

THE STATES assembled on Wednesday 13th May 2009, at 09.30 a.m. under the Presidency of the Deputy Bailiff, Michael Cameron St. John Birt Esquire.

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

Senator Terence Augustine Le Sueur – absent on States business Senator Frederick Ellyer Cohen – en défaut (défaut raised at 9.36 a.m.) Senator Alan John Henry Maclean – absent on States business (arrived in the Chamber at 10.33 a.m.) Deputy James Gordon Reed of St. Ouen – ill Deputy Jacqueline Ann Hilton of St. Helier – en défaut (défaut raised at 10.17 a.m.)

Prayers read by the Greffier of the States

Notification of lodged propositions

Commissioners of Appeal for Income Tax: appointment. Lodged: 13th May 2009. *Minister for Treasury and Resources.*

Draft Housing (General Provisions) (Amendment No. 26) (Jersey) Regulations 200- P.45/2009

THE STATES resumed consideration of the Draft Housing (General Provisions) (Amendment No. 26) (Jersey) Regulations 200- and, adopting a proposition of the Deputy of St. John, agreed, in accordance with the provisions of Standing Order 84, that the debate on the principles be put to the vote.

Members present voted as follows –

POUR: 29	CONTRE: 17	ABSTAIN: 1
Senator P.F.C. Ozouf	Senator S. Syvret	Senator A.J.D. Maclean
Senator B.E. Shenton	Senator P.F. Routier	
Senator F.E. Cohen	Senator T.J. Le Main	
Senator J.L. Perchard	Senator A. Breckon	
Senator B.I. Le Marquand	Senator S.C. Ferguson	
Connétable of St. Ouen	Connétable of St. Lawrence	
Connétable of Trinity	Deputy J.A. Martin (H)	
Connétable of Grouville	Deputy G.P. Southern (H)	
Connétable of St. Brelade	Deputy of Grouville	
Connétable of St. John	Deputy P.V.F. Le Claire (H)	
Connétable of St. Saviour	Deputy S. Pitman (H)	
Connétable of St. Peter	Deputy M. Tadier (B)	
Connétable of St. Mary	Deputy of St. Mary	
Deputy R.C. Duhamel (S)	Deputy T.M. Pitman (H)	
Deputy of St. Martin	Deputy M.R. Higgins (H)	
Deputy R.G. Le Hérissier (S)	Deputy D. De Sousa (H)	
Deputy J.B. Fox (H)	Deputy J.M. Maçon (S)	

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Deputy of St. Peter Deputy J.A. Hilton (H) Deputy J.A.N. Le Fondré (L) Deputy of Trinity Deputy S.S.P.A. Power (B) Deputy I.J. Gorst (C) Deputy of St. John Deputy A.E. Jeune (B) Deputy A.T. Dupré (C) Deputy E.J. Noel (L) Deputy T.A. Vallois (S) Deputy A.K.F. Green (H)

THE STATES adopted the principles.

Members present voted as follows -

POUR: 35

CONTRE: 13

ABSTAIN: 0

Senator P.F. Routier Senator P.F.C. Ozouf Senator T.J. Le Main Senator B.E. Shenton Senator F.E. Cohen Senator J.L. Perchard Senator A. Breckon Senator B.I. Le Marquand Connétable of St. Ouen Connétable of St. Helier Connétable of Trinity Connétable of Grouville Connétable of St. Brelade Connétable of St. Saviour Connétable of St. Clement Connétable of St. Peter Connétable of St. Lawrence Connétable of St. Marv Deputy R.C. Duhamel (S) Deputy J.B. Fox (H) Deputy J.A. Martin (H) Deputy of St. Peter Deputy J.A. Hilton (H) Deputy P.V.F. Le Claire (H) Deputy J.A.N. Le Fondré (L) Deputy of Trinity Deputy S.S.P.A. Power (B) Deputy K.C. Lewis (S) Deputy I.J. Gorst (C) Deputy of St. John Deputy A.T. Dupré (C) Deputy E.J. Noel (L) Deputy T.A. Vallois (S) Deputy M.R. Higgins (H) Deputy A.K.F. Green (H)

Senator S. Syvret Senator S.C. Ferguson Connétable of St. John Deputy of St. Martin Deputy R.G. Le Hérissier (S) Deputy G.P. Southern (H) Deputy of Grouville Deputy S. Pitman (H) Deputy M. Tadier (B) Deputy of St. Mary Deputy T.M. Pitman (H) Deputy D. De Sousa (H) Deputy J.M. Macon (S) 13th May 2009

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Regulation 1.

