

# STATES OF JERSEY ORDER PAPER

Tuesday 25th October 2005

## A. COMMUNICATIONS BY THE BAILIFF

## B. TABLING OF SUBORDINATE LEGISLATION

*(Explanatory note attached)*

Termination of Pregnancy (General Provisions) (Jersey) Order 2005. R&O 110/2005.

*Health and Social Services Committee.*

Residential Homes (General Provisions) (Amendment No. 12) (Jersey) Order 2005. R&O 111/2005.

*Health and Social Services Committee.*

Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 13) (Jersey) Order 2005. R&O 112/2005.

*Health and Social Services Committee.*

Road Racing (Karts) (Jersey) Order 2005. R&O 113/2005.

*Home Affairs Committee.*

Motor Vehicles (Construction and Use) (Amendment No. 7) (Jersey) Order 2005. R&O 114/2005.

*Home Affairs Committee.*

Motor Vehicle Registration (General Provisions) (Amendment No. 14) (Jersey) Order 2005. R&O 115/2005.

*Home Affairs Committee.*

Motor Traffic (Public Service Vehicles) (Fees) (Jersey) Order 2005. R&O 116/2005.

*Home Affairs Committee.*

Motor Vehicles (Driving Licences) (Amendment No. 4) (Jersey) Order 2004. R&O 117/2005.

*Home Affairs Committee.*

Motor Cars (Driving Instruction) (Amendment No. 16) (Jersey) Order 2005. R&O 118/2005.

*Home Affairs Committee.*

Social Security (Earnings Limit) (Jersey) Order 2005. R&O 119/2005.

*Employment and Social Security Committee.*

Road Traffic (St. Helier) (Amendment No. 18) (Jersey) Order 2005. R&O 120/2005.

*Environment and Public Services.*

Road Traffic (Disabled Persons) (Parking) (Amendment No.3) (Jersey) Order 2005. R&O 121/2005.

*Environment and Public Services Committee.*

Road Traffic (Public Parking Places) (Amendment) (Jersey) Order 2005. R&O 122/2005.

*Environment and Public Services Committee.*

**C. MATTERS RELATING TO COMMITTEE MEMBERSHIP**

**D. PRESENTATION OF PAPERS**

**(a) Papers for information**

**Matters presented under Standing Order 6A(1)(a)**

St. Mark's school: an integrated children's centre. R.C.81/2005.  
*Education, Sport and Culture Committee.*

Criminal Justice Policy (P.201/2005): comments. P.201/2005. Com.  
*Finance and Economics Committee.*

**Matters presented under Standing Order 6A(1)(b)**

11th October 2005

Jersey Labour Market at June 2005. R.C.79/2005.  
*Economic Development Committee.*

18th October 2005

Reporting of ministerial decisions. R.C.80/2005.  
*Policy and Resources Committee.*

Speeding fines: allocation of funds to Parishes (P.156/2005) – P.156/2005. Com.  
comments – addendum. (2) Add.  
*Home Affairs Committee.*

**(b) Notification of Standing Order decisions**

6th October 2005

Decisions under delegated functions.  
*Finance and Economics Committee.*

**(c) Notification of acceptance of tenders**

**(d) Papers to be lodged "au Greffe" under Standing Order 17A(1)(a)**

Draft Electronic Communications (Amendment) (Jersey) Law 200-. P.253/2005.  
*Economic Development Committee.*

**(e) Notification of Papers lodged "au Greffe" under Standing Order 17A(1)(b)**

11th October 2005

Draft Law Revision (Miscellaneous Provisions) (Jersey) Law 200-. P.222/2005.  
*Legislation Committee.*

