

THE STATES assembled on Wednesday 16th February 2011, at 09.30 a.m. under the Presidency of the Bailiff, Michael Cameron St. John Birt Esquire.

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

Connétable Michael Keith Jackson of St. Brelade – en défaut

Deputy Judith Ann Martin of St. Helier – en défaut (défaut raised at 9.37 a.m.)

Deputy Carolyn Fiona Labey of Grouville – en défaut (défaut raised at 9.51 a.m.)

Deputy John Alexander Nicholas Le Fondré of St. Lawrence – en défaut

Deputy Daniel John Arabin Wimberley of St. Mary – en défaut (défaut raised at 9.51 a.m.)

Prayers read by the Dean Substitute

Notification of lodged propositions

Draft States of Jersey (Transfer of Functions No. 4) (Treasury and Resources to Chief Minister) (Jersey) Regulations 201-.

P.25/2011.

Lodged: 16th February 2011.

Chief Minister.

Draft States of Jersey (Miscellaneous Provisions) (Jersey) Law 201-: request to Privy

P.26/2011.

Council.

Lodged: 16th February 2011.

Deputy of Grouville.

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the proposer of the following proposition lodged "au Greffe" had informed the Greffier of the States that it had been withdrawn –

Standing Orders: oral questions with notice.

P.18/2011.

Lodged: 1st February 2011.

Deputy P.V.F. Le Claire of St. Helier.

Minister for Treasury and Resources: request to Chief Minister to lodge proposition for dismissal – petition P.16/2011

THE STATES, having resumed consideration of a proposition of Deputy Geoffrey Peter Southern of St. Helier (P.16/2011), rejected the proposition to request the Chief Minister to bring a proposition asking the States to dismiss the Minister for Treasury and Resources.

99 Price code: C

Deputy P.V.F. Le Claire (H)

Members present voted as follows –

POUR: 4 CONTRE: 37 ABSTAIN: 1

Deputy G.P. Southern (H) Deputy of St. Mary

Deputy M.R. Higgins (H)

Deputy J.M. Maçon (S)

Senator T.A. Le Sueur 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.H. Maclean Senator B.I. Le Marquand

Senator F. du H. Le Gresley Connétable of Trinity

Connétable of Grouville Connétable of St. Martin Connétable of St. John

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. Ouen

Deputy of Grouville Deputy of St. Peter

Deputy J.A. Hilton (H)

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)

Ratification of the Agreement for the exchange of information relating to tax matters between the Government of Jersey and the Government of the Republic of Turkey P.195/2010

THE STATES, adopting a proposition of the Chief Minister, ratified the Agreement for the exchange of information relating to tax matters between the Government of Jersey and the Government of the Republic of Turkey as set out in the Appendix to the Report of the Chief Minister dated 16th December 2010.

Ratification of the Agreement for the exchange of information relating to tax matters between the Government of Jersey and the Government of the Republic of the United Mexican States P.196/2010

THE STATES, adopting a proposition of the Chief Minister, ratified the Agreement for the exchange of information relating to tax matters between the Government of Jersey and the Government of the United Mexican States as set out in the Appendix to the Report of the Chief Minister dated 16th December 2010.

Draft Companies (Amendment No. 5) (Jersey) Regulations 201- P.197/2010

THE STATES commenced consideration of the Draft Companies (Amendment No. 5) (Jersey) Regulations 201- and adopted the principles.

Deputy G.P. Southern (H)

Deputy of St. Mary

Members present voted as follows –

POUR: 33 CONTRE: 1 ABSTAIN: 1

Senator P.F. Routier

Senator P.F.C. Ozouf

Senator B.E. Shenton

Senator J.L. Perchard

Senator A.J.H. Maclean

Senator F. du H. Le Gresley

Connétable of St. Ouen

Connétable of Trinity

Connétable of Grouville

Connétable of St. Martin

Connétable of St. John

Connétable of St. Clement

Connétable of St. Lawrence

Connétable of St. Mary

Deputy R.C. Duhamel (S)

Deputy of St. Martin

Deputy J.B. Fox (H)

Deputy of St. Ouen

Deputy of Grouville

Deputy J.A. Hilton (H)

Deputy P.V.F. Le Claire (H)

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 M.R. Higgins (H)

Deputy A.K.F. Green (H)

Deputy J.M. Maçon (S)

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Regulations 1 to 10.

