

**THE STATES assembled on Tuesday
23rd October 2007, at 09.30 a.m. under
the Presidency of the Deputy Bailiff,
Mr. Michael Cameron St. John Birt Esquire.**

**His Excellency the Lieutenant Governor,
Lieutenant-General Andrew Peter Ridgway, C.B., C.B.E.,
was present**

All members were present at roll call with the exception of –

Connétable Kenneth Priaux Vibert of St. Ouen– absent on States business
Deputy Jacqueline Jeanette Huet of St. Helier– ill
Deputy Peter Nicholas Troy of St. Brelade– en défaut
Deputy Celia Joyce Scott Warren of St. Saviour– ill
Deputy Geoffrey Peter Southern of St. Helier– absent on States business
Deputy Anne Enid Pryke of Trinity – absent on States business
Deputy Juliette Gallichan of St. Mary– absent on States business

Prayers

Subordinate enactments tabled

The following enactments were tabled, namely –

Diseases of Animals (Foot and Mouth – Restrictions No. 6) (Jersey) Order 2007 <i>Minister for Economic Development for and on behalf of the Minister for Planning and Environment.</i>	R&O.129/2007.
Mental Health (Amendment No. 3) Rules 2007. <i>Superior Number of the Royal Court.</i>	R&O.130/2007.
Royal Court (Amendment No. 7) Rules 2007. <i>Superior Number of the Royal Court.</i>	R&O.131/2007.

Documents presented or laid

Island Plan 2002: H4 Site No. 15, Samarès Nursery, St. Clement and future amendments to the Island Plan (P.95/2007): comments. Presented: 23rd October 2007. <i>Minister for Planning and Environment.</i>	P.95/2007. Com.
Goods and Services Tax: petition (P.125/2007) – comments. Presented: 17th October 2007. <i>Minister for Treasury and Resources.</i>	P.125/2007. Com.
Jersey Competition Regulatory Authority: appointment of Executive Director. Presented: 18th October 2007. <i>Minister for Economic Development.</i>	R.99/2007.

Review of Draft Goods and Services Tax Regulations. S.R.19/2007.
Presented: 11th October 2007.
Corporate Services Scrutiny Panel.

Notification of lodged propositions

Criminal Justice Policy (P.118/2007): amendment. P.118/2007.
Lodged: 23rd October 2007. Amd.
Deputy of St. Martin.

Draft Crime (Transnational Organized Crime) (Jersey) Law 200- (P.132/2007): P.132/2007.
amendments. Amd.
Lodged: 23rd October 2007.
Minister for Home Affairs.

Draft Collective Investment Funds (Amendment No. 4) (Jersey) Law 200 P.139/2007.
(P.139/2007): amendments. Amd.
Lodged: 23rd October 2007.
Minister for Economic Development.

Energy from Waste Facility: Public Enquiry. P.159/2007.
Lodged: 15th October 2007.
Connétable of St. Helier.

Draft Harbours (Administration) (Amendment No. 7) (Jersey) Law 200. P.160/2007.
Lodged: 16th October 2007.
Minister for Economic Development.

Criminal Justice Policy – audit of the need for a prosecution service. P.161/2007.
Lodged: 19th October 2007.
Deputy of St. Martin.

Draft Amendment (No. 8) of the Standing Orders of the States of Jersey. P.162/2007.
Lodged: 23rd October 2007.
Senator M.E. Vibert.

Draft Amendment (No. 32) to the Tariff of Harbour and Light Dues. P.163/2007.
Lodged: 23rd October 2007.
Minister for Economic Development.

Budget 2008. P.164/2007.
Lodged: 23rd October 2007.
Minister for Treasury and Resources.

Draft Finance (Jersey) Law 200-. P.165/2007.
Lodged: 23rd October 2007.
Minister for Treasury and Resources.

Draft Income Tax (Amendment No. 30) (Jersey) Law 200. P.166/2007.
Lodged: 23rd October 2007.
Minister for Treasury and Resources.