Draft States of Jersey (Modification and Transitional Provisions) (Jersey) Regulations 200-. <i>Privileges and Procedures Committee.</i>	P.223/2005.
Draft States of Jersey Law 2005 (Appointed Day) (No. 2) Act 200. <i>Privileges and Procedures Committee.</i>	P.224/2005.
Draft Amendment (No. 1) of the Standing Orders of the States of Jersey. <i>Privileges and Procedures Committee.</i>	P.225/2005.
Draft Public Finances (Transitional Provisions – States Trading Operations No. 2) (Jersey) Regulations 200. <i>Finance and Economics Committee.</i>	P.226/2005.
Draft Data Protection (Jersey) Law 2005 (Appointed Day) Act 200-. <i>Finance and Economics Committee.</i>	P.227/2005.
Draft Data Protection (Corporate Finance Exemption) (Jersey) Regulations 200-. <i>Finance and Economics Committee.</i>	P.228/2005.
Draft Data Protection (Credit Reference Agency) (Jersey) Regulations 200-. <i>Finance and Economics Committee.</i>	P.229/2005.
Draft Data Protection (Fair Processing) (Jersey) Regulations 200-. <i>Finance and Economics Committee.</i>	P.230/2005.
Draft Data Protection (International Co-operation) (Jersey) Regulations 200-. <i>Finance and Economics Committee.</i>	P.231/2005.
Draft Data Protection (Notification) (Jersey) Regulations 200-. <i>Finance and Economics Committee.</i>	P.232/2005.
Draft Data Protection (Sensitive Personal Data) (Jersey) Regulations 200-. <i>Finance and Economics Committee.</i>	P.233/2005.
Draft Data Protection (Subject Access Exemptions) (Jersey) Regulations 200-. <i>Finance and Economics Committee.</i>	P.234/2005.
Draft Data Protection (Subject Access Miscellaneous) (Jersey) Regulations 200-. <i>Finance and Economics Committee.</i>	P.235/2005.
Draft Data Protection (Subject Access Modification – Education) (Jersey) Regulations 200-. <i>Finance and Economics Committee.</i>	P.236/2005.
Draft Data Protection (Subject Access Modification – Health) (Jersey) Regulations 200-. <i>Finance and Economics Committee.</i>	P.237/2005.



Draft Data Protection (Subject Access Modification – Social Work) (Jersey) Regulations 200-. <i>Finance and Economics Committee.</i>	P.238/2005.
Draft Data Protection (Transfer in Substantial Public Interest) (Jersey) Regulations 200-. <i>Finance and Economics Committee.</i>	P.239/2005.
Draft Medicines (Amendment No. 2) (Jersey) Law 2005 (Appointed Day) Act 200-. <i>Health and Social Services Committee.</i>	P.240/2005.
<u>18th October 2005</u>	
Draft Amendment (No. 1) of the Standing Orders of the States of Jersey (P.225-2005): amendment. <i>Policy and Resources Committee.</i>	P.225/2005. Amd.
Draft Extradition (Designated Territories No. 2) (Jersey) Regulations 200-. <i>Policy and Resources Committee.</i>	P.241/2005.
Draft Employment of States of Jersey Employees (Jersey) Law 2005 (Appointed Day) Act 200-. <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-. <i>Policy and Resources Committee.</i>	P.243/2005.
Draft Amendment (No. 2) of the Standing Orders of the States of Jersey. <i>Senator S. Syvret.</i>	P.244/2005.
Draft Amendment (No. 3) of the Standing Orders of the States of Jersey. <i>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>Overseas Aid Committee.</i>	P.246/2005.
Draft Family Allowance (Jersey) Regulation 200-. <i>Employment and Social Security Committee.</i>	P.247/2005.
Draft Health Insurance (Medical Benefit) (Jersey) Regulations 200-. <i>Employment and Social Security Committee.</i>	P.248/2005.
Draft Amendment No. 30 to the Tariff of Harbour and Light Dues. <i>Harbours and Airport Committee.</i>	P.249/2005.
Draft Harbours (Amendment No. 39) (Jersey) Regulations 200-. <i>Harbours and Airport Committee.</i>	P.250/2005.