THE STATES, in pursuance of in pursuance of Articles 2B, 113H, 127GA, 127YN and 220 of the Companies (Jersey) Law 1991, made Regulations entitled the Companies (Amendment No. 5) (Jersey) Regulations 2011.

Draft Gambling (Remote Gambling Disaster Recovery) (Amendment) (Jersey) Regulations 201-P.199/2010

THE STATES commenced consideration of the Draft Gambling (Remote Gambling Disaster Recovery) (Amendment) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows –

Senator A. Breckon

POUR: 38 CONTRE: 4 ABSTAIN: 1

Senator T.A. Le Sueur Senator B.I. Le Marquand Deputy M.R. Higgins (H)
Senator P.F. Routier Deputy G.P. Southern (H)

Senator P.F.C. Ozouf Deputy J.A. Hilton (H)

Senator T.J. Le Main Deputy I.J. Gorst (C)

Senator B.E. Shenton Senator J.L. Perchard

Senator S.C. Ferguson
Senator A.J.H. Maclean

Senator F. du H. Le Gresley Connétable of St. Ouen Connétable of Trinity

Connétable of Grouville Connétable of St. Martin

Connétable of St. John 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. Ouen

Deputy P.V.F. Le Claire (H)

Deputy S.S.P.A. Power (B)

Deputy S. Pitman (H)
Deputy K.C. Lewis (S)

Deputy of St. John

Deputy A.E. Jeune (B)

Deputy T.M. Pitman (H)

Deputy A.T. Dupré (C)

Deputy E.J. Noel (L)

Deputy T.A. Vallois (S)

Deputy A.K.F. Green (H) Deputy D.J. De Sousa (H) Deputy J.M. Maçon (S)

THE STATES, having been informed that the relevant scrutiny panel had indicated that it wished to scrutinise the draft legislation, agreed that the continuation of the second reading of the Draft Gambling (Remote Gambling Disaster Recovery) (Amendment) (Jersey) Regulations 201- should be deferred until the meeting of 1st March 2011.

Income Support Medical Appeal Tribunal: appointment of members P.11/2011

THE STATES, adopting a proposition of the Minister for Social Security, in pursuance of Article 15 of the Income Support (General Provisions) (Jersey) Order 2008, and further to a process overseen by the Jersey Appointments Commission, appointed the following persons as Panel members of the Income Support Medical Appeal Tribunal for a period of 5 years with effect from 1st March 2011 –

Mr. Samuel Le Breton Mr. John Moulin.

Social Security Tribunal: appointment of members P.12/2011

THE STATES, adopting a proposition of the Minister for Social Security, in pursuance of Article 33A of the Social Security (Jersey) Law 1974, and further to a process overseen by the Jersey Appointments Commission, appointed the following persons as Panel members of the Social Security Tribunal for a period of 5 years with effect from 1st March 2011 –

Mr. Alan Hall Mrs. Margaret Howard Mr. Samuel Le Breton Mr. John Moulin.

Jersey Employment Tribunal: appointment of members P.13/2011

THE STATES, adopting a proposition of the Minister for Social Security, in pursuance of Regulation 3 of the Employment Tribunal (Jersey) Regulations 2005, and further to a process overseen by the Jersey Appointments Commission, appointed the following persons as Panel members of the Jersey Employment Tribunal for a period of 5 years with effect from 1st March 2011 –

Mrs. Louise Cram Mr. John Noel.

In accordance with Standing Order 106(1)(c) Deputy Edward James Noel of St. Lawrence declared an interest but remained in the Chamber for the duration of the debate.