Draft Public Finances (Amendment No. 2) (Jersey) Law 200. P.167/2007.
Lodged: 23rd October 2007.

Minister for Treasury and Resources.

Withdrawal of lodged propositions

THE STATES noted that, in accordance with Standing Order 34(1), the proposer of the following proposition lodged “au Greffe” had informed the Greffier of the States that it had been withdrawn –

Income Support Scheme: deferral of introduction.
Lodged: 26th September 2007.
Health, Social Security and Housing Scrutiny Panel.

P.143/2007.

Environment Scrutiny Panel – appointment of member

In accordance with the provisions of Standing Order 125(1) Deputy Robert Charles Duhamel of St. Saviour Chairman of the Environment Scrutiny Panel, nominated Deputy Celia Joyce Scott Warren of St. Saviour as a member of that Panel.

There being no other nominations, the Deputy Bailiff declared that Deputy Celia Joyce Scott Warren of St. Saviour was duly elected as a member of the Environment Scrutiny Panel.

Written Questions

(see Official Report)

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy S.C. Ferguson of St. Brelade regarding local school examination results for the last 5 years.

The Minister for Economic Development tabled answers to questions asked by Deputy S.S.P.A. Power of St. Brelade regarding the replacement of a crane on the New North Quay.

The Minister for Education, Sport and Culture tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the teaching of children whose first language was not English.

The Minister for Home Affairs tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding access to landline and mobile telephone information.

The Minister for Economic Development tabled an answer to questions asked by Deputy G.C.L. Baudains of St. Clement regarding expenditure at the Airport and Harbours, as detailed in the Annual Business Plan 2008.

The Minister for Housing tabled answers to questions asked by Deputy G.P. Southern of St. Helier regarding the content of arrears letters sent to tenants.

The Minister for Economic Development tabled an answer to a question asked by Deputy S.C. Ferguson of St. Brelade regarding free competition between local and overseas companies.

The Minister for Economic Development tabled an answer to a question asked by Deputy G.C.L. Baudains of St. Clement regarding the operational limitations of wavepiercer vessels.

Oral Questions

(see Official Report)

Deputy R.G. Le Hérisier of St. Saviour asked a question of the Minister for Treasury and Resources regarding the plans for the States Property Company and the appointment of a Chairman of WEB, or its successor, for the

long term.

Deputy S.C. Ferguson of St. Brelade asked a question of the Minister for Education, Sport and Culture regarding the allocation of a carry forward of £1,289,000 to the Education, Sport and Culture Department.

Deputy J.A. Martin of St. Helier asked a question of the Minister for Housing regarding what he meant by 'zero tolerance' on rent arrears.

The Connétable of St. Helier asked a question of the Chief Minister regarding progress made towards the development of youth facilities, including a skateboard park, on the Waterfront.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Minister for Planning and Environment regarding the future usage of the former Tourism Office at the Weighbridge and Liberation Square.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Education, Sport and Culture regarding the replacement of cladding at Le Rocquier School.

Deputy S.S.P.A. Power of St. Brelade asked a question of the Minister for Economic Development regarding the monitoring of fares for cars and passengers on the St. Helier– St. Malo route by the Jersey Competitor Regulatory Authority.

Deputy J.A. Martin of St. Helier asked a question of the Minister for Health and Social Services regarding how many children in Jersey were estimated by his Department to be obese or receiving treatment for eating disorders.

Deputy R.G. Le Hérissier of St. Saviour asked a question of the Minister for Planning and Environment regarding the commencement of the consultation period for the plans for sheltered/lifelong homes.

Deputy G.C.L. Baudains of St. Clement asked a question of the Minister for Home Affairs regarding the processing of firearm licence applications.

The Deputy of St. Martin asked a question of the Minister for Home Affairs regarding the necessary legislation required to establish a Police Consultative Group in line with paragraph 3.2.1 of the States Strategic Plan 2006-2011.