Draft Highways (Amendment No. 4) (Jersey) Law 200. P.251/2005.  
*Environment and Public Services Committee.*

Draft Animal Welfare (Amendment) (Jersey) Law 200-. P.252/2005.  
*Economic Development Committee.*

**(f) Papers for consideration by the States in Committee under Standing Order 38A**

**E. STATEMENTS AND PROPOSITIONS RELATING TO THE ARRANGEMENT OF PUBLIC BUSINESS AT THIS OR ANY SUBSEQUENT MEETING**

In accordance with Standing Order 22(3), the President of the Finance and Economics Committee has instructed the Greffier of the States to withdraw the following matters set down for consideration at the present meeting, the Committee having lodged “au Greffe” revised projects on 11th October 2005 –

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

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

Draft Data Protection (Credit Reference Agency) (Jersey) P.178/2005.  
Regulations  
200-.  
Lodged: 6th September 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) P.180/2005.  
Regulations 200-.  
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 P.182/2005.  
200-.  
Lodged: 6th September 2005.  
*Finance and Economics Committee.*

Draft Data Protection (Subject Access Exemptions) (Jersey) P.183/2005.  
Regulations 200-.  
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.*

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

Draft Animal Welfare (Amendment) (Jersey) Law 200-. P.121/2005.  
Lodged: 21st June 2005.

*Economic Development Committee.*

Draft Animal Welfare (Amendment) (Jersey) Law 200- P.121/2005. Com.  
(P.121/2005): comments.

Presented: 19th July 2005.

*Finance and Economics Committee.*

In accordance with Standing Order 22(3), Senator R.J. Shenton has instructed the Greffier of the States to withdraw the following matter 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. Com.  
(P.166/2005): comments.

Presented: 27th September 2005.

*Finance and Economics Committee.*

THE STATES are asked to agree that the following matters lodged “au Greffe” 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. Finance and Economics Committee.	P.232/2005.
Draft Data Protection (Sensitive Personal Data) (Jersey) Regulations 200-. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	P.233/2005.
Draft Data Protection (Subject Access Exemptions) (Jersey) Regulations 200-. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	P.234/2005.
Draft Data Protection (Subject Access Miscellaneous) (Jersey) Regulations 200-. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	P.235/2005.
Draft Data Protection (Subject Access Modification – Education) (Jersey) Regulations 200-. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	P.236/2005.
Draft Data Protection (Subject Access Modification – Health) (Jersey) Regulations 200-. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	P.237/2005.
Draft Data Protection (Subject Access Modification – Social Work) (Jersey) Regulations 200-. Lodged: 11th October 2005.	P.238/2005.



*Finance and Economics Committee.*

Draft Data Protection (Transfer in Substantial Public Interest)  
(Jersey) Regulations 200-  
Lodged: 11th October 2005.

P.239/2005.

*Finance and Economics Committee.*

THE STATES are asked to agree that the following matters lodged “au Greffe” be considered at their next meeting on 1st November 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.
Draft Sexual Offences (Jersey) Law 200-. Lodged: 13th September 2005. <i>Home Affairs Committee.</i>	P.196/2005.
Housing Trading Organisation: establishment. Lodged: 27th September 2005. <i>Housing Committee.</i>	P.211/2005
Development of Fostering and Adoption Services in Jersey. Lodged: 5th October 2005. <i>Senator P.V.F. Le Claire.</i>	P.219/2005.
Draft Law Revision (Miscellaneous Provisions) (Jersey) Law 200-. Lodged: 11th October 2005. <i>Legislation Committee.</i>	P.222/2005.
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 No. 2) (Jersey) Regulations 200. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	P.226/2005.
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 Extradition (Designated Territories No. 2) (Jersey) Regulations 200-. Lodged: 18th October 2005. <i>Policy and Resources Committee.</i>	P.241/2005.
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 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 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.	P.249/2005.

*Harbours and Airport Committee.*

Draft Harbours (Amendment No. 39) (Jersey) Regulations 200-. P.250/2005.  
Lodged: 18th October 2005.  
*Harbours and Airport Committee.*

Draft Highways (Amendment No. 4) (Jersey) Law 200. P.251/2005.  
Lodged: 18th October 2005.  
*Environment and Public Services Committee.*

Draft Animal Welfare (Amendment) (Jersey) Law 200-. P.252/2005  
Lodged: 18th October 2005.  
*Economic Development Committee.*

## **F. PRESENTATION OF PETITIONS**

## **G. QUESTIONS**

### **(a) Written Questions**

The President of the Health and Social Services Committee will table an answer to a question asked by Deputy T.J. Le Main of St. Helier regarding the development of a private hospital.