Manual Workers' Joint Council: Employers' Side membership P.17/2011

THE STATES, adopting a proposition of the States Employment Board, in accordance with their Act dated 9th November 1961, as amended, concerning the membership of the Manual Workers' Joint Council, approved the nomination of 5 of the 6 representatives of the States to serve as members of the Employers' Side of the Council for 2011, as follows –

Senator Paul Francis Routier

Deputy Andrew Kenneth Francis Green M.B.E. of St. Helier

Mr. John Richardson (Deputy Chief Executive – Chief Officer, Resources)

Mrs. Julie Garbutt (Chief Executive, Health and Social Services)

Mr. John Rogers (Chief Executive Officer, Transport and Technical Services).

Deputy A.K.F. Green (H)

Members present voted as follows –

POUR: 40 CONTRE: 0 ABSTAIN: 1

Senator T.A. Le Sueur

Senator B.E. Shenton

Senator J.L. Perchard

Senator A. Breckon

Senator S.C. Ferguson

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

Connétable of Trinity

Connétable of St. Martin

Connétable of St. John

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. Ouen

Deputy of Grouville

Deputy of St. Peter

Deputy J.A. Hilton (H)

Deputy P.V.F. Le Claire (H)

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 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 D.J. De Sousa (H) Deputy J.M. Maçon (S)

Cold weather payments: amendment to income support P.4/2011

THE STATES commenced consideration of a proposition of Senator Francis du Heaume Le Gresley concerning cold weather payments made under income support and, adopting an amendment of Senator Ben Edward Shenton, agreed that in paragraph (b) for the words "to be funded by reducing the budget for the Economic Development Department" there should be substituted the words "and to further request the Chief Minister to endeavour to make provision for this funding within the overall 2012 expenditure limit already agreed by the States by reprioritising expenditure proposals in other areas as considered appropriate".

Members present voted as follows –

POUR: 35 CONTRE: 15 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 S.C. Ferguson Senator A.J.H. Maclean Senator B.I. Le Marquand Senator F. du H. Le Gresley Connétable of St. Ouen Connétable of St. Helier Connétable of Trinity Connétable of Grouville 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 J.B. Fox (H)

Deputy of St. Peter

Deputy P.V.F. Le Claire (H)

Deputy of Trinity

Deputy K.C. Lewis (S)

Deputy of St. John

Deputy of St. Mary

Deputy A.T. Dupré (C)

Deputy T.A. Vallois (S)

Deputy M.R. Higgins (H)

Deputy A.K.F. Green (H)

Deputy D.J. De Sousa (H)

Deputy J.M. Maçon (S)

Deputy R.C. Duhamel (S) Deputy of St. Martin

Deputy R.G. Le Hérissier (S) Deputy J.A. Martin (H) Deputy G.P. Southern (H) Deputy of St. Ouen Deputy of Grouville

Deputy J.A. Hilton (H) Deputy S.S.P.A. Power (B) Deputy S. Pitman (H)

Deputy I.J. Gorst (C) Deputy M. Tadier (B) Deputy A.E. Jeune (B) Deputy T.M. Pitman (H) Deputy E.J. Noel (L)

THE STATES, having resumed consideration of a proposition of Senator Francis du Heaume Le Gresley, as amended, agreed to request the Minister for Social Security to bring forward for approval by the States an Amendment to the Income Support (Special Payments) (Cold Weather Payments) (Jersey) Regulations 2008 in order that pensioners, aged 65 years and over, who met the qualifying criteria for the GST Food Costs Bonus, but who were not in receipt of income support benefit, were also entitled to receive cold weather payments; and to request the Chief Minister to make provision in the 2012 Annual Business Plan for an increase in the funding of income support benefit sufficient to cover the proposed widening of the cold weather payments scheme as outlined in paragraph (a), and to further request the Chief Minister to endeavour to make provision for this funding within the overall 2012 expenditure limit already agreed by the States by reprioritising expenditure proposals in other areas as considered appropriate.