The Deputy of St. Martin asked a question of the Minister for Economic Development regarding the Human Rights compliance of the Draft Harbours (Administration) (Amendment No. 7) (Jersey) Law 2007 (P.160/2007).

Oral Questions without notice

(see Official Report)

The Minister for Economic Development answered questions without notice from members.

The Minister for Transport and Technical Services answered questions without notice from members.

Proposed sale of Jersey Telecom – statement

(see Official Report)

The Vice-Chairman of the Economic Affairs Scrutiny Panel made a statement regarding the proposed sale of Jersey Telecom.

Arrangement of public business for the present meeting

THE STATES noted that Deputy Ian Joseph Gorst of St. Clement had informed the Greffier, in accordance with

Standing Order 30(2), that his proposition relating to the Island Plan 2002: H4 Site No. 15, Samarès Nursery St. Clement and future amendments to the Island Plan (P.95/2007) lodged “au Greffe” on 20th July 2007) would be deferred from the present meeting to 15th January 2008.

Draft Police (Complaints and Discipline) (Amendment) (Jersey) Law 200- P.116/2007

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

Draft Police (Honorary Police Complaints and Discipline Procedure) (Amendment No. 2) (Jersey) Regulations 200- P.112/2007

THE STATES, in pursuance of Article 28 of the Police (Complaints and Discipline) (Jersey) Law 1999, made Regulations entitled the Police (Honorary Police Complaints and Discipline Procedure) (Amendment No. 2) (Jersey) Regulations 2007.

Draft Goods and Services Tax (Jersey) Regulations 200- P.122/2007

THE STATES commenced consideration of the Draft Goods and Services Tax (Jersey) Regulations 200- and adopted the principles.

The electronic voting system being unavailable, members decided, in accordance with the provisions of Standing Order 93, that voting be undertaken for the remainder of the meeting by roll call votes, and voted on the principles of the Draft Goods and Services Tax (Jersey) Regulations 200- as follows –

POUR: 28

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

Senator J.L. Perchard
Connétable of St. Mary
Connétable of St. Clement

Connétable of Trinity
Connétable of St. Lawrence
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
Connétable of St. Saviour
Deputy J.B. Fox (H)
Deputy S.C. Ferguson (B)
Deputy of St. Ouen
Deputy P.J.D. Ryan (H)
Deputy of St. Peter
Deputy J.A. Hilton (H)

CONTRE: 13

Senator L. Norman
Connétable of St. Helier
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy G.C.L. Baudains (C)
Deputy R.G. Le Hérisser
(S)
Deputy J.A. Martin (H)
Deputy P.V.F. Le Claire (H)
Deputy D.W. Mezbourian
(L)
Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy K.C. Lewis (S)

ABSTAIN: 0

Deputy G.W.J. de Faye (H)
Deputy J.A.N. Le Fondré (L)
Deputy A.J.H. Maclean (H)
Deputy of St. John
Deputy I.J. Gorst (C)

THE STATES adopted Regulations 1 to 33.

THE STATES, in pursuance of Articles 16, 17, 20, 21, 29, 36, 37, 41, 42, 43, 52, 53, 56, 57, 61, 62, 97, 100 and 101, and Schedule 9, of the Goods and Services Tax (Jersey) Law 2007 made Regulations entitled the Goods and Services Tax (Jersey) Regulations 2007.

Fields 848, 851 and 853, Bel Royal, St. Lawrence: Committee of Inquiry– appointment of member – P.147/2007

THE STATES, adopting a proposition of the Connétable of St. Lawrence, referred to their Act dated 2nd May 2007 in which they agreed to approve the appointment of a Committee of Inquiry to investigate fully the circumstances relating to the development of Fields 848, 851 and 853, Bel Royal, and appointed Mr. Reginald Peter Kemble as a member of the Committee of Inquiry.