Members present voted as follows -

POUR: 44

Senator P.F. Routier Senator P.F.C. Ozouf Senator T.J. Le Main Senator B.E. Shenton Senator F.E. Cohen Senator J.L. Perchard Senator A. Breckon Senator B.I. Le Marquand Connétable of St. Ouen Connétable of St. Helier Connétable of Trinity Connétable of Grouville Connétable of St. Brelade Connétable of St. Saviour Connétable of St. Clement Connétable of St. Peter Connétable of St. Lawrence Connétable of St. Mary Deputy R.C. Duhamel (S) Deputy of St. Martin Deputy R.G. Le Hérissier (S) Deputy J.B. Fox (H) Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy of St. Peter Deputy J.A. Hilton (H) Deputy P.V.F. Le Claire (H) Deputy J.A.N. Le Fondré (L) Deputy of Trinity Deputy S.S.P.A. Power (B) Deputy S. Pitman (H) Deputy K.C. Lewis (S) Deputy I.J. Gorst (C) Deputy of St. John Deputy M. Tadier (B) Deputy A.E. Jeune (B) Deputy of St. Mary Deputy T.M. Pitman (H) Deputy A.T. Dupré (C) Deputy E.J. Noel (L) Deputy T.A. Vallois (S) Deputy M.R. Higgins (H) Deputy A.K.F. Green (H) Deputy D. De Sousa (H)

CONTRE: 5

Senator S. Syvret Senator S.C. Ferguson Connétable of St. John Deputy of Grouville Deputy J.M. Maçon (S)

ABSTAIN: 1

Senator A.J.D. Maclean

THE STATES adopted Regulation 2.

Members present voted as follows -

ABSTAIN: 0

POUR: 36

Senator P.F. Routier Senator P.F.C. Ozouf Senator T.J. Le Main Senator B.E. Shenton Senator F.E. Cohen Senator J.L. Perchard Senator S.C. Ferguson Senator A.J.D. Maclean Senator B.I. Le Marquand Connétable of St. Ouen Connétable of St. Helier Connétable of Trinity Connétable of Grouville Connétable of St. Brelade Connétable of St. John Connétable of St. Saviour Connétable of St. Clement Connétable of St Peter Connétable of St. Lawrence Connétable of St. Mary Deputy R.C. Duhamel (S) Deputy J.B. Fox (H) Deputy of St. Peter Deputy J.A. Hilton (H) Deputy P.V.F. Le Claire (H) Deputy J.A.N. Le Fondré (L) Deputy of Trinity Deputy S.S.P.A. Power (B) Deputy K.C. Lewis (S) Deputy I.J. Gorst (C) Deputy of St. John Deputy A.E. Jeune (B) Deputy A.T. Dupré (C) Deputy E.J. Noel (L) Deputy T.A. Vallois (S) Deputy A.K.F. Green (H)

CONTRE: 14

Senator S. Syvret Senator A. Breckon Deputy of St. Martin Deputy R.G. Le Hérissier (S) Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy of Grouville Deputy of Grouville Deputy S. Pitman (H) Deputy M. Tadier (B) Deputy of St. Mary Deputy T.M. Pitman (H) Deputy M.R. Higgins (H) Deputy D. De Sousa (H) Deputy J.M. Maçon (S)

THE STATES, in pursuance of Articles 14 and 21 of the Housing (Jersey) Law 1949, made Regulations entitled the Housing (General Provisions) (Amendment No. 26) (Jersey) Regulations 2009.