Members present voted as follows –

POUR: 30 CONTRE: 18 ABSTAIN: 0

Senator T.J. Le Main Senator B.E. Shenton Senator F.E. Cohen Senator A. Breckon Senator F. du H. Le Gresley Connétable of St. Helier Connétable of Trinity Connétable of Grouville Connétable of St. Saviour Connétable of St. Lawrence Connétable of St. Mary 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 St. Peter Deputy J.A. Hilton (H) Deputy P.V.F. Le Claire (H)

Deputy S.S.P.A. Power (B)

Deputy S. Pitman (H)

Deputy K.C. Lewis (S)

Deputy of St. John

Deputy M. Tadier (B)

Deputy of St. Mary

Deputy T.M. Pitman (H)

Deputy T.A. Vallois (S)

Deputy M.R. Higgins (H)

Deputy D.J. De Sousa (H)

Deputy J.M. Maçon (S)

Senator T.A. Le Sueur Senator P.F. Routier Senator P.F.C. Ozouf Senator J.L. Perchard Senator A.J.H. Maclean Senator B.I. Le Marquand Connétable of St. Ouen Connétable of St. John Connétable of St. Clement Deputy R.C. Duhamel (S) Deputy J.B. Fox (H) Deputy of St. Ouen Deputy of Trinity Deputy I.J. Gorst (C)

Deputy A.K.F. Green (H)

Deputy A.E. Jeune (B)

Deputy A.T. Dupré (C)

Deputy E.J. Noel (L)

Statements on a matter of official responsibility

(see Official Report/Hansard)

The Minister for Treasury and Resources made a statement regarding the use of Fiscal Stimulus funds for skills and training.

The Minister for Housing made a statement regarding the appointment of the Connétable of St. John as his Assistant Minister.

Arrangement of public business for future meetings

THE STATES noted that the Minister for Planning and Environment would now be answering questions without notice on 1st March 2011 in place of the Minister for Home Affairs, who would now answer questions without notice at the meeting of 15th March 2011.

THE STATES, adopting a proposition of the Deputy of Grouville, agreed that her proposition entitled 'Draft States of Jersey (Miscellaneous Provisions) (Jersey) Law 201-: request to Privy Council' (P.26/2011) would be considered at the meeting of 1st March 2011, although it could not be debated before 2nd March 2011.

Deputy A.E. Jeune (B)

Members present voted as follows –

POUR: 22 CONTRE: 21 ABSTAIN: 1

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

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) –

1st March 2011

Historical Child Abuse: request to Council of Ministers.

P.19/2011.

Lodged: 2nd February 2011. Senator F. du H. Le Gresley.

P.19/2011.

Presented: 14th February 2011.

Com.

Education and Home Affairs Scrutiny Panel.

Historical Child Abuse: request to Council of Ministers (P.19/2011) – amendment.

Historical Child Abuse: request to Council of Ministers (P.19/2011) – comments.

P.19/2011.

Lodged: 15th February 2011. *Deputy of St. Martin.*

Amd.

Housing issues in Jersey. Lodged: 21st December 2010. P.189/2010.

Deputy P.V.F. Le Claire of St. Helier.

Draft Gambling (Remote Gambling Disaster Recovery) (Amendment) (Jersey)

P.199/2010.

Regulations 201-.

Lodged: 31st December 2010.

Minister for Economic Development.

(Continuation of second reading – principles approved on 16th February 2011)

Standing Orders: time limits on speeches during debates.

P.1/2011.

Lodged: 4th January 2011.

Senator P.F. Routier.

Composition of the States: implementation of remaining Clothier reforms – referendum.

P.3/2011.

Lodged: 18th January 2011.

Deputy S. Pitman of St. Helier.

 $Composition\ of\ the\ States:\ implementation\ of\ remaining\ Clothier\ reforms-referendum$

P.3/2011. Com.

(P.3/2011) – comments.

Presented: 14th February 2011.

Council of Ministers.

Composition of the States: implementation of remaining Clothier reforms – referendum

P.3/2011.

Amd.

(P.3/2011) – amendment.

Lodged: 26th January 2011. Senator F. du H. Le Gresley.

Electoral Commission: establishment.

P.15/2011.

Lodged: 31st January 2011.

Deputy of St. Mary.

Green waste from commercial operators: introduction of charge.

P.20/2011. (re-issue)

Lodged: 4th February 2011.

Deputy P.V.F. Le Claire of St. Helier.

Draft States of Jersey (Miscellaneous Provisions) (Jersey) Law 201-: request to Privy Council.

P.26/2011.

Lodged: 16th February 2011.

Deputy of Grouville.

(Cannot be debated until 2nd March 2011)

15th March 2011

Draft Loi (No. 7) (201-) concernant la charge de Juge d'Instruction.

P.148/2010.

Lodged: 19th October 2010.

Chief Minister.

Pomme d'Or Farm: refurbishment.

P.177/2010.

Lodged: 1st December 2010.

Deputy A.K.F. Green of St. Helier.

Ratification of a Double Taxation Agreement between the States of Jersey and the

P.7/2011.

Government of Estonia. Lodged: 24th January 2011.

Chief Minister.

Ratification of the Agreement for the Exchange of Information relating to Tax Matters

P.8/2011.

between the Government of Jersey and the Government of Canada.

Lodged: 24th January 2011.

Chief Minister.

Geneva Conventions: Additional Protocol III – extension to Jersey.

P.9/2011.

Lodged: 24th January 2011.

Chief Minister.

Draft Public Elections (Amendment No. 4) (Jersey) Law 201-.

P.14/2010.

Lodged: 27th January 2011.

Privileges and Procedures Committee.

Importation of Fireworks in 2007 for a Charity Event: investigation.

P.21/2011.

Lodged: 8th February 2011.

Deputy of St. John.

Elected members' access to information: media releases.

P.22/2011.

Lodged: 14th February 2011.

Deputy P.V.F. Le Claire of St. Helier.

Income Tax: introduction of higher rate.

P.23/2011.

Lodged: 14th February 2011.

Deputy G.P. Southern of St. Helier.

Esplanade Quarter: deferment of works.

P.24/2011.

Lodged: 15th February 2011.

Deputy of St. John.

29th March 2011

Samarès Nursery site, St. Clement: removal from draft Island Plan – petition. P.131/2010.

Lodged: 1st October 2010.

Connétable of St. Clement.

P.131/2010. Samarès Nursery site, St. Clement: removal from draft Island Plan – petition

(P.131/2010) – comments.

Com.

Presented: 22nd December 2010.

Minister for Planning and Environment.

Jersey Financial Services Commission: imposition of fines. P.150/2010.

Lodged: 19th October 2010.

Senator A. Breckon.

Assistant Ministers: appointment by the States. P.6/2011.

Lodged: 19th January 2011.

Deputy of St. John.

5th April 2011

Speed Limits: revised policy. P.167/2010.

Lodged: 2nd November 2010.

Minister for Transport and Technical Services.

Speed Limits: revised policy (P.167/2010) – amendment. P.167/2010.

Lodged: 29th December 2010. Amd.

Minister for Economic Development.

Speed Limits: revised policy (P.167/2010) – second amendment. P.167/2010.

Lodged: 5th January 2011. Amd.(2)

Connétable of St. Helier.

Speed Limits: revised policy (P.167/2010) – third amendment. P.167/2010.

Lodged: 13th January 2011. Amd.(3)

Deputy M.R. Higgins of St. Helier.

Draft States of Jersey (Transfer of Functions No. 4) (Treasury and Resources to Chief P.25/2011.

Minister) (Jersey) Regulations 201-.

Lodged: 16th February 2011.

Chief Minister.

3rd May 2011

North of Town Masterplan (Revised). P.190/2010.

Lodged: 21st December 2010.

Minister for Planning and Environment.

North of Town Masterplan (Revised) (P.190/2010): amendment. P.190/2010.

Lodged: 22nd December 2010. Amd.

Deputy P.V.F. Le Claire of St. Helier.

North of Town Masterplan (Revised) (P.190/2010): second amendment. Lodged: 10th January 2010. Deputy A.K.F. Green of St. Helier.	P.190