Draft Employment Relations (Jersey) Law 2007 (Appointed Day) Act 200- P.154/2007

THE STATES, in pursuance of Article 29(2) of the Employment Relations (Jersey) Law 2007, made an Act entitled the Employment Relations (Jersey) Law 2007 (Appointed Day) Act 2007.

Draft Employment Relations (Amendment No. 2) (Jersey) Law 2007 (Appointed Day) Act 200 P.155/2007

THE STATES, in pursuance of Article 6(2) of the Employment Relations (Amendment No. 2) (Jersey) Law 2007 made an Act entitled the Employment Relations (Amendment No. 2) (Jersey) Law 2007 (Appointed Day) Act 2007.

Jersey Financial Services Commission: appointment of Commissioner P.150/2007

THE STATES commenced consideration of a proposition of the Minister for Economic Development concerning the appointment of a Commissioner of the Jersey Financial Services Commission. The Deputy Bailiff, in accordance with the provisions of Standing Order 82, ordered all strangers to withdraw from the precincts of the States and the doors of the Chamber to be closed.

THE STATES, having concluded the debate in camera, proceeded to vote in public assembly and, in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998, agreed to appoint Mr. Clive Jones as Commissioner of the Jersey Financial Services Commission for a period of 3 years.

Senator Ben Shenton, in accordance with the provisions of Standing Order 106(b), declared an interest and withdrew from the Chamber during consideration of this matter.

Arrangement of public business for future meetings

THE STATES rejected a proposition of Deputy Judith Ann Martin of St. Helier that the proposition concerning 'JT Group Limited ("Jersey Telecom"): proposed sale' (P.153/2007), lodged 'au Greffe' on 9th October 2007 by the Minister for Treasury and Resources, be deferred from 20th November 2007 to 15th January 2008.

Members present voted as follows –

POUR: 15

CONTRE: 20

ABSTAIN: 0

Connétable of St. Mary
Connétable of Grouville
Connétable of St. Brelade
Connétable of St. Martin
Connétable of St. John
Deputy R.C. Duhamel (S)
Deputy A. Breckon (S)
Deputy of St. Martin
Deputy J.A. Martin (H)
Deputy of St. Ouen
Deputy of St. Peter
Deputy P.V.F. Le Claire (H)
Deputy D.W. Mezbourian
(L)
Deputy S.S.P.A. Power (B)
Deputy K.C. Lewis (S)

Senator L. Norman
Senator F.H. Walker
Senator W. Kinnard
Senator T.A. Le Sueur
Senator P.F. Routier
Senator M.E. Vibert
Senator P.F.C. Ozouf
Senator T.J. Le Main
Senator F.E. Cohen
Connétable of St. Clement
Connétable of St. Lawrence
Connétable of St. Saviour

Deputy R.G. Le Hérissier (S)
Deputy J.B. Fox (H)
Deputy P.J.D. Ryan (H)
Deputy of Grouville
Deputy G.W.J. de Faye (H)
Deputy J.A.N. Le Fondré (L)
Deputy A.J.H. Maclean (H)
Deputy I.J. Gorst (C)

THE STATES agreed the following arrangement of public business for future meetings proposed, as amended, by the Chairman of the Privileges and Procedures Committee in accordance with the provisions of Standing Order 88 (3) –

6th November 2007

Goods and Services Tax: petition. Lodged: 18th September 2007. <i>Connétable of St. Helier.</i>	P.125/2007.
Goods and Services Tax: petition (P.125/2007) – comments. Presented: 17th October 2007. <i>Minister for Treasury and Resources.</i>	P.125/2007. Com.
Draft Price and Charge Indicators (Jersey) Law 200-. Lodged: 4th October 2007. <i>Minister for Economic Development.</i>	P.149/2007.
Draft Goods and Services Tax (Jersey) Law 2007 (Appointed Day) Act 200-. Lodged: 11th September 2007. <i>Minister for Treasury and Resources.</i>	P.121/2007.
Draft Financial Services (Amendment of Law) (No. 2) (Jersey) Regulations 200-. Lodged: 28th August 2007. <i>Minister for Economic Development.</i>	P.114/2007.
Draft Marriage and Civil Status (Amendment) (Jersey) Law 200-.	P.120/2007.

