

**THE STATES assembled on Wednesday
19th January 2005, at 9.30 a.m. under
the Presidency of the Bailiff,
Sir Philip Bailhache.**

All members were present with the exception of –

Senator Edward Philip Vibert, out of the Island
John Baudains Germain, Connétable of St. Martin– ill

Prayers

Connétable of St. Helier– re-election

The Bailiff, on behalf of all members, congratulated Mr. Alan Simon Crowcroft on his re-election as the Connétable of St. Helier.

**Draft Public Finances (Jersey) Law 200- P.180/2004
Amendments and Comments**

THE STATES commenced consideration of the draft Public Finances (Jersey) Law 200-, and adopted the Preamble.

THE STATES adopted Articles 1 to 9.

THE STATES adopted an amendment of the Privileges and Procedures Committee that immediately after Article 9, there be inserted the following Article –

“10 Estimates for the States Assembly and its services

- (1) In this Article –
 - “chairman” means the chairman of the Privileges and Procedures Committee established by standing orders in accordance with Article 47(2) of the States of Jersey Law 200;
 - “services”, in respect of the States Assembly, means –
 - (a) committees of the States established by standing orders;
 - (b) Scrutiny Panels established by standing orders;
 - (c) the States Greffe.
- (2) When called upon to do so by the Minister, the chairman must provide the Minister with the estimates specified in paragraph (3).
- (3) Those estimates are estimates in respect of the following financial year of –
 - (a) the revenue expenditure and any income of the States Assembly and its services in that year;
 - (b) the total cost of any capital project that the States Assembly and its services are scheduled to start or continue in that year for which there exists no head of expenditure that authorizes sufficient funding to complete the project; and

- (c) any money that may arise from the disposal by the States Assembly and its services of assets in that year.
- (4) The Minister must, when calling for estimates in accordance with paragraph (2) specify –
 - (a) the detail and form in which the estimates are to be provided; and
 - (b) the date by which they must be provided.
- (5) The Minister may, in any particular case, call for estimates for such other period as the Minister may specify.
- (6) The chairman must, before submitting the estimates for a financial year to the Minister –
 - (a) consult the Minister on the proposed budgetary policy of the Council of Minister for that financial year; and
 - (b) refer the estimates to the Comptroller and Auditor General for any comment.
- (7) When submitting the estimates to the Minister they must be accompanied by any comments made in respect of them by the Comptroller and Auditor General.
- (8) The estimates and any comments of the Comptroller and Auditor General must be incorporated into the draft annual business plan to be lodged in accordance with Article 11(1)^[*]
- (9) Nothing in this Article is to be construed as prohibiting the Minister or any other member of the States from lodging an amendment in accordance with Article 11(4)^[*] to amend an annual business plan in so far as it relates to any estimates provided in accordance with this Article.”,

and that the subsequent Articles be renumbered and correctly cross-referenced, and that there be omitted the following in the Schedule –

“Committees of the States
Scrutiny panels established by Standing Orders
States Greffe”.

THE STATES commenced consideration of Articles 10 to 16, and, following discussion, granted leave to the President of the Finance and Economics Committee to withdraw Article 14.

THE STATES adopted Articles 10 to 13, 15 and 16.

THE STATES commenced consideration of Articles 17 to 21, and, following discussion, granted leave to the President of the Finance and Economics Committee to withdraw Article 19.

THE STATES adopted Articles 17, 18, 20 and 21.

THE STATES adopted Articles 22 to 46.

THE STATES commenced consideration of Article 47, and adopted an amendment of Deputy Sarah Craig Ferguson of St. Brelade that paragraph (3) of Article 47 be omitted and there be substituted the followir paragraph –

- “(3) It shall also be taken to require the Comptroller and Auditor General to consider and report to the States on –
 - (a) the effectiveness of the internal financial controls of States funded bodies and the internal auditing of those controls; and

- (b) the economy, efficiency and effectiveness in the way they use their resources of States funded bodies, independently audited States bodies (other than those that are companies owned or controlled by the States), and States aided independent bodies; and
- (c) the general corporate governance arrangements of the States and of States funded bodies, independently audited States bodies and States aided independent bodies,

and, in each case, to make recommendations to bring about improvement where improvement is needed.”.

Article 47, as amended, was adopted.

