



**THE STATES assembled on Tuesday,
19th March 2002 at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

**His Excellency the Lieutenant Governor,
Air Chief Marshal Sir John Cheshire, K.B.E., C.B.,
was present**

All members were present with the exception of -

Senator Christopher Gerard Pellow Lakeman - out of the Island
Francis Herbert Amy, Connétable of Grouville - out of the Island
Imogen Stephanie Nicholls, Deputy of Grouville - out of the Island
Jacqueline Jeannette Huet, Deputy of St. Helier - out of the Island
Michael Edward Vibert, Deputy of St. Brelade - out of the Island

Prayers

Matters noted - acceptance of tender

THE STATES noted an Act of the Finance and Economics Committee dated 6th March 2002, showing that, in pursuance of Rule 5 of the Public Finances (General) (Jersey) Rules 1967, as amended, the Committee had noted that -

- (a) the Public Services Committee had accepted the lowest tender in respect of a foul water drainage extension to serve La Ville La Bas, St. Ouen, namely that submitted by Jayen (Jersey) Limited in the sum of £363,240.90;
- (b) the Harbours and Airport Committee had accepted a negotiated tender in respect of the contract for the South Apron extension works at Jersey Airport namely that submitted by P. Trant Limited for the sum of £813,046.

Matters lodged

The following matters were lodged "au Greffe" -

Commercial House, Commercial Street, St. Helier: lease of 3rd floor office accommodation - P.36/2002.
Presented by the Industries Committee.

Jersey Heritage Trust: amendments to constitution - P.37/2002.
Presented by Deputy G.C.L. Baudains of St. Clement.

Draft Motor Traffic (No. 8) (Jersey) Regulations 200- P.38/2002.
Presented by the Public Services Committee.

Draft Parish Rate (Administration) (Jersey) Law 200- (P.206/2001): amendments - P.206/2002 Amd. - withdrawn

THE STATES noted that the Connétable of St. Helier had instructed the Greffier, in accordance with Standing Order 22(3), to withdraw the Draft Parish Rate (Administration) (Jersey) Law 200- (P.206/2001): amendments (P.206/2001 Amd. lodged "au Greffe" on 5th March 2002) which were due to have been considered at the present meeting.

Arrangement of public business for the present meeting

THE STATES rejected a proposition of the Connétable of St. Helier that the Draft Parish Rate (Administration) (Jersey) Law 200- be not considered at the present meeting.

Members present voted as follows -

"Pour" (21)

Senators

Stein, Bailhache, Syvret, Norman, Walker, Le Claire.

Connétables

St. Helier.

Deputies

Routier(H), St. Martin, Le Main(H), Dubras(L), Dorey(H), Troy(B), Voisin(L), Scott Warren(S), Farnham(S), Ozouf(H), Fox(H), Bridge(H), Martin(H), Southern(H).

"Contre" (26)

Senators

Horsfall, Le Maistre, Quérée, Kinnard, Le Sueur.

Connétables

St. Martin, St. Ouen, Trinity, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. John, St. Peter, St. Clement.

Deputies

H. Baudains(C), St. Mary, Trinity, Duhamel(S), Layzell(B), Breckon(S), St. John, St. Peter, St. Ouen, G. Baudains(C), Le Hérisssier(S).

Arrangement of public business for the next meeting on 9th April 2002

THE STATES confirmed that the following matters lodged "au Greffe" would be considered at the next meeting on 9th April 2002 in the order shown -

Draft Motor Traffic (No. 8) (Jersey) Regulations 200- P.38/2002.
Lodged: 19th March 2002.
Public Services Committee.

The Jersey Community Relations Trust - P.33/2002.
Lodged: 5th March 2002.

Policy and Resources Committee.

Belle Vue, La Route des Quennevais, St. Brelade: transfer of administration to the Public Services Committee - P.34/2002.

Lodged: 12th March 2002.

Planning and Environment Committee.

Commercial House, Commercial Street, St. Helier: lease of 3rd floor office accommodation - P.36/2002.

Lodged: 19th March 2002.

*Industries Committee.***Confiscation of Alcohol from young people - question and answer** (Tape No. 724)

The Deputy of St. Martin asked Deputy Alastair John Layzell of St. Brelade, President of the Home Affairs Committee, the following question -

“Will the President advise members whether the Committee is considering the introduction of legislation, similar to that in the United Kingdom, which will permit alcohol found in possession of young people in a public place to be confiscated?”