POUR: 40

Senator P.F. Routier Senator P.F.C. Ozouf Senator T.J. Le Main Senator B.E. Shenton Senator F.E. Cohen Senator J.L. Perchard Senator A. Breckon Senator S.C. Ferguson Senator A.J.D. Maclean

CONTRE: 7

Senator S. Syvret Deputy G.P. Southern (H) Deputy of Grouville Deputy S. Pitman (H) Deputy T.M. Pitman (H) Deputy D. De Sousa (H) Deputy J.M. Maçon (S)

ABSTAIN: 3

Deputy M. Tadier (B) Deputy of St. Mary Deputy M.R. Higgins (H)

Senator B.I. Le Marquand Connétable of St. Ouen Connétable of St. Helier Connétable of Trinity Connétable of Grouville Connétable of St. Brelade Connétable of St. John Connétable of St. Saviour Connétable of St. Clement Connétable of St. Peter Connétable of St. Lawrence Connétable of St. Mary Deputy R.C. Duhamel (S) Deputy of St. Martin Deputy R.G. Le Hérissier (S) Deputy J.B. Fox (H) Deputy J.A. Martin (H) Deputy of St. Peter Deputy J.A. Hilton (H) Deputy P.V.F. Le Claire (H) Deputy J.A.N. Le Fondré (L) Deputy of Trinity Deputy S.S.P.A. Power (B) Deputy K.C. Lewis (S) Deputy I.J. Gorst (C) Deputy of St. John Deputy A.E. Jeune (B) Deputy A.T. Dupré (C) Deputy E.J. Noel (L) Deputy T.A. Vallois (S) Deputy A.K.F. Green (H)

Arrangement of public business for the present meeting

THE STATES noted that Senator Stuart Syvret had informed the Greffier, in accordance with Standing Order 30(2), that his proposition entitled 'Child abuse compensation claims: freedom of expression for survivors' (P.49/2009 lodged "au Greffe" on 8th May 2009) would be deferred from the present meeting to 2nd June 2009.

Committee of Inquiry: Reg's Skips Ltd. – Planning applications P.50/2009

THE STATES commenced consideration of a proposition of the Minister for Planning and Environment regarding a Committee of Inquiry into Reg's Skips Limited's planning applications and adopting an amendment of Deputy Roy George Le Hérissier of St. Saviour, agreed that in paragraph (a) after sub-paragraph (ii) there should be inserted the following new sub-paragraph –

"(iii) to make recommendations for changes and improvements to the planning process to ensure that any failings identified in relation to these applications are not repeated in the future;"

THE STATES, adopting a proposition of the Minister for Planning and Environment, as amended, agreed –

- (a) that a Committee of Inquiry should be established in accordance with Standing Order 146 to inquire into a definite matter of public importance, namely to investigate all planning matters relating to the various relevant planning applications made by, or on behalf of, Reg's Skips Ltd. in connection with the activities of the company as skip operators –
 - (i) to establish whether the various planning applications were determined appropriately and to a standard expected of the Planning and Environment Department; and
 - to establish whether the legal fees accrued by Reg's Skips Ltd. totalling nearly £300,000 were as a result of any failings in the processes or actions of the Planning and Environment Department;
 - (iii) to make recommendations for changes and improvements to the planning process to ensure that any failings identified in relation to these applications are not repeated in the future;"
- (b) to request the Chief Minister to take the necessary steps to select a suitable Chairman and members to undertake the Inquiry and to bring forward to the States for approval the necessary proposition relating to their appointment.