THE STATES adopted Articles 48 to 75, together with the Schedule, as amended.

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

Members present voted as follows –

POUR: 31

CONTRE: 4

ABSTAIN: 0

Senator L. Norman
 Senator F.H. Walker
 Senator W. Kinnard
 Senator T.A. Le Sueur
 Senator P.V.F. Le Claire
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Connétable of St. Ouen
 Connétable of St. Saviour
 Connétable of St. Brelade
 Connétable of St. Mary
 Connétable of St. Peter
 Connétable of St. Clement
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Lawrence
 Connétable of Grouville
 Connétable of St. John
 Deputy of Trinity
 Deputy R.C. Duhamel (S)
 Deputy A. Breckon (S)
 Deputy J.J. Huet (H)
 Deputy of St. Martin
 Deputy T.J. Le Main (H)
 Deputy M.F. Dubras (L)
 Deputy J.L. Dorey (H)
 Deputy P.N. Troy (B)
 Deputy S.C. Scott Warren (S)
 Deputy L.J. Farnham (S)
 Deputy R.G. Le Hérisssier (S)
 Deputy J.B. Fox (H)
 Deputy J.A. Martin (H)
 Deputy J.A. Bernstein (B)
 Deputy S.C. Ferguson (B)
 Deputy of St. Mary

Senator J.A. Le Maistre
 Senator R.J. Shenton
 Deputy of St. John
 Deputy G.W.J. de Faye

Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)

Changes in Presidency

The Bailiff retired from the Chair during consideration of Articles 10 to 16 of the draft Public Finances (Jersey) Law 200-, (P.180/2004 lodged “au Greffe” on 26th October 2004), and the meeting continued under the Presidency of Mr. Michael Nelson de la Haye, Greffier of the States.

The Bailiff returned to the Chamber during consideration of Articles 38 to 40 of the draft Public Finances (Jersey) Law 200-, (P.180/2004 lodged “au Greffe” on 26th October 2004), and the meeting continued under his presidency.

Shadow Scrutiny Panels and Shadow Public Accounts Committee: appointment of Shadow Chairmen and membership – P.4/2005

THE STATES, adopting a proposition of the Privileges and Procedures Committee, referred to their Acts dated 27th January 2004, in which were approved the Shadow Scrutiny: arrangements and approval of Chairmen and members (P.186/2003) and Shadow Public Accounts Committee: terms of reference (P.194/2003), and

- (a) agreed that members of the Privileges and Procedures Committee could be elected as members of the Shadow Scrutiny Panels, and appointed the following –

Senator Paul Vincent Francis Le Claire

- (b) agreed to appoint forthwith by ballot, in accordance with procedures mirroring those in Standing Order 41(1B) – 41(1F) on the election of Committee Presidents, 2 members to be Chairmen of the Shadow Scrutiny Panels for a period of 12 months with effect from 27th January 2005, or until ministerial government commenced, whichever was the sooner;
- (c) extended the Chairmanship of Senator Edward Philip Vibert of the Panel investigating the Waste Management Strategy for a period of 2 months for the sole purpose of the presentation of the final report to the States;
- (d) agreed to appoint forthwith by ballot, in accordance with procedures mirroring those in Standing Order 41(1B) – 41(1F) on the election of Committee Presidents, a Shadow Chairman of the Shadow Public Accounts Committee for a period of 12 months with effect from 27th January 2005, or until ministerial government commenced, whichever was the sooner;
- (e) on the recommendation of the Shadow Chairman of the Shadow Public Accounts Committee, agreed to appoint forthwith by ballot 3 members of the Shadow Public Accounts Committee for a period of 12 months with effect from 27th January 2005, or until ministerial government commenced, whichever was the sooner; and,
- (f) referred to their Act dated 16th December 2003, regarding the terms of reference of the Shadow Public Accounts Committee (P.194/2003) and rescinded their decision to include the Shadow Scrutiny Chairmen as members of the Shadow Public Accounts Committee.