Lodged: 7th September 2007. <i>Minister for Home Affairs.</i>	
Crime (Sentences) Act 1997: extension to Jersey. Lodged: 14th September 2007. <i>Chief Minister.</i>	P.124/2007.
Draft Loi (1939) sur les honoraires des Avocats et des Écrivains (Repeal) (Jersey) Law 200-. Lodged: 18th September 2007. <i>Chief Minister.</i>	P.126/2007.
Draft Drug Trafficking (Offences) (Amendment) (Jersey) Law 200-. Lodged: 24th September 2007. <i>Minister for Treasury and Resources.</i>	P.128/2007.
Draft Proceeds of Crime (Amendment) (Jersey) Law 200-. Lodged: 24th September 2007. <i>Minister for Treasury and Resources.</i>	P.129/2007.
Draft Corruption (Amendment of Definitions) (Jersey) Regulations 200-. Lodged: 24th September 2007. <i>Minister for Home Affairs.</i>	P.130/2007.
Draft Terrorism (Amendment No. 2) (Jersey) Law 200-. Lodged: 24th September 2007. <i>Minister for Home Affairs.</i>	P.131/2007.
Draft Crime (Transnational Organized Crime) (Jersey) Law 200-. Lodged: 24th September 2007. <i>Minister for Home Affairs.</i>	P.132/2007.
Draft Crime (Transnational Organized Crime) (Jersey) Law 200- (P.132/2007): amendments. Lodged: 23rd October 2007. <i>Minister for Home Affairs.</i>	P.132/2007. Amd.
Draft Proceeds of Crime (Cash Seizure) (Jersey) Law 200-. Lodged: 24th September 2007. <i>Minister for Home Affairs.</i>	P.133/2007.
Draft Criminal Justice (International Co-operation) (Amendment) (Jersey) Law 200-. Lodged: 24th September 2007. <i>Minister for Treasury and Resources.</i>	P.134/2007.
Draft Civil Asset Recovery (International Co-operation) (Jersey) Law 200-. Lodged: 25th September 2007. <i>Minister for Home Affairs.</i>	P.135/2007.
Draft Banking Business (Amendment No. 6) (Jersey) Law 200-. Lodged: 25th September 2007. <i>Minister for Economic Development.</i>	P.136/2007.
Draft Insurance Business (Amendment No. 6) (Jersey) Law 200-.	P.137/2007.

Lodged: 25th September 2007. <i>Minister for Economic Development.</i>	
Draft Financial Services (Amendment No. 4) (Jersey) Law 200. Lodged: 25th September 2007. <i>Minister for Economic Development.</i>	P.138/2007.
Draft Collective Investment Funds (Amendment No. 4) (Jersey) Law 200. Lodged: 25th September 2007. <i>Minister for Economic Development.</i>	P.139/2007.
Draft Collective Investment Funds (Amendment No. 4) (Jersey) Law 200 (P.139/2007): amendments. Lodged: 23rd October 2007. <i>Minister for Economic Development.</i>	P.139/2007. Amd.
Senator Frank Harrison Walker, Chief Minister: Vote of Censure. Lodged: 10th October 2007. <i>Deputy A. Breckon of St. Saviour.</i>	P.158/2007.
<u>20th November 2007</u>	
Criminal Justice Policy – audit of the need for a prosecution service. Lodged: 19th October 2007. <i>Deputy of St. Martin.</i>	P.161/2007.
Criminal Justice Policy. Lodged: 4th September 2007. <i>Minister for Home Affairs.</i>	P.118/2007.
Criminal Justice Policy (P.118/2007): amendment. Lodged: 23rd October 2007. <i>Deputy of St. Martin.</i>	P.118/2007. Amd.
Draft Electricity Link with France (Protection of Submarine Cable) (Jersey) Regulations 200-. Lodged: 25th September 2007. <i>Minister for Economic Development.</i>	P.142/2007.
Draft Community Provisions (Ship and Port Facility – Security) (Amendment) (Jersey) Regulations 200-. Lodged: 26th September 2007. <i>Minister for Economic Development.</i>	P.144/2007.
Health Insurance Exemption cards: free bus travel and Active cards. Lodged: 26th September 2007. <i>Health, Social Security and Housing Scrutiny Panel.</i>	P.145/2007.
Draft Public Library (Jersey) Regulations 200-. Lodged: 3rd October 2007. <i>Minister for Education, Sport and Culture.</i>	P.146/2007.
Draft Places of Refreshment (Jersey) Regulations 200-. Lodged: 4th October 2007. <i>Minister for Economic Development.</i>	P.148/2007.