The President of the Home Affairs Committee will table an answer to a question asked by Senator P.V.F. Le Claire regarding the installation of CCTV cameras in Colomberie.

The President of the Environment and Public Services Committee will table an answer to a question asked by the Deputy of St. John regarding safety barriers at Les Charrières.

The President of the Policy and Resources Committee will table an answer to a question asked by the Deputy of St. John regarding the post of Emergency Planning Officer.

### **(b) Oral Questions**

## **H. MATTERS OF PRIVILEGE**

## **I. PERSONAL STATEMENTS**

## **J. COMMITTEE STATEMENTS**

The President of the Education, Sport and Culture Committee will make a statement regarding R.C. 81/2005 - St. Mark's school: an integrated children's centre.

## **K. PUBLIC BUSINESS**

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

Strategic Travel and Transport Plan (P.174/2005): comments. P.174/2005.  
Presented: 27th September 2005. Com.  
*Finance and Economics Committee.*

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

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 Bankruptcy (Désastre) (Amendment No. 5) (Jersey) Law 200. Lodged: 30th August 2005. <i>Economic Development Committee.</i>	P.172/2005.
Scrutiny Panels: rescindment of decisions. Lodged: 28th June 2005. <i>Deputy G.C.L. Baudains of St. Clement.</i>	P.136/2005.
St. Helier Waterfront Development: directions to W.E.B. Ltd. Lodged: 2nd August 2005. <i>Senator R.J. Shenton.</i> (continued from 21st September 2005)	P.159/2005.
St. Helier Waterfront Development: directions to W.E.B. Ltd. (P.159/2005) – comments. Presented: 6th September 2005. <i>Policy and Resources Committee.</i> (continued from 21st September 2005)	P.159/2005. Com.
Draft Terrorism (Amendment) (Jersey) Law 200-. Lodged: 9th August 2005. <i>Home Affairs Committee.</i>	P.160/2005.
La Récolte des Fruits, St. Martin: removal of agricultural occupancy restriction. Lodged: 6th September 2005. <i>Senator R.J. Shenton.</i>	P.191/2005.
La Récolte des Fruits, St. Martin: removal of agricultural occupancy restriction (P.191/2005) – comments. Presented: 27th September 2005. <i>Environment and Public Services Committee.</i>	P.191/2005. Com.
Driver and Vehicle Standards: proposed transfer to transport and technical services. Lodged: 6th September 2005. <i>Policy and Resources Committee.</i>	P.194/2005.
Draft Corruption (Jersey) Law 200-. Lodged: 20th September 2005. <i>Home Affairs Committee.</i>	P.198/2005.





Meetings of the States in 2006. Lodged: 20th September 2005. <i>Privileges and Procedures Committee.</i>	P.199/2005.
Meetings of the States in 2006 (P.199/2005): amendment. Lodged: 20th September 2005. <i>Deputy of St. Martin.</i>	P.199/2005. Amd.
Jersey Police Complaints Authority: appointment of member. Lodged: 20th September 2005. <i>Home Affairs Committee.</i>	P.200/2005. ( <i>re-issue</i> )
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.
Draft Public Finances (Consequential Amendments) (Jersey) Regulations 200-. Lodged: 27th September 2005. <i>Finance and Economics Committee.</i>	P.203/2005.
Greville Bathe Fund: appointment of trustees. Lodged: 27th September 2005. <i>Finance and Economics Committee.</i>	P.204/2005.
Draft Water Resources (Jersey) Law 200-. Lodged: 27th September 2005. <i>Environment and Public Services Committee.</i>	P.206/2005.
Draft Water Resources (Jersey) Law 200- (P.206/2005): amendments. <i>Deputy P.N. Troy of St. Brelade.</i> ( <i>attached</i> )	P.206/2005. Amd.
Draft Water Resources (Jersey) Law 200- (P.206/2005): second amendments. <i>Deputy R.C. Duhamel of St. Saviour.</i> ( <i>attached</i> )	P.206/2005. Amd. (2)
Draft Public Finances (Jersey) Law 2005 (Appointed Day No. 2) Act 200-. Lodged: 27th September 2005. <i>Finance and Economics Committee.</i>	P.207/2005.
Draft Public Finances (Transitional Provisions No. 1) (Jersey) Regulations 200-. Lodged: 27th September 2005. <i>Finance and Economics Committee.</i>	P.208/2005.
Draft Public Finances (Transitional Provisions No. 2) (Jersey) Regulations 200-. Lodged: 27th September 2005.	P.209/2005.