Members present voted as follows –

POUR: 46

CONTRE: 0

ABSTAIN: 0

Senator P.F. Routier Senator P.F.C. Ozouf Senator B.E. Shenton Senator F.E. Cohen Senator J.L. Perchard Senator S.C. Ferguson Senator A.J.D. Maclean Senator B.I. Le Marquand Connétable of St. Ouen Connétable of Trinity Connétable of Grouville Connétable of St. Brelade Connétable of St. Martin Connétable of St. John Connétable of St. Saviour Connétable of St. Clement Connétable of St. Peter Connétable of St. Lawrence Connétable of St. Mary Deputy R.C. Duhamel (S) Deputy of St. Martin Deputy R.G. Le Hérissier (S) Deputy J.B. Fox (H) Deputy J.A. Martin (H) Deputy of Grouville Deputy of St. Peter Deputy J.A. Hilton (H) Deputy P.V.F. Le Claire (H) Deputy J.A.N. Le Fondré (L) Deputy of Trinity Deputy S.S.P.A. Power (B) Deputy S. Pitman (H) Deputy K.C. Lewis (S) Deputy I.J. Gorst (C) Deputy of St. John Deputy M. Tadier (B) Deputy A.E. Jeune (B) Deputy of St. Mary Deputy T.M. Pitman (H) Deputy A.T. Dupré (C) Deputy E.J. Noel (L) Deputy T.A. Vallois (S) Deputy M.R. Higgins (H) Deputy A.K.F. Green (H) Deputy D. De Sousa (H) Deputy J.M. Maçon (S)

The Dean of Jersey

The Deputy Bailiff, having advised the States that the Dean of Jersey, The Very Reverend Robert Frederick Key, had been taken into hospital, wished him a speedy recovery on behalf of all members.

Family X: placement in the United Kingdom P.62/2009

THE STATES, adopting a proposition of Deputy Paul Vincent Francis Le Claire of St. Helier, agreed -

- (a) to request the Minister for Health and Social Services to take the necessary steps to ensure that the X children were moved as soon as possible to the United Kingdom placements that had been identified as suitable for them; and
- (b) to request the Minister for Treasury and Resources to assess whether the funding required for these placements could be identified through the reprioritisation of existing heads of expenditure and, if not, to further request the Minister to bring forward for approval a request under Article 11(8) of the Public Finances (Jersey) Law 2005 for the necessary additional funding to meet the cost of these payments in 2009 in view of their urgency and to then make appropriate provision in future Annual Business Plans to meet the on-going annual cost.

Members present voted as follows –

POUR: 38

CONTRE: 0

ABSTAIN: 0

Senator S. Syvret Senator P.F. Routier Senator P.F.C. Ozouf Senator A. Breckon Senator S.C. Ferguson Connétable of St. Helier Connétable of Grouville Connétable of St. Martin Connétable of St. John Connétable of St. Saviour Connétable of St. Peter Connétable of St. Lawrence Connétable of St. Mary Deputy R.C. Duhamel (S) Deputy of St. Martin Deputy R.G. Le Hérissier (S) Deputy J.B. Fox (H) Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy of Grouville Deputy of St. Peter Deputy J.A. Hilton (H) Deputy P.V.F. Le Claire (H) Deputy J.A.N. Le Fondré (L) Deputy of Trinity Deputy S.S.P.A. Power (B) Deputy K.C. Lewis (S) Deputy of St. John Deputy M. Tadier (B) Deputy A.E. Jeune (B) Deputy of St. Mary Deputy T.M. Pitman (H) Deputy A.T. Dupré (C) Deputy E.J. Noel (L) Deputy M.R. Higgins (H) Deputy A.K.F. Green (H) Deputy D. De Sousa (H) Deputy J.M. Maçon (S)

Changes in Presidency

The States re-assembled after the lunch adjournment under the Presidency of Mr. Michael Nelson De La Haye, Greffier of the States.

Code of Conduct for elected members of the States: review P.63/2009

THE STATES, adopting a proposition of the Deputy of St. John regarding a review of the Code of Conduct for elected members of the States, agreed to request the Privileges and Procedures Committee to review the Code of Conduct for Elected Members of the States and the sanctions available for breaches of the Code and put forward measures to ensure that States Members maintained acceptable standards of behaviour when undertaking their public duties.