Draft Amendment (No. 7) of the Standing Orders of the States of Jersey. Lodged: 9th October 2007. <i>Chairmen's Committee.</i>	P.151/2007.
Draft States of Jersey (Implementation) (Jersey) Regulations 200-. Lodged: 9th October 2007. <i>Chief Minister.</i>	P.152/2007.
JT Group Limited ("Jersey Telecom"): proposed sale. Lodged: 9th October 2007. <i>Minister for Treasury and Resources.</i>	P.153/2007
Draft Income Tax (Amendment No. 29) (Jersey) Law 200. Lodged: 9th October 2007. <i>Minister for Treasury and Resources.</i>	P.156/2007.
Draft Income Tax (Deemed Dividends) (Jersey) Regulations 200-. Lodged: 9th October 2007. <i>Minister for Treasury and Resources.</i>	P.157/2007.
Energy from Waste Facility: Public Enquiry. Lodged: 15th October 2007. <i>Connétable of St. Helier.</i>	P.159/2007.

4th December 2007

Budget 2008. Lodged: 23rd October 2007. <i>Minister for Treasury and Resources.</i>	P.164/2007.
Draft Finance (Jersey) Law 200-. Lodged: 23rd October 2007. <i>Minister for Treasury and Resources.</i>	P.165/2007.
Draft Income Tax (Amendment No. 30) (Jersey) Law 200. Lodged: 23rd October 2007. <i>Minister for Treasury and Resources.</i>	P.166/2007.
Draft Public Finances (Amendment No. 2) (Jersey) Law 200. Lodged: 23rd October 2007. <i>Minister for Treasury and Resources.</i>	P.167/2007.
Draft Harbours (Administration) (Amendment No. 7) (Jersey) Law 200. Lodged: 16th October 2007. <i>Minister for Economic Development.</i>	P.160/2007.
Draft Amendment (No. 8) of the Standing Orders of the States of Jersey. Lodged: 23rd October 2007. <i>Senator M.E. Vibert.</i>	P.162/2007.
Draft Amendment (No. 32) to the Tariff of Harbour and Light Dues. Lodged: 23rd October 2007. <i>Minister for Economic Development.</i>	P.163/2007.

15th January 2008

Island Plan 2002: H4 Site No. 15, Samarès Nursery, St. Clement and future amendments to the Island Plan.

P.95/2007.

Lodged: 20th July 2007.

Deputy I.J. Gorst of St. Clement.

Island Plan 2002: H4 Site No. 15, Samarès Nursery, St. Clement and future amendments to the Island Plan (P.95/2007): comments.

P.95/2007. Com.

Presented: 23rd October 2007.

Minister for Planning and Environment.

12th February 2008

Draft Proceeds of Crime (Substitution of Schedule 2) (Jersey) Regulations 200.

P.127/2007.

Lodged: 24th September 2007.

Minister for Treasury and Resources.

THE STATES rose at 1.10 p.m.

M.N. DE LA HAYE

Greffier of the States