*Finance and Economics Committee.*

Draft Public Finances (Transitional Provisions – States Trading Operations) (Jersey) Regulations 200-. P.210/2005.  
Lodged: 27th September 2005.

*Finance and Economics Committee.*

Draft Housing (Amendment No. 12) (Jersey) Law 200. P.212/2005.  
Lodged: 4th October 2005.

*Housing Committee.*

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

Lodged: 4th October 2005.

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

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

Lodged: 4th October 2005.

*Policy and Resources Committee.*

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

Lodged: 4th October 2005.

*Policy and Resources Committee.*

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

Lodged: 4th October 2005.

*Policy and Resources Committee.*

**Subject to E –**

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

Lodged: 11th October 2005.

*Finance and Economics Committee.*

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

Lodged: 11th October 2005.

*Finance and Economics Committee.*

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

Lodged: 11th October 2005.

*Finance and Economics Committee.*

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

Lodged: 11th October 2005.

*Finance and Economics Committee.*

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

Lodged: 11th October 2005.

*Finance and Economics Committee.*

Draft Data Protection (Notification) (Jersey) Regulations 200-  
Lodged: 11th October 2005.  
*Finance and Economics Committee.*

P.232/2005.

Draft Data Protection (Sensitive Personal Data) (Jersey) Regulations 200-. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	P.233/2005.
Draft Data Protection (Subject Access Exemptions) (Jersey) Regulations 200-. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	P.234/2005.
Draft Data Protection (Subject Access Miscellaneous) (Jersey) Regulations 200-. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	P.235/2005.
Draft Data Protection (Subject Access Modification – Education) (Jersey) Regulations 200-. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	P.236/2005.
Draft Data Protection (Subject Access Modification – Health) (Jersey) Regulations 200-. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	P.237/2005.
Draft Data Protection (Subject Access Modification – Social Work) (Jersey) Regulations 200-. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	P.238/2005.
Draft Data Protection (Transfer in Substantial Public Interest) (Jersey) Regulations 200-. Lodged: 11th October 2005. <i>Finance and Economics Committee.</i>	P.239/2005.

**M.N. DE LA HAYE**  
**Greffier of the States**

20th October 2005

**Note –**

**In accordance with a decision of the States on 16th November 2004, this meeting will continue, if necessary, on Wednesday 26th October 2005.**

**Members' attention is also drawn to the suggestion made on 6th October 2005, by Senator J.A. Le Maistre that the States may need to meet on Thursday 27th October 2005, if necessary.**

## **Explanatory Note regarding subordinate legislation tabled at this meeting.**

### **R&O 110/2005**

This Order replaces the Termination of Pregnancy (General Provisions) (Jersey) Order 1997. It re-enacts the provisions of the 1997 Order regarding the time when a certificate of opinion must be given under the Termination of Pregnancy (Jersey) Law 1997 and the keeping of such certificates and regarding the giving of notice of a termination to the Medical Officer of Health. However it simplifies the arrangements for record keeping and the provision of information, in that certificates and forms are no longer prescribed within the Order. Instead, practitioners are merely required to use certificates and forms printed and published by the Committee for the purpose.

The Order was made on 7th October 2005, and comes into force, apart from Article 5, on 14th October 2005. Article 5 comes into force on the same day as Article 42(3) of the States of Jersey Law 2005.