Members present voted as follows –

Senator P.F. RoutierDeputy J.A. Martin (H)Senator P.F.C. OzoufDeputy G.P. Southern (H)Senator T.J. Le MainDeputy of St. MarySenator B.E. ShentonDeputy T.M. Pitman (H)Senator F.E. CohenSenator A. BreckonSenator S.C. FergusonSenator S.C. Ferguson	

Senator A.J.D. Maclean Senator B.I. Le Marquand Connétable of St. Ouen Connétable of St. Helier Connétable of Trinity Connétable of Grouville Connétable of St. Brelade Connétable of St. Martin Connétable of St. John Connétable of St. Saviour Connétable of St. Clement Connétable of St. Peter Connétable of St. Lawrence Connétable of St. Marv Deputy R.C. Duhamel (S) Deputy of St. Martin Deputy R.G. Le Hérissier (S) Deputy J.B. Fox (H) Deputy of Grouville Deputy of St. Peter Deputy J.A. Hilton (H) Deputy P.V.F. Le Claire (H) Deputy J.A.N. Le Fondré (L) Deputy of Trinity Deputy S.S.P.A. Power (B) Deputy S. Pitman (H) Deputy I.J. Gorst (C) Deputy of St. John Deputy M. Tadier (B) Deputy A.E. Jeune (B) Deputy A.T. Dupré (C) Deputy E.J. Noel (L) Deputy M.R. Higgins (H) Deputy A.K.F. Green (H) Deputy D. De Sousa (H) Deputy J.M. Maçon (S)

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Minister for Economic Development made a statement regarding payments to the investors of Alternate Insurance Services Limited.

Arrangement of public business for future meetings

THE STATES rejected a proposition of Deputy Geoffrey Peter Southern of St. Helier, in accordance with the provisions of Standing Order 26(7), to reduce the minimum lodging period in relation to his proposition entitled 'Insolvency: Temporary Scheme for Compensatory Payment – Extension' (P.67/2009 lodged "au Greffe" on 12th May 2009), in order that it could be debated on 19th May 2009.

Members present voted as follows –

POUR: 9

Senator A. Breckon Deputy of St. Martin Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy M. Tadier (B) Deputy of St. Mary Deputy T.M. Pitman (H) Deputy M.R. Higgins (H) Deputy D. De Sousa (H) CONTRE: 37

Senator P.F. Routier Senator P F C Ozouf Senator T.J. Le Main Senator F.E. Cohen Senator S.C. Ferguson Senator A.J.D. Maclean Senator B.I. Le Marquand Connétable of St. Ouen Connétable of St. Helier Connétable of Trinity Connétable of Grouville Connétable of St Brelade Connétable of St. Martin Connétable of St. John Connétable of St. Saviour Connétable of St. Clement Connétable of St Peter Connétable of St. Lawrence Connétable of St. Mary Deputy R.C. Duhamel (S) Deputy R.G. Le Hérissier (S) Deputy J.B. Fox (H) Deputy of Grouville Deputy of St. Peter Deputy J.A. Hilton (H) Deputy P.V.F. Le Claire (H) Deputy J.A.N. Le Fondré (L) Deputy of Trinity Deputy S.S.P.A. Power (B) Deputy K.C. Lewis (S) Deputy I.J. Gorst (C) Deputy of St. John Deputy A.E. Jeune (B) Deputy A.T. Dupré (C) Deputy E.J. Noel (L) Deputy A.K.F. Green (H) Deputy J.M. Macon (S)

ABSTAIN: 0

THE STATES, adopting a proposition of the Minister for Social Security, agreed, in accordance with the provisions of Standing Order 26(7), to reduce the minimum lodging period in relation to the proposition entitled 'Draft Health Insurance and Income Support (Influenza) (Jersey) Regulations 200-' (P.69/2009 lodged "au Greffe" on 12th May 2009), in order that it could be debated on 19th May 2009.

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) –

19th May 2009

Draft Shipping (Safety of Navigation) (Jersey) Regulations 200-. Lodged: 6th April 2009. P.48/2009.

Minister for Economic Development.

Economic Stimulus Plan. Lodged: 9th April 2009. <i>Minister for Treasury and Resources</i> .	P.55/2009.
Draft Health Insurance and Income Support (Influenza) (Jersey) Regulations 200 Lodged: 12th May 2009. <i>Minister for Social Security</i> .	P.69/2009.
2nd June 2009	
States Strategic Plan 2009 – 2014. Lodged: 8th April 2009. <i>Council of Ministers</i> .	P.52/2009.
Public Elections (Jersey) Law 2002: rescindment of Article 39A. Lodged: 4th February 2009. Deputy G.P. Southern of St. Helier.	P.18/2009.
Electricity tariffs: Regulations under Article 22 of the Electricity (Jersey) Law 1937. Lodged: 24th March 2009. Senator A. Breckon.	P.41/2009.
Electricity tariffs: Regulations under Article 22 of the Electricity (Jersey) Law 1937 (P.41/2009) – comments. Presented: 27th April 2009. <i>Minister for Economic Development.</i>	P.41/2009. Com.
Child abuse compensation claims: freedom of expression for survivors. Lodged: 6th April 2009. Senator S. Syvret.	P.49/2009.
Child abuse compensation claims: freedom of expression for survivors (P.49/2009) – comments. Presented: 11th May 2009. <i>Council of Ministers.</i>	P.49/2009. Com.
Child abuse compensation claims: freedom of expression for survivors (P.49/2009) – amendment. Lodged: 29th April 2009. <i>Council of Ministers</i> .	P.49/2009. Amd.
Public Finances (Jersey) Law 2005: proposed changes. Lodged: 9th April 2009. <i>Public Accounts Committee</i> .	P.54/2009
Rent Control Tribunal: appointment of Chairman and Members. Lodged: 11th May 2009. <i>Minister for Housing</i> .	P.65/2009
States Employees Standing for Election: use of annual leave and time off in lieu. Lodged: 11th May 2009. Deputy T.M. Pitman of St. Helier.	P.66/2009.
Insolvency: Temporary Scheme for Compensatory Payment – Extension.	P.67/2009.

Lodged: 12th May 2009. Deputy G.P. Southern of St. Helier.	
States Employees: pay increase for 2009/2010 Lodged: 12th May 2009. Deputy of St. John.	P.68/2009.
Commissioners of Appeal for Income Tax: appointment. Lodged: 13th May 2009. <i>Minister for Treasury and Resources.</i>	P.70/2009.
<u>16th June 2009</u>	
La Pouquelaye old school site: provision of youth and community facilities. Lodged: 24th December 2008. <i>Connétable of St. Helier.</i>	P.187/2008.
Natural gas pipeline: strategic study. Lodged: 29th January 2009. Deputy P.V.F. Le Claire of St. Helier.	P.16/2009.
Natural gas pipeline: strategic study (P.16/2009) – comments. Presented: 10th March 2009. <i>Minister for Treasury and Resources</i> .	P.16/2009. Com.
<u>30th June 2009</u>	
States Members' remuneration for 2009. Lodged: 19th February 2009. <i>Connétable of St. Peter</i> .	P.24/2009.
States Members' remuneration for 2009 (P.24/2009): comments. Presented: 5th March 2009. <i>Privileges and Procedures Committee</i> .	P.24/2009. Com.
States Members' remuneration for 2009 (P.24/2009): amendment. Lodged: 3rd March 2009. Deputy P.V.F. Le Claire of St. Helier.	P.24/2009. Amd.
Ann Court Site, St. Helier: use for sheltered social housing for the over-55s. Lodged: 27th March 2009. Deputy J.A. Martin of St. Helier.	P.43/2009.
Draft Social Security (Television Licence Benefit) (Jersey) Regulations 200 Lodged: 5th May 2009. <i>Minister for Social Security</i> .	P.64/2009.
<u>14th July 2009</u>	
Draft Sea Fisheries (Satellite Monitoring) (Jersey) Regulations 200 Lodged: 14th April 2009. <i>Minister for Economic Development.</i>	P.56/2009.
Draft Sea Fisheries (Miscellaneous Provisions) (Amendment No. 5) (Jersey) Regulations 200	P.57/2009.

Lodged: 14th April 2009. Minister for Economic Development.

Draft Sea Fisheries (Bag Limits) (Jersey) Regulations 200-. Lodged: 14th April 2009. *Minister for Economic Development.*

THE STATES rose at 4.34 p.m.

P.58/2009.

M.N. DE LA HAYE

Greffier of the States