 2**

Deputy R.C. Duhamel (S)  
Deputy of St. John

**ABSTAIN: 0**

**Draft Data Protection (Corporate Finance Exemption) (Jersey) Regulations 200- P.228/2005**

THE STATES, in pursuance of paragraph 6(2) of Schedule 7, and Article 67, of the Data Protection (Jersey) Law 2005, made Regulations entitled the Data Protection (Corporate Finance Exemption) (Jersey) Regulations 2005.

**Draft Data Protection (Credit Reference Agency) (Jersey) Regulations 200- P.229/2005**

THE STATES, in pursuance of Articles 9(3) and 67 of the Data Protection (Jersey) Law 2005, made Regulations entitled the Data Protection (Credit Reference Agency) (Jersey) Regulations 2005.

**Draft Data Protection (Fair Processing) (Jersey) Regulations 200- P.230/2005**

THE STATES, in pursuance of paragraph 3(1) of Schedule 1 Part 2, and Article 67, of the Data Protection (Jersey) Law 2005, made Regulations entitled the Data Protection (Fair Processing) (Jersey) Regulations 2005.

**Draft Data Protection (International Co-operation) (Jersey) Regulations 200- P.231/2005**

THE STATES, in pursuance of Articles 54 and 67 of the Data Protection (Jersey) Law 2005, made Regulations entitled the Data Protection (International Co-operation) (Jersey) Regulations 2005.

**Draft Data Protection (Notification) (Jersey) Regulations 200- P.232/2005**

THE STATES, in pursuance of Articles 17(5), 18, 19, 20, 22 and 67, and Schedule 12, of the Data Protection (Jersey) Law 2005, made Regulations entitled the Data Protection (Notification) (Jersey) Regulations 2005.

**Draft Data Protection (Sensitive Personal Data) (Jersey) Regulations 200- P.233/2005**

THE STATES, in pursuance of Article 67, and paragraph 10 of Schedule 3, of the Data Protection (Jersey) Law 2005, made Regulations entitled the Data Protection (Sensitive Personal Data) (Jersey) Regulations 2005.

**Draft Data Protection (Subject Access Exemptions) (Jersey) Regulations 200- P.234/2005**

THE STATES, in pursuance of Articles 38(1) and 67 of the Data Protection (Jersey) Law 2005, made Regulations entitled the Data Protection (Subject Access Exemptions) (Jersey) Regulations 2005.

**Draft Data Protection (Subject Access Miscellaneous) (Jersey) Regulations 200- P.235/2005**

THE STATES, in pursuance of Articles 7(4), (5) and (11), 8(1) and 67 of the Data Protection (Jersey) Law 2005, made Regulations entitled the Data Protection (Subject Access Miscellaneous) (Jersey) Regulations 2005.

**Draft Data Protection (Subject Access Modification – Education) (Jersey) Regulations 200- P.236/2005**

THE STATES, in pursuance of Articles 30(2) and 67 of the Data Protection (Jersey) Law 2005, made Regulations entitled the Data Protection (Subject Access Modification – Education) (Jersey) Regulations 2005.

**Draft Data Protection (Subject Access Modification – Health) (Jersey) Regulations 200- P.237/2005**

THE STATES, in pursuance of Articles 30(2) and 67 of the Data Protection (Jersey) Law 2005, made Regulations entitled the Data Protection (Subject Access Modification – Health) (Jersey) Regulations 2005.

**Draft Data Protection (Subject Access Modification – Social Work) (Jersey) Regulations 200- P.238/2005**

THE STATES, in pursuance of Articles 30(3) and 67 of the Data Protection (Jersey) Law 2005, made Regulations entitled the Data Protection (Subject Access Modification – Social Work) (Jersey) Regulations 2005.

**Draft Data Protection (Transfer in Substantial Public Interest) (Jersey) Regulations 200- P.239/2005**

THE STATES, in pursuance of paragraph 10(a) of Schedule 4, and Article 67, of the Data Protection (Jersey) Law 2005, made Regulations entitled the Data Protection (Transfer in Substantial Public Interest) (Jersey) Regulations 2005.

Members present voted as follows –

**POUR: 36**

**CONTRE: 0**

**ABSTAIN: 0**

Senator J.A. Le Maistre  
Senator L. Norman  
Senator F.H. Walker  
Senator W. Kinnard  
Senator T.A. Le Sueur  
Senator P.F. Routier  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Connétable of St. Martin  
Connétable of St. Ouen  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of St. John  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy J.J. Huet (H)  
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.B. Fox (H)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)  
Deputy of St. Mary  
Deputy of St. Ouen  
Deputy P.J.D. Ryan (H)  
Deputy M.A. Taylor (C)  
Deputy of St. Peter  
Deputy J.A. Hilton (H)

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

THE STATES rose at 5.20 p.m.

**M.N. DE LA HAYE**

*Greffier of the States.*