### **R&O 111/2005**

The Order increases –

- (a) the application fee payable by a person who is, or is intended to be, in charge of a residential home from £62 to £63.50;
- (b) the application fee payable by a person carrying on a residential home from £146 to £149.75; and
- (c) the annual fee payable by the person registered in respect of the residential home from £74.50 to £76.50.

The fees have increased by 2.5 % and were last increased on 1st January 2005.

The Order was made on 7th October 2005, and comes into force on 1st January 2006.

### **R&O 112/2005**

This Order increases –

- (a) from £62 to £63.50 the fee for the first registration of the carrying on by a person of a mental nursing home;
- (b) from £146 to £149.75 the annual renewal fee for the carrying on of a mental nursing home; and
- (c) from £74.50 to £76.50 the registration fee for a person in charge of a mental nursing home who is not carrying on the home.

The fees have increased by 2.5% and were last increased on 1st January 2005.

The Order was made on 7th October 2005, and comes into force on 1st January 2006.

### **R&O 113/2005**

The purpose of this Order is to allow the Jersey Kart and Motor Club to close the Ronez road loop in St. John, between 9.30 a.m. and 2.30 p.m., on each of the Sundays specified in the Schedule to the Order, for the purpose of holding motor races (and practices for them) with karts.

This Order was made on 12th October 2005, and came into force on the day it was made.

**R&O 114/2005**

This Order increases by 2.5% the fees required to accompany an application for a licence authorizing the use of a vehicle that does not comply with orders under Article 77 of the Road Traffic (Jersey) Law 1956. The amounts were last increased on 1st January 2005.

The Order was made on 12th October 2005, and shall come into effect on 1st January 2006.

**R&O 115/2005**

This Order increases the fees payable for registration of various motor vehicles by 2.5%, and makes some other minor amendments to the Motor Vehicle Registration (General Provisions) (Jersey) Order 1993. The amounts were last increased on 1st January 2005.

The Order was made on 12th October 2005, and shall come into effect on 1st January 2006.

**R&O 116/2005**

This Order increases, on average by approximately 2.44 per cent, the fees that are payable under the Motor Traffic (Jersey) Law 1935 in respect of public service vehicles.

The fees were last increased on 1st January 2005. The new fees will be payable on and after 1st January 2006.

The Order was made on 12th October 2005, and comes into force on 1st January 2006.

**R&O 117/2005**

This Order amends the Motor Vehicles (Driving Licences) (Jersey) Order 2003 by increasing the fees payable for various tests. The fee for the compulsory basic training course, which has not increased since 1998, has risen by 6.25%. All other fees, which were last increased in 2004, have been increased by 2.5%.

This Order also –

- (a) amends the 2003 Order to add various places to the list of countries or territories whose licences or permits are accepted in Jersey and to omit Luxembourg from that list;
- (b) removes the ability for a person to apply to take a theory or practical test by indicating details of his or her licence or permit from another jurisdiction - instead he or she may only apply by providing the licence or permit itself; and
- (c) amends the form relating to compulsory basic training for motorcycles by removing the specification of the date on which the test was successfully completed and some otiose wording.

The amendments set out in paragraphs (a), (b) and (c) above come into force 7 days after this Order is made. The fee increases shall come into force on 1st January 2006.

The Order was made on 12th October 2005, and comes into force on 1st January 2006.

### **R&O 118/2005**

This Order increases from £71.10 to £72.85 the fee for applying to take the written part or the practical part of the examination for registration as a driving instructor for motor cars.

The Order also increases from £141.25 to £144.75 the fee for applying for the entry of a person's name in the register of driving instructors or the retention of a person's name in that register for a further 4 years.

The fees, which were last altered on 1st January 2005, will apply from 1st January 2006. They reflect an increase of approximately 2.47 per cent.

The Order was made on 12th October 2005, and comes into force on 1st January 2006.

### **R&O 119/2005**

This Order increases, from £2,980 to £3,138, the earnings limit above which a Class 1 insured person's earnings are to be disregarded in calculating the Class 1 contribution that is payable.

The increase takes effect on 1st January 2006.

The Order was made on 13th October 2005.

