

**THE STATES assembled on Wednesday,  
30th June 2004 at 9.30 a.m. under  
the Presidency of Mr. Michael Nelson de la Haye,  
Greffier of the States.**

All members were present with the exception of –

Senator Leonard Norman – out of the Island  
Geoffrey John Grime, Deputy of St. Mary– ill

Prayers read by the Assistant Greffier of the States.

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

THE STATES granted leave to the President of the Finance and Economics Committee to defer consideration of the following matter, which was set down for consideration at the present meeting, to a later date –

Draft Stamp Duties and Fees (No. 3) (Jersey) Regulations 200. P.53/2004.  
Lodged: 6th April 2004.  
*Finance and Economics Committee.*

Draft Stamp Duties and Fees (No. 3) (Jersey) Regulations 200 (P.53/2004): P.53/2004.  
amendment. Amd.  
Lodged: 8th June 2004.  
*Finance and Economics Committee.*

**Draft Banking Business (Amendment No. 4) (Jersey) Law 200 P.110/2004 (re-issue)**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Banking Business (Amendment No. 4) (Jersey) Law 200.

**Draft Financial Services (Amendment No. 2) (Jersey) Law 200 P.111 (re-issue)**

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Financial Services (Amendment No. 2) (Jersey) Law 200.

**Draft Data Protection (Jersey) Law 200- P.70/2004  
Amendments P.70/2004 Amd.**

THE STATES commenced consideration of the draft Data Protection (Jersey) Law 200-, and adopted the preamble and Articles 1 to 12 together with Schedules 1 to 5.

Article 13 was adopted, the States having adopted an amendment of Deputy Jeremy Laurence Dorey of St. Helier that in Article 13, for paragraph (2), there be substituted the following paragraph–

“(2) *An individual who suffers distress by reason of any contravention by a data controller of any requirement imposed by or under this Law is entitled to compensation from the data controller for that distress.*”.

Members present voted as follows –

**POUR: 21**

**CONTRE: 15**

**ABSTAIN: 0**

Senator J.A. Le Maistre  
Senator S. Syvret  
Senator W. Kinnard  
Connétable of St. Martin  
Connétable of St. Brelade  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Lawrence  
Connétable of Grouville

Deputy A. Breckon (S)  
Deputy of St. Martin  
Deputy M.F. Dubras (L)  
Deputy J.L. Dorey (H)  
Deputy P.N. Troy (B)  
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 J.A. Hilton (H)  
Deputy G.W.J de Faye (H)

Senator F.H. Walker  
Senator T.A. Le Sueur  
Senator P.F.C. Ozouf  
Senator E.P. Vibert  
Connétable of Trinity  
Connétable of St. John  
Deputy R.C. Duhamel (S)  
Deputy T.J. Le Main (H)  
Deputy C.J. Scott-Warren  
(S)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)  
Deputy of St. Ouen  
Deputy M.A. Taylor (C)  
Deputy of Grouville  
Deputy of St. Peter

Articles 14 to 52 together with Schedules 6 to 9 were adopted.

Article 53 was adopted, the States having adopted an amendment of Deputy Jeremy Laurence Dorey of St. Helier that, in Article 53(4), the words “*may, if the Commissioner thinks fit,*” be deleted.

Articles 54 to 72 together with Schedules 10 to 13 were adopted.

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

### **Change in Presidency**

The Deputy Bailiff assumed the Chair prior to the consideration of the amendment of Deputy Jeremy Laurence Dorey of St. Helier to Article 13 of the draft Data Protection (Jersey) Law 200, (P.70/2004 Amd. lodged “au Greffe” on 11th May 2004), and the meeting continued under his presidency.

### **Shadow Scrutiny: appointment of members – P.104/2004**

THE STATES, adopting a proposition of the Privileges and Procedures Committee, appointed Deputy Maurice François Dubras of St. Lawrence as a member of the Shadow Scrutiny Panels.

Members present voted as follows –

#### **POUR: 33**

Senator J.A. Le Maistre  
Senator F.H. Walker  
Senator M.E. Vibert  
Senator E.P. Vibert  
Senator R.J. Shenton  
Connétable of St. Martin  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Brelade  
Connétable of St. Mary

#### **CONTRE: 5**

Senator S. Syvret  
Deputy R.C. Duhamel (S)  
Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy of Grouville

#### **ABSTAIN: 1**

Deputy M.F. Dubras (L)

Connétable of St. Peter  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of Grouville  
Connétable of St. John  
Deputy A. Breckon (S)  
Deputy of St. Martin  
Deputy of St. John  
Deputy T.J. Le Main (H)  
Deputy J.L. Dorey (H)  
Deputy P.N. Troy (B)  
Deputy C.J. Scott-Warren (S)  
Deputy L.J. Farnham (S)  
Deputy R.G. Le Hérissier (S)  
Deputy J.B. Fox (H)  
Deputy J-A. Bridge (H)  
Deputy J.A. Bernstein (B)  
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)

#### **Jersey Council for Safety and Health at Work: appointment of Chairman – P.112/2004**

THE STATES, adopting a proposition of the Employment and Social Security Committee, approved the re-appointment of Mr. Robert Staddon as Chairman of the Jersey Council for Safety and Health at Work for a period of 3 years with effect from 1st July 2004.

#### **Bus Service Tendering Process: Committee of Inquiry – terms of reference and membership – P.99/2004 Comments and Amendment**

THE STATES, having noted the withdrawal of paragraphs (a) and (b) by the President of the Policy and Resources Committee on 22nd June 2004, commenced consideration of paragraph (c) of the proposition of the Policy and Resources Committee concerning the Bus Service Tendering Process: Committee of Inquiry – terms of reference and membership, and adopted an amendment of Deputy Geoffrey Peter Southern of St. Helier that in paragraph (c), after the words “dated 20th May 2004”, there be inserted the words “ *except that in the said Appendix, after the words **The Committee of Inquiry will have the following terms of reference there shall be added the following item –***

1. *To review how the then Public Services Committee, in accordance with the decision of the States of 31st July 2001 when adopting the Bus Strategy (P. 104/2001 as amended), undertook the necessary review of the Motor Traffic (Jersey) Law 1935, as amended, to enable the Bus Strategy to be progressed.”*

and that the subsequent paragraphs be renumbered accordingly.

THE STATES commenced consideration of an amendment of Deputy Roy George Le Hérissier of St. Saviour that after paragraph (c), there be inserted the following new paragraph –

“(d) to request the Finance and Economics Committee to direct –

- (i) *that the Chairman and members of the Committee of Inquiry shall not be remunerated for their services; and*
- (ii) *that a sum of no more than £50,000 be made available to the Committee of Inquiry to enable it to fund the provision of expert advice if required.”,*

and, after discussion, adopted a proposition of the Deputy of St. John that the question be now put.

Members present voted as follows –

**POUR: 24**

Senator J.A. Le Maistre  
Senator P.F. Routier  
Senator P.F.C. Ozouf  
Connétable of St. Saviour  
Connétable of St. Brelade  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of Trinity  
Connétable of St. Lawrence  
Connétable of St. John  
Deputy R.C. Duhamel (S)  
Deputy of St. John

Deputy T.J. Le Main (H)  
Deputy J.L. Dorey (H)  
Deputy P.N. Troy (B)  
Deputy C.J. Scott-Warren (S)  
Deputy R.G. Le Hérissier (S)  
Deputy J.B. Fox (H)  
Deputy G.P. Southern (H)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)  
Deputy of Grouville  
Deputy of St. Peter  
Deputy J.A. Hilton (H)

**CONTRE: 15**

Senator S. Syvret  
Senator F.H. Walker  
Senator W. Kinnard  
Senator M.E. Vibert  
Senator E.P. Vibert  
Senator R.J. Shenton  
Connétable of St. Ouen  
Connétable of St. Mary  
Deputy A. Breckon (S)  
Deputy of St. Martin  
Deputy M.F. Dubras (L)  
Deputy G.C.L. Baudains  
(C)  
Deputy F.G. Voisin (L)  
Deputy P.J.D. Ryan (H)  
Deputy G.W.J de Faye (H)

**ABSTAIN: 0**

THE STATES adopted the amendment of Deputy Roy George Le Hérissier of St. Saviour.

Members present voted as follows –

**POUR: 23**

Senator J.A. Le Maistre  
Senator S. Syvret  
Senator P.F. Routier  
Senator E.P. Vibert  
Senator R.J. Shenton  
Connétable of St. Mary  
Connétable of St. Peter  
Connétable of St. Clement  
Connétable of St. Lawrence  
Connétable of St. John  
Deputy R.C. Duhamel (S)  
Deputy A. Breckon (S)  
Deputy of St. Martin  
Deputy of St. John  
Deputy G.C.L. Baudains  
(C)  
Deputy J.L. Dorey (H)  
Deputy R.G. Le Hérissier (S)  
Deputy J.B. Fox (H)

**CONTRE: 19**

Senator F.H. Walker  
Senator W. Kinnard  
Senator M.E. Vibert  
Senator P.F.C. Ozouf  
Connétable of St. Ouen  
Connétable of St. Saviour  
Connétable of St. Brelade  
Connétable of Trinity  
Deputy T.J. Le Main (H)  
Deputy M.F. Dubras (L)  
Deputy P.N. Troy (B)  
Deputy F.G. Voisin (L)  
Deputy C.J. Scott-Warren  
(S)  
Deputy L.J. Farnham (S)  
Deputy J.A. Bernstein (B)  
Deputy S.C. Ferguson (B)  
Deputy P.J.D. Ryan (H)  
Deputy J.A. Hilton (H)

**ABSTAIN: 0**

Deputy J.A. Martin (H)  
Deputy G.P. Southern (H)  
Deputy of St. Ouen  
Deputy of Grouville  
Deputy of St. Peter

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

THE STATES adopting the proposition, as amended and renumbered as shown below, of the Policy and Resources Committee, referred to their Act dated 9th March 2004, in which they agreed to approve the appointment of a Committee of Inquiry to investigate fully the relevant circumstances surrounding the tender process and the award of the contract for the provision of a bus service in Jersey and –

- (a) agreed that the Committee of Inquiry should have the terms of reference as set out in the Appendix to the report of the Policy and Resources Committee dated 20th May 2004, except that in the said Appendix, after the words “**The Committee of Inquiry will have the following terms of reference**” there would be added the following item –
1. To review how the then Public Services Committee, in accordance with the decision of the States of 31st July 2001, when adopting the Bus Strategy, (P.104/2001 as amended), undertook the necessary review of the Motor Traffic (Jersey) Law 1935, as amended, to enable the Bus Strategy to be progressed.

and that the subsequent paragraphs would be renumbered accordingly;

- (b) requested the Finance and Economics Committee to direct –
- (i) that the Chairman and members of the Committee of Inquiry would not be remunerated for their services; and
  - (ii) that a sum of no more than £50,000 be made available to the Committee of Inquiry to enable it to fund the provision of expert advice if required.

#### **Draft Road Traffic (Amendment No. 3) (Jersey) Law 200 P.114/2004**

THE STATES commenced consideration of the draft Road Traffic (Amendment No. 3) (Jersey) Law 200, of the Environment and Public Services Committee, and after discussion, Senator Stuart Syvret sought leave to propose that the matter be referred back to the Committee, such proposition being allowed by the Deputy Bailiff in accordance with Standing Order 26(1).

THE STATES, following discussion of the proposed reference back, granted leave to the President of the Environment and Public Services Committee to withdraw the draft Road Traffic (Amendment No. 3) (Jersey) Law 200-.

THE STATES rose at 5.15 p.m.

**D.C.G. FILIPPONI**

*Assistant Greffier of the States.*