Appointment of Chairmen of the two Shadow Scrutiny Panels

THE STATES, having adopted the proposition of the Privileges and Procedures Committee concerning Shadow Scrutiny Panels and Shadow Public Accounts Committee: appointment of Shadow Chairmen and membership, (P.4/2005 lodged “au Greffe” on 4th January 2005), and, in accordance with paragraph (b) of that proposition noted the following nominations for the appointment of Chairmen of the two Shadow Scrutiny Panels –

Deputy Geoffrey Peter Southern of St. Helier– proposed by Senator Wendy Kinnard
Deputy Robert Charles Duhamel of St. Saviour– proposed by the Deputy of St. Martin.

There being no other nominations, the Bailiff accordingly declared that Deputy Geoffrey Peter Southern of St. Helier and Deputy Robert Charles Duhamel of St. Saviour had been duly elected as Chairmen of the two Shadow Scrutiny Panels for a period of 12 months with effect from 27th January 2005.

Appointment of Shadow Chairman of the Shadow Public Accounts Committee

THE STATES, having adopted the proposition of the Privileges and Procedures Committee concerning Shadow Scrutiny Panels and Shadow Public Accounts Committee: appointment of Shadow Chairmen and membership, (P.4/2005 lodged “au Greffe” on 4th January 2005), and, in accordance with paragraph (d) of that proposition noted the following nomination for the appointment of the Shadow Chairman of the Shadow Public Accounts Committee –

Deputy Sarah Craig Ferguson of St. Brelade– proposed by the Deputy of St. Ouen

There being no other nominations, the Bailiff accordingly declared that Deputy Sarah Craig Ferguson of St. Brelade had been duly elected as Shadow Chairmen of the Shadow Public Accounts Committee for a period of 12 months with effect from 27th January 2005.

Appointment of members of the Shadow Public Accounts Committee

THE STATES, having adopted the proposition of the Privileges and Procedures Committee concerning Shadow Scrutiny Panels and Shadow Public Accounts Committee: appointment of Shadow Chairmen and membership, (P.4/2005 lodged “au Greffe” on 4th January 2005), and, in accordance with paragraph (e) of that proposition, and on the recommendation of the Shadow Chairman of the Shadow Public Accounts Committee, noted the following nominations for the appointment of members of the Shadow Public Accounts Committee –

The Connétable of Grouville
Deputy Jacqueline Jeanette Huet of St. Helier
The Deputy of St. Ouen

There being no other nominations, the Bailiff accordingly declared that the Connétable of Grouville, Deputy Jacqueline Jeanette Huet of St. Helier, and the Deputy of St. Ouen had been duly elected as members of the Shadow Public Accounts Committee for a period of 12 months with effect from 27th January 2005, or until ministerial government commenced, whichever was the sooner

Draft Honorary Police (Jersey) Regulations 200- P.193/2004

THE STATES commenced consideration of the draft Honorary Police (Jersey) Regulations 200-, and adopted the Preamble.

THE STATES adopted Regulations 1 to 5.

Members present voted as follows –

POUR: 36

CONTRE: 3

ABSTAIN: 0

Senator J.A. Le Maistre
Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator P.F. Routier
Senator M.E. Vibert
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy C.J. Scott Warren (S)
Deputy R.G. Le Hérisier (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy M.A. Taylor (C)
Deputy of Grouville
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

Senator R.J. Shenton
Deputy of St. Martin
Deputy P.N. Troy (B)

THE STATES adopted Articles 6 to 13.

THE STATES, in pursuance of Article 4 of the Police Force (Jersey) Law 1974, made Regulations entitled the Honorary Police (Jersey) Regulations 2005.

Compensation of victims of untraced drivers of motor vehicles: Agreement between the Home Affairs Committee and the Motor Insurers' Bureau – P.194/2004

THE STATES, adopting a proposition of the Home Affairs Committee, approved the terms of a draft agreement between the Home Affairs Committee and the Motor Insurers Bureau with regard to the compensation of victims of untraced drivers of motor vehicles as set out in the Appendix to the report of the Home Affairs Committee dated 9th November 2004, and ordered the printing and publication thereof.

Maritime House, La Route du Port Elizabeth, St. Helier: transfer of administration- P.201/2004

THE STATES, adopting a proposition of the Policy and Resources Committee, referred to their Act dated 12th December 1995, in which *inter alia* they approved the establishment of the Waterfront Enterprise Board Limited as a separate legal entity, appointed the Waterfront Enterprise Board Limited as a development agency of the States for an initial period of 10 years, and transferred to the administration of the Waterfront Enterprise Board Limited areas to the west of Albert reclamation site shown on Drawing No. 484/1, and

- (a) approved the transfer of administration from the Waterfront Enterprise Board Limited to the Environment and Public Services Committee of the site shown hatched on drawing No. P 580 01, beir the site of Maritime House; and,
- (b) authorised the Greffier of the States to sign the said drawing on behalf of the States.

Maison St. Louis Observatory, Highlands Lane, St. Saviour and La Moye Weather Radar Station, La Fos Voerin, St. Brelade: transfer of administration– P.204/2004

THE STATES, adopting a proposition of the Harbours and Airport Committee –

- (a) approved the transfer of administration from the Harbours and Airport Committee to the Environment and Public Services Committee of the following properties –
 - (i) the observatory, outbuildings, land and appurtenances known as Maison St. Louis, St. Saviour, a shown on Drawing No. 558/04/73,
 - (ii) the La Moye Weather Radar Station, St. Brelade and land dependent thereto, as shown o Drawing No. 556/04/74; and,
- (b) authorised the Greffier of the States to sign the said drawings on behalf of the States.

Share transfer property: stamp duty – P.211/2004
Comments

THE STATES, adopting a proposition of the Deputy of St. Martin–

- (a) agreed, in principle, that stamp duty should be payable on all transactions of residential immovable property in Jersey undertaken through share transfer at a level equal to the amount which would be payable on a contract of sale of freehold property of the same value before the Royal Court;
- (b) agreed, in principle, that stamp duty should be payable on all transactions of commercial immovable property in Jersey undertaken through share transfer at a level equal to the amount which would be payable on a contract of sale of freehold property of the same value before the Royal Court; and,
- (c) charged the Finance and Economics Committee to prepare the necessary legislation for consideration by the Assembly in 2005 to give effect to the foregoing proposals.

Members present voted as follows –

POUR: 39

CONTRE: 0

ABSTAIN: 0

Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert

Senator P.F.C. Ozouf
Senator R.J. Shenton
Connétable of St. Ouen
Connétable of St. Saviour
Connétable of St. Brelade
Connétable of St. Mary
Connétable of St. Peter
Connétable of St. Clement
Connétable of St. Helier
Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Deputy of Trinity
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy of St. John
Deputy T.J. Le Main (H)
Deputy M.F. Dubras (L)
Deputy G.C.L. Baudains (C)
Deputy J.L. Dorey (H)
Deputy P.N. Troy (B)
Deputy C.J. Scott Warren (S)
Deputy J.B. Fox (H)
Deputy J-A. Bridge (H)
Deputy J.A. Martin (H)
Deputy G.P. Southern (H)
Deputy S.C. Ferguson (B)
Deputy of St. Mary
Deputy of St. Ouen
Deputy M.A. Taylor (C)
Deputy of St. Peter
Deputy J.A. Hilton (H)
Deputy G.W.J. de Faye (H)

Deputy Roy George Le Hérissier of St. Saviour declared an interest and withdrew from the Chamber prior to the consideration of this matter.

Manual Workers' Joint Council: membership – P.219/2004

THE STATES, adopting a proposition of the Policy and Resources Committee, referred to their Act dated 9th November 1961, concerning the membership of the Manual Workers' Joint Council, and appointed –

Deputy Maurice François Dubras of St. Lawrence
Senator Michael Edward Vibert
Senator Philip Francis Cyril Ozouf
The Deputy of Trinity
The Chief Officer, Health and Social Services Department
The Chief Officer, Public Services Department

as the States' representatives on the Employers' Side of the Manual Workers' Joint Council.

Draft Finances (Jersey) Law 200- (*third reading*) – P.229/2004

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

Draft Income Tax (Amendment No. 24) (Jersey) Law 200 (*third reading*) – P.230/2004

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Income Tax (Amendment No. 24) (Jersey) Law 200.

Draft Civil Evidence (Jersey) Law 2003 (Appointed Day) Act 200- P.228/2004

THE STATES, in pursuance of Article 14 of the Civil Evidence (Jersey) Law 2003, made an Act entitled the Civil Evidence (Jersey) Law 2003 (Appointed Day) Act 2005.

THE STATES rose at 6.18 p.m.

M.N. DE LA HAYE

Greffier of the States.