### **R&O 120/2005**

The draft Order makes various changes to the Road Traffic (St. Helier) (Jersey) Order 1996. Most of the provisions make permanent those changes that were introduced recently by way of temporary orders under Article 68 of the Road Traffic (Jersey) Law 1956. The Order also inserts a new Article 27A into the Order to enable, if the Connétable so permits, vehicles used for business purposes by staff of the Good Companions Club to be parked in the mini-bus parking space used by the club in Journeaux Street. The Order shall come into force 14 days after it is made.

The Order was made on 13th October 2005, and comes into force on 27th October 2005.

### **R&O121/2005**

This Order amends the Road Traffic (Disabled Persons Parking) (Jersey) Order 2002 by adding various streets in St. Helier to the list of streets in which parking of a vehicle is restricted to a maximum of 4 hours. The Order shall come into force 14 days after it is made.

The Order was made on 13th October 2005, and comes into force on 27th October 2005.

### **R&O 122/2005**

The object of this Order is to update a number of descriptions of parking places in the Road Traffic (Public Parking Places) (Jersey) Order 2004 as well as to revise some expressions in that Order.

The Order was made on 13th October 2005, and came into force on 20th October 2005.

**NOTIFICATION OF STANDING ORDER DECISIONS -  
FINANCE AND ECONOMICS COMMITTEE  
(delegated functions)**

6th October 2005

- (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 Pison, acting on behalf of St. Helier Food and Wine Company Limited, of the premises at Nos. 9-10 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 three 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 square feet), for occupation by departments under the administration of the Economic Development Committee for a period of nine 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.



## WRITTEN QUESTION PAPER

(See Item G)

The President of the Health and Social Services Committee will table answers to the following questions asked by Deputy T.J. Le Main of St. Helier -

- “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 Home Affairs Committee will table an answer to the following question asked by Senator P.V.F. Le Claire –

“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 Environment and Public Services Committee will table an answer to the following question asked by the Deputy of St. John –

“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 Policy Resources Committee will table an answer to the following question asked by the Deputy of St. John –

“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 to whom this officer reports?”

DRAFT WATER RESOURCES (JERSEY) LAW 200-(P.206/2005): AMENDMENTS

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PAGE 28, ARTICLE 12(1)(a) –

*For the figure “3” substitute the figures “20”.*

PAGE 28, ARTICLE 12(1)(b) –

*For the figure “3” substitute the figures “20”.*

PAGE 28, ARTICLE 12(1)(c) –

*For the figure “3” substitute the figures “20”.*

PAGE 53, SCHEDULE 4, paragraph 4(1)(a) –

*For the figure “3” substitute the figures “20”.*

PAGE 53, SCHEDULE 4, paragraph 4(1)(b) –

*For the figure “3” substitute the figures “20”.*

PAGE 53, SCHEDULE 4, paragraph 4(1)(c) –

*For the figure “3” substitute the figures “20”.*

DEPUTY P.N. TROY OF ST. BRELADE

P.206/2005. Amd

**REPORT**

This amendment is lodged on a blue because of the ridiculously short period of time available to members in which to bring amendments to the draft Law which was lodged on 27th September 2005. In my opinion this legislation should be held over until the new assembly sits in 2006 when a new membership exists. To bring major legislation just before an election is not helpful to Members and deprives “new members” successful in the elections from considering major legislation. I will ask for the debate to be delayed as the current schedule is overburdened with items such as this which could easily be considered in the New Year.

Article 11 states that –

“A person shall not cause or knowingly permit –

- (a) the abstracting of water from a source of supply; or
- (b) the impounding of water in a source of supply,

unless he or she is acting in accordance with a water resources licence.”.

And Article 12 describes the exceptions to Article 11.

My amendment addresses the exception 12. 1(b) relating to the abstraction of ground water which would predominantly be via boreholes on private land. The setting of the de-minimus at 3 cubic metres is an exceptionally low expectation and will basically require the registration of the majority of boreholes used for irrigation purposes, even if irrigation is for non-commercial use.