The President of the Home Affairs Committee replied as follows -

“Officers responsible for the Substance Misuse Strategy and the Crime and Community Safety Strategy have jointly prepared a draft Alcohol Strategy which was circulated to members for comment in the week before Christmas. On page six of the Strategy, under the heading ‘Under-Age Consumption’, one of the key proposals reads as follows:

‘Consider an amendment to the Policing of Roads, Parks and Beaches Regulations to make it an offence for a person under eighteen, on any road or public place, to have in their possession any alcoholic beverage unless under the direct supervision of a parent or legal guardian.’

Rather than develop measures to combat alcohol abuse in a piecemeal fashion, the Alcohol Strategy takes a holistic approach to the problem. There are other key proposals on taxation and pricing, promotion of alcohol, changing attitudes and support and treatment, as well as other legislative measures. Changes to current legislation, such as that proposed in the question, will be one of the first proposals to be put into effect.

The Health and Social Services Committee, of which the Deputy of St. Martin is a member, is the lead Committee for this Strategy. I am advised that it will be considering the final draft shortly before presenting it to the States.”

Hospital beds - question and answer (Tape No. 724)

Deputy Philip Francis Cyril Ozouf of St. Helier asked Senator Stuart Syvret, President of the Health and Social Services Committee, the following question -

“Would the President inform the Assembly -

- (a) how many beds at the General Hospital are currently ‘bed-blocked’ by patients who could be more appropriately cared for in longer-term care homes (expressed as a total figure and as a proportion of total available beds)?
- (b) how does this figure differ from those experienced in the recent years?

- (c) what was the estimated number of such occupancy and how does the actual current figure differ from the estimates?
- (d) what are the knock-on financial and non-financial implications of this bed-blocking for non-urgent procedures and Committee finances generally?
- (e) what is the reason for the problem and what action does the Committee intend to do about it?"

The President of the Health and Social Services Committee replied as follows -

- “(a) There are currently 52 beds occupied by patients whose discharges are being delayed. The great majority of these are medical patients where their total number (112) considerably exceeds the 72 beds allocated within the medical wards. In consequence, the 88 surgical beds are under significant pressure, as the 40 medical outliers placed in them delay people waiting for non-urgent surgical treatment. It can be seen, therefore, that of the 160 acute surgical and medical beds available, in excess of 31 per cent of them are occupied by patients with delayed discharges;
- (b) This figure is considerably in excess of that seen in recent years;
- (c) The total number of beds available within the General Hospital has remained static, though significant improvements in throughput have been achieved following the introduction of a dedicated Day Surgery facility in recent years. The number of delayed discharge patients is three times that experienced during the same period last year;
- (d) These pressures have a direct bearing on our capacity to undertake elective, non-urgent surgery. Additional resources have had to be allocated to address the problem.

Initiatives which had already been included in the 2002 Development Plan which will impact upon the waiting list and delayed discharge problems include the following:

	£
Physiotherapy/Occupational Therapy in the Hospital	80,000
Physiotherapy/Occupational Therapy - Discharge for Older People	132,000
Funding for Flexible Home Core Support Package	75,000
Occupational Therapy support for Disabled clients at home	65,500
Stroke care and Discharge/Outreach service	57,000
Consolidation of Day Centre Services	62,000
Social Worker specialising in work with Disabled clients	47,000
Hospital after-care Scheme-Volunteer Service	25,000
Hospital based Social Worker (discharge planning)	44,000
Total	587,500

In addition, further continuing care and rehabilitation beds have been made available in both the private sector and at Overdale, which together will cost £1.68 million in a full financial year.

The financial implications are considerable, the full year effect of those measures introduced in 2002 amounts to £2.26 million. Furthermore the implementation of the remainder of the Committee's 2002 development programme, as presented to the States' during the Resource Plan amendment debate in September 2001, has had to be delayed. These measures are necessary in order to respond to these particular challenges within our budget allocation and thereby avoid having to seek additional funds from the Finance and Economics Committee.

The non-financial implications of this delayed discharge impact upon patients in a number of ways. The loss of surgical beds to medical patients reduces, very significantly, our capacity to perform non-urgent surgery. Since early November, whilst the Day Surgery Unit has continued to function as scheduled, non-urgent surgery which requires patients to be admitted to hospital for any significant period has had to be deferred. Emergency and urgent surgery has been performed as usual. Inevitably, the longer that this situation continues the greater the impact upon waiting lists and the Committee's ability to meet maximum non-urgent waiting list targets.

- (e) There is no single reason for the considerable difficulties experienced during the last five months. The marked increase in demand for hospital beds is not unique to Jersey and has been well documented in Britain and elsewhere.

There has been a steady increase in demand for services at the General Hospital over many years. However, a significant step increase occurred towards the end of 2001. The consequences of the problem are immediately apparent whilst the causes, like the measures required to address them, are complex.

Factors contributing to the deteriorating situation include increasing demand for hospital beds and increasing difficulty in discharging people home from hospital due to:-

- an increase in the elderly and frail population in line with demographic trends;
- increased capacity of medical science to treat a variety of conditions;
- over 170 nursing and residential home beds for the elderly have been lost from the private sector over the last 5 years;
- lack of support structures in the Community due to inability to invest in a climate of resource constraint over a period of many years.

The above have given rise to an extraordinary increase in emergency medical, as opposed to surgical, admissions.

The measures which have already been taken to address the problem are detailed below:

1. strengthen bed management and discharge/ rehabilitation arrangements between the General Hospital and Elderly Services, increase skills;
2. stimulate and support the private sector in playing its part in overall service provision;
 - increase the weekly rates paid for placements by Parishes/States;
 - support proprietors in providing therapist services through appropriate outreach arrangements;
 - respond positively to planning applications to develop services wherever possible;

- seek the support of the Home Affairs Committee in respect of the employment of non EU nationals.
- 3. increase capacity in respect of rehabilitation and continuing care beds;
- 4. continue to develop community based services as funding allows;
- 5. detail the sheltered housing requirements already identified in the draft Island Plan;
- 6. develop a joined up strategy which addresses the needs of older people across the full range of government services;
- 7. continue to implement the Health and Social Services Committee's capital building programme in respect of rehabilitation/ continuing care services."

Human Rights (Jersey) Law 200- - questions and answers (Tape No. 724)

Senator Paul Vincent Francis Le Claire asked Senator Wendy Kinnard, President of the Legislation Committee, the following questions -

- “1. On 8th February 2000, the States approved the draft Human Rights (Jersey) Law (P.197/99) which received Royal Sanction on 17th May 2000. During the debate it was stated the Law would come into force early in 2002. Would the President give the reasons why the Law has not come into force yet and advise members when the Law will come into force?
2. Prior to presenting the draft Human Rights (Jersey) Law, did the Committee give consideration to inviting the States to make a representation to the United Kingdom government to request, on the Island's behalf, a derogation from any of the articles of the Convention having regard to problems of residence, work and education due to the small size of the Island?

If the answer is yes, would you kindly supply members with details?

If no representation was made, is it possible to make a representation at this stage, and if so, how might this be taken forward?"

The President of the Legislation Committee replied as follows -

- “1. The Report which accompanied the draft Human Rights (Jersey) Law 200- did not make specific reference to a date when the Law would be brought into force. It stated that, “In the United Kingdom the Human Rights Act was enacted in 1998 but will not be brought into force until October 2000 in order to give public authorities adequate time to prepare. The draft law contains provisions for an Appointed Day Act and there will clearly be a need to allow plenty of time for adequate preparations before the Law is brought into effect.” At the time of the debate approximately a two-year period was envisaged as necessary for law drafting and training prior to implementation. It has taken much longer than anticipated to prepare three important pieces of legislation, which need to be brought into force before the Human Rights Law takes effect. These are the draft Police Procedures and Criminal Evidence (Jersey) Law, the draft Regulation of Investigatory Powers (Jersey) Law and various amendments to the Interception of Telecommunications (Jersey) Law. The first of these is nearly ready and will be lodged au Greffe by the Home Affairs Committee in the near future. Work on preparing the drafting instructions for the other two is in hand. The aim is to have both Laws ready as soon as possible so that the Human Rights Law can come into force towards the end of the year. The delay is due to the very considerable amount, complexity and consultation involved in the work, coupled with a lack of resources in the Law Officer's Department and the interruption

caused by the unforeseen need to prepare a draft anti-terrorism law after the terrorist attacks of 11th September 2001.

2. No such representation was considered by the Legislation Committee nor could one have been made in respect of the matters mentioned in the question.

Article 15 of the European Convention of Human Rights permits any High Contracting Party to take measures derogating from its obligations under the Convention in time of war or other public emergency, threatening the life of the nation. The United Kingdom could make a derogation on behalf of the Island in respect of those measures if conditions calling for them existed. However no emergency exists, no measures exist or are contemplated, and accordingly there are no grounds for requesting the UK to make such a derogation.

Members may like to note that the only derogation relating to Jersey is that made in respect of certain provisions of the Prevention of Terrorism (Jersey) Law 1996 relating to the power to detain terrorist suspects. The derogation is set out in Schedule 2 to the Human Rights (Jersey) Law 2000. The Island will be able to ask for that derogation to be withdrawn when the 1996 law has been repealed by the proposed new Terrorism (Jersey) Law.”

Waste milk - question and answer (Tape No. 724)

The Deputy of St. John asked Senator Jean Amy Le Maistre, President of the Agriculture and Fisheries Committee, the following question -

“Will the President advise the Assembly of -

- (a) the volume of milk waste sent to Bellozanne by the Jersey Milk Marketing Board between 7th March 2001 and 7th March 2002, and of the milk waste, what percentage was organic milk?
- (b) the amount of aid paid to the dairy industry over the same period, direct and indirect?”

The President of the Agriculture and Fisheries Committee replied as follows -

“(a) It needs to be understood that the normal operations of a dairy will inevitably result in an element of waste, for example from ‘wet’ and contaminated milk. The volume of milk waste transported to Bellozanne by Jersey Milk between 7th March 2001 and 7th March 2002 was 314,717 litres. Of this total the percentage of organic milk was zero.

The total amount of waste over the period was unusually high because of a reduction in sales of minipots and a consequent need to increase production of skimmed milk powder. Some waste resulted when the volume to be processed exceeded the 24 hour capacity of the plant. It is estimated that the level of waste will fall once the level of milk output has been reduced in line with market demand. The normal level of transported waste would then be less than 1per cent of milk throughput, which I understand to be low compared with all except the largest - scale processors.

- (b) The total amount of aid provided to the dairy industry in the calendar year 2001 was approximately £1,914,538, comprising Direct Aid amounting to £917,966 and Indirect Aid amounting to approximately £996,572. With regard to indirect aid, there is a degree of estimation, because some services are shared between the dairy industry and the crop production sectors.

These figures are for the calendar year 2001, and not for the period specified in the question. Estimates could be made for the period specified, but this would require a considerable amount of extra work to extract the information required manually.”

Income tax revenue - question and answer (Tape No. 724)

Deputy Geoffrey Peter Southern of St. Helier asked Senator Frank Harrison Walker, President of the Finance and Economics Committee, the following question -

- “1. In his reply to a supplementary question on tax revenue on 26th February 2002 from Senator Syvret, the President referred to revenue generated by closing of legal loopholes by which tax can be avoided as being insignificant.

In the Fiscal Review Working Group: Second Report (R.C.37/99) it is stated at Para 2.2.3. -

‘In the Professional Service and Finance Sectors companies are in fierce competition for staff. They compete by offering non-cash rewards such as:

Cheap loans
Rent-free accommodation
Company cars

.... This competition increases because it is, by its nature, self-perpetuating.’

- (a) Will the President give up-to-date estimates of what tax income would be generated from taxation of these three benefits in kind?
- (b) In R.C.37/99 (paragraph 7.3.3), the Comptroller of Income Tax put forward the proposal that (following the lines of the New Zealand Fringe Benefits Tax (FBT)) the charge to tax should be made on the employer and not on the employee. This would produce the additional revenue which might be anticipated from the taxation of benefits in kind with minimal need for extra staff at the Income Tax Department. Has the Committee considered this proposal?
- (c) If the answer to (b) is in the negative, will the President undertake to raise the matter with his Committee?”

The President of the Finance and Economics Committee replied as follows -

“I shall answer the questions in the order they were asked.

- (a) The Comptroller of Income Tax estimates that up to £2 million in tax revenues would be generated from the taxation of these benefits in kind.
- (b) Yes. That proposal has been considered and acted upon by my Committee. The Deputy will no doubt have seen the Notice in the Jersey Gazette last night announcing a consultation period on the possible introduction of a benefits-in-kind regime of the type identified in his question and he, like all other States Members, had posted to them yesterday, by the Comptroller of Income Tax, a copy of the consultation paper.
- (c) My last answer disposes of this question.”

La Crête Quarry, Anne Port - question and answer (Tape No. 724)

Senator Paul Vincent Francis Le Claire asked the Deputy of St. Peter, President of the Public Services Committee, the following question -

“With regard to refuse being held at La Crête Quarry, Anne Port, would the President advise members -

- (a) how much refuse is being held at this quarry, how long it has been there and why?
- (b) what environmental studies have been undertaken to ascertain its impact upon the environment including on any water sources?
- (c) when it is proposed that the refuse is dealt with and how?”

The President of the Public Services Committee replied as follows -

- “(a) There are approximately 500 tonnes of shredded and baled refuse stored at La Crête. This material comprises waste plastic, timber, cardboard and rubber. It does not contain any putrescible material. In addition to the baled material, there are approximately 2,000 tonnes of road sweepings or bannelais stored at the quarry. The baled material has been there since the industrial dispute in 1997 and this quantity represents approximately half of the original quantity stored there at the time of the dispute. The bannelais is turned over on a regular basis and during the late spring or early summer of each year, the site is completely cleared of this material. It is stored at La Crête separately from the composting operation as it contains a relatively high grit content and if incorporated into the compost would degrade its quality.
- (b) The site was investigated by the Water Resources section in 1998 and a leachate collection tank installed to collect any run-off from the site. This leachate is tankered to Bellozanne. The site is also inspected and baited for vermin control.
- (c) The bannelais is removed on an annual basis. The baled material will be removed when there is sufficient capacity at the Bellozanne incinerator to deal with this additional quantity over and above the weekly incoming deliveries. The deliveries to Bellozanne are approximately 82,000 tonnes per annum. Based on this figure it is necessary to operate two incinerator streams at all times and only when the third one is available can the backlog of material be reduced. Due to the age of the plant and the high maintenance required in order to keep it operating for the next 6 - 8 years, the third stream is only available for 8 - 10 weeks per annum. In total there are approximately 3800 tonnes of material stockpiled in baled form at La Crête, La Collette and Bellozanne. The large incinerator stream is currently undergoing major maintenance and when it is recommissioned in 6 weeks' time we hope to be able to operate all three streams for a few weeks. After the summer when sufficient staff are available we aim to have a further period of three stream operation. At this time I cannot give a definite date for its removal, but I would hope that by the end of 2002, the material should be cleared from La Crête.”

Postal delays - question and answer (Tape No. 724)

The Deputy of St. John asked Senator Frank Harrison Walker, President of the Committee for Postal Administration, the following question -

“Last Tuesday, 12th March 2002 I received a letter posted in Jersey the previous Thursday, 7th March 2002, and from discussions with a colleague I have learnt that this experience is not unique. Will the President explain why local mail is now taking up to five days to be delivered?”

The President of the Committee for Postal Administration replied as follows -

“I would like to thank the Deputy of St. John for his question and for the further assistance he gave Jersey Post in providing an answer. However, in spite of this we have not been able to find the cause of the apparent delay from the information we have. The letter was correctly addressed and coded and it would appear that any delay was down to human error. The Deputy of St. John will recognise

that it is not possible for Jersey Post to track each of the 74 million items it handles each year. I can confirm however that it is not generally the case, as implied by the Deputy of St. John, that locally posted mail is taking up to five days to be delivered.

Jersey Post has been working with a service measurement company to put in place an independent quality of service measurement system. This is firstly to enable Jersey Post to have more detailed information on existing service levels, and subsequently to work towards improving them. The process involves the company recruiting anonymous independent panellists on the Island, who post and receive a number of especially prepared letters monthly.

We are currently undertaking an analysis of the first six months' test results and I can confirm that the cumulative performance for next working day delivery for local letters, posted by our latest advertised posting time, is 91.2 per cent, with the majority of failures being delivered the day after that. Although this is a high level of performance, it does mean that some customers are experiencing delays. The reasons for delay are currently being analysed, but these may include incorrect or poor addressing standards, or incorrect postage. This would not appear to be the case with the Deputy of St John's letter, however, and it is more likely to be a question of a late collection or human error.

Clearly our aim is to continue improving service standards to ensure we provide the best possible levels of service to our customers and, where we do fail on a next day service, to reduce any delays to a minimum. I apologise to the Deputy and the other affected correspondents for the delays they have experienced but assure them that such delays are certainly not the norm.

I retain a very high level of confidence in the service provided by Jersey Post which compares very favourably with postal services throughout the world."

Income tax revenues - answer to supplementary question asked on Tuesday, 12th March (Tape No. 724)

Senator Frank Harrison Walker, President of the Finance and Economics Committee, gave the following answer to a supplementary question asked on Tuesday, 12th March 2002 by Senator Stuart Syvret.

"Senator Syvret asked a supplementary question on Tuesday, 12th March 2002, as to whether I could provide details of the effective rates of tax on companies for the years 1990 and 2000.

The average effective rate of tax on Income Tax companies in 1990 was 16.9 per cent. The average effective rate of tax on Income Tax companies in 2000 was 18.8 per cent. This compares with an average effective rate of tax on wage and salary earners of 7.5 per cent in 1990 and 9.5 per cent in 2000.

The Comptroller of Income Tax is of the view that calculating an average effective rate of tax for International Business Companies would be more likely to mislead than enlighten. The reason for this is because International Business Companies are not liable at the standard 20 per cent rate of tax - as are Income Tax companies - but are able to take advantage of a number of different tax rates, by virtue of Article 123B of the Income Tax (Jersey) Law.

The result of International Business companies being able to take advantage of all these different rates is that there are a variety of quite different effective rates of tax amongst International Business companies and, accordingly, it would be misleading to calculate one overall effective tax rate for all of them.

The International Business company facility was introduced in 1992 in response to competition from other finance centres, most notably Guernsey and the Isle of Man, and has attracted significant international business to the Island that would not otherwise have come here. The Comptroller of

Income Tax estimates some £28 million will be paid by International Business companies in the year 2002.”

Data Protection Registrar - statement

Deputy Terence John Le Main of St. Helier, President of the Housing Committee, made a statement in the following terms -

“Members will be aware that the Data Protection Registrar has recently completed an investigation arising from a complaint by a States tenant. The complainant alleged that there may have been a breach of the Data Protection (Jersey) Law 1987 when, without her consent, details of her personal rent payments over a number of years were disclosed to the media.

The Registrar has upheld the complaint and found that the Housing Committee and Department, as the registered data user, failed to comply with the Third Data Protection Principle, as set out in the First Schedule of the Law.

The Third Principle states:-

“Personal data held for any purpose or purposes shall not be used or disclosed in any manner incompatible with that purpose or those purposes”.

The Registrar found that contravention of the Third Principle was substantiated by the following: -

- (a) Personal information relating to an individual was disclosed to the Jersey Evening Post and published in the “Letters to the Editor” section on 6th December 2001.
- (b) The States of Jersey Housing Committee and Department has been the registered “data user” for the processing of the data for Housing’s Rent Abatement and Rent Rebate schemes under Purpose Code P41 since 1993.
- (c) No valid “Disclosure Code” for disclosures to “public libraries, press and the media” existed at the time in the Housing Committee and Department registration entries.

As a result of his detailed investigation and findings the Registrar has decided that this matter should be dealt with by him taking enforcement action against the Registered Data User, as empowered under Article 9 of the Law. Consequently an Enforcement Notice has been issued requiring the Housing Committee and Department to take specified actions to ensure future compliance with the relevant requirements of the Law and to clarify any uncertainties that may exist regarding personal information on application forms.

The Notice requires that all Housing staff and sitting States members of the Housing Committee are made specifically aware that personal information extracted from computer input and/or from any computer screens or print-out documents is recognised as “data” under the 1987 Law. In addition any actions taken on this data must be in accordance with Housing Committee and Department Registration with regard to purpose/use limitations and related source/disclosure descriptions.

The Notice requires that existing Housing Policy and Operating Procedure Manuals are reviewed and confirmed as adequate in ensuring that Housing Department staff and sitting Housing Committee members are made sufficiently aware of the requirements of the 1987 Law, with emphasis being placed on any further processing and/or third party disclosures.

The Notice also requires a review of all Housing’s information collection and application forms used for the collection of personal information from members of the public. Subsequently and where necessary, Housing must ensure that it is clearly stated on relevant documentation that the personal

information is being collected for a defined purpose, is confidential and is liable to be processed on computer under the aegis of the 1987 Law.

The Committee accepts the findings of the Registrar that a breach of the Law has occurred and I repeat my apology, made in the Assembly on 18th December 2001, to the tenant concerned, for releasing information which should not have been released.

I can assure the Assembly that the Committee and the Department will be working with the Data Protection Registrar and taking steps as required by the Enforcement Notice to ensure that all parties, whether giving or receiving information, are aware of their rights and responsibilities under the Law.

This judgement has implications for working practices in all other States' Committees and Departments. The Data Protection Registrar will, in due course, be advising all Committees and Departments of these implications, and assisting with any administrative changes that they may need to make as a result."

Draft Main Roads (Classification) (No. 27) (Jersey) Act 200- P.30/2002

THE STATES, in pursuance of Article 1 of the "Loi (1914) sur la Voirie", as amended, made an Act entitled the Main Roads (Classification) (No. 27) (Jersey) Act 2002.

Draft Parish Rate (Administration) (Jersey) Law 200- P.206/2001.

THE STATES, having commenced consideration of the preamble of the Draft Parish Rate (Administration) (Jersey) Law 200-, adopted a proposition of the Connétable of St. Helier that the matter be referred back to the Legislation Committee.

Members present voted as follows -

"Pour" (26)

Senators

Horsfall, Stein, Bailhache, Walker, Le Claire.

Connétables

St. Martin, St. Peter, St. Clement, St. Helier.

Deputies

S. Baudains(H), Routier(H), St. Martin, St. John, Le Main(H), St. Peter, Dubras(L), Dorey(H), Troy(B), Voisin(L), Scott Warren(S), Farnham(S), Ozouf(H), Fox(H), Bridge(H), Martin(H), Southern(H).

"Contre" (21)

Senators

Le Maistre, Quérée, Syvret, Norman, Kinnard, Le Sueur.

Connétables

St. Ouen, Trinity, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. John.

Deputies

H. Baudains(C), St. Mary, Trinity, Duhamel(S), Breckon(S), St. Ouen, G. Baudains(C),
Le Hérissier(S).

Draft Proceeds of Crime (Designated Countries and Territories) (Amendment) (Jersey) Regulations 200- P.27/2002

THE STATES, in pursuance of Article 38 of the Proceeds of Crime (Jersey) Law 1999, made Regulations entitled the Proceeds of Crime (Designated Countries and Territories) (Amendment) (Jersey) Regulations 2002.

Draft Drug Trafficking Offences (Designated Countries and Territories) (Amendment No. 2) (Jersey) Regulations 200- P28/2002

THE STATES, in pursuance of Article 18 of the Drug Trafficking Offences (Jersey) Law 1988, as amended, made Regulations entitled the Drug Trafficking Offences (Designated Countries and Territories) (Amendment No. 2) (Jersey) Regulations 2002.

**States Housing Rental Scheme: revision - P.29/2002
Comments - P.29/2002 Com; Report - P.29/2002 Rpt**

THE STATES rejected a proposition of Deputy Alan Breckon of St. Saviour to request the Housing Committee to reconsider its policy on the States Housing Rental Scheme and to restrict increases in States rentals, and associated charges, to a maximum of 2.5 per cent a year for the three-year period commencing 1st April 2002.

Members present voted as follows -

“Pour” (13)

Senators

Le Maistre, Stein, Syvret, Le Claire.

Deputies

Duhamel(S), Breckon(S), St. Martin, Troy(B), Scott Warren(S), Farnham(S), Le Hérissier(S),
Bridge(H), Southern(H).

“Contre” (31)

Senators

Horsfall, Quérée, Bailhache, Norman, Walker, Le Sueur.

Connétables

St. Martin, St. Ouen, Trinity, St. Saviour, St. Brelade, St. Lawrence, St. Mary, St. John, St. Peter,
St. Clement, St. Helier.

Deputies

H. Baudains(C), St. Mary, Trinity, Routier(H), Layzell(B), Le Main(H), St. Peter, Dubras(L),
St. Ouen, G. Baudains(C), Dorey(H), Voisin(L), Ozouf(H), Fox(H).

Senator W. Kinnard, the Deputy of St. John and Deputy J.A. Martin of St. Helier declared an interest in the subject matter of the proposition, and withdrew from the Chamber during its consideration.

THE STATES adjourned at 5.55 p.m. and agreed to re-convene on Tuesday 26th March 2002 for the purpose of concluding the public business set down for this meeting.

C.M. NEWCOMBE

Greffier of the States.