The U.K. Water Act 2003 sets the minimum registration for abstraction at 20 cubic metres, which is sensible, in that what is considered small levels of abstraction (20 cubic metres) are exempt. I maintain that the Environment and Public Services Committee are setting the exemption at a level which is too onerous on private users who own and have paid for their own boreholes with which to extract water from within the aqua of their own land. The Environment and Public Services Committee’s level chosen is inconsistent with what is considered acceptable in the U.K. which in my opinion is more reasonable if one wishes to register heavy users of water or commercial users Why is our minimum level set at in excess of 6 times lower than the U.K. minimum?.

The setting of the de-minimus at 3 cubic metres will create a bureaucratic utopia contrary to the initiatives of the Policy and Resources Committee which requested departments to remove red tape. The introduction of registration and registration fees and controls at low consumption levels are unnecessary and undesirable.

3 cubic metres is the daily amount of water required to sufficiently irrigate a garden/lawn/planted area of 1,000 square feet e.g. 30 feet x 33.33 feet (source: local irrigation company). To register and implement controls on consumption at this level is highly restrictive and totally unnecessary in my opinion especially when one considers the comments of the Chairman of Jersey New Waterworks Company below.

**Chairman’s Comments - from Annual Report Jersey New Waterworks Co Ltd 2004**

“Reservoir water levels for the whole of 2004 remained above the 10 year average level obviating the need to operate the desalination plant”

“Overall consumption has now remained static for the last 6 years”

**WATER CONSUMPTION JERSEY 1995 - 2004**

Units		1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
ML*	Total water supplied	6,622	6,834	6,994	7,229	7,269	7,262	7,317	7,207	7,301	7,301
ML	Maximum Days Demand	26.9 10th Aug	27.0 21st July	25.7 20th Aug	27.6 9th Aug	29.7 29th July	27.0 20th July	29.4 25th June	26.0 28th July	28.4 13th July	26.0 13th Jun
ML	Maximum Months Demand	709.7 Aug	728.2 July	705.3 Aug	756.8 Aug	794.1 July	721.7 July	733.1 June	702.5 July	725.9 July	682 July

\*ML = Megalitres  
Source: JNWW Co Ltd

**Typical Monthly Percentage Comparison of Landscape Water Need Using July as Basis**

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
0	0	5	30	60	90	100	90	60	30	5	0

Source: United States Environment Protection Agency – Office of water July 2003

For consistency of approach, my amendments also increase from 3 to 20 cubic metres the other small quantity dispensations contained in the draft Law.

### **Financial and Manpower statement**

In the event that a licence fee is charged, a smaller number of licences issued because of the increased exemption limit will result in less income and a consequential reduction in the manpower required to issue licences. Annual monitoring requirements will also be reduced due to reduced number of licencees.

## DRAFT WATER RESOURCES ((JERSEY) LAW 200-(P.206/2005): SECOND AMENDMENTS

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PAGE 28, ARTICLE 12 –

*In paragraph (1)(b), delete the words “, if the abstracting of the water is registered in the prescribed manner”.*

*In paragraph (1)(c), delete the words “, and the abstracting of the water is registered in the prescribed manner”.*

*In paragraph (3)(a), for the words “any of sub-paragraphs (b), (c) or (d) of paragraph (1)” substitute the words “paragraph (1)(d)”.*

DEPUTY R.C. DUHAMEL OF ST. SAVIOUR

P.206/2005. Amd.(2)

### REPORT

There is a proposed exemption from the requirement to procure an abstraction licence for users of small quantities of groundwater who abstract less than a specific volume in a period of 24 hours. This exemption can only be applied if the user registers with the regulatory authority and agrees to provide such information as the regulator prescribes.

As the majority of the 5000 or so boreholes are domestic users who abstract at a rate below the suggested licence limit and therefore would not otherwise require a licence, the inclusion of these users on a register would appear to be an introduction of red tape in contradiction to the States Strategic Plan (Strategic Aim 1.3.1 which seeks “to reduce unnecessary regulation and bureaucracy in the Island”).

#### **Financial and manpower implications**

The amendment removes the requirement for these small users to register. The Committee has not quantified the administrative cost of registration, however the effect of the amendment will be to reduce the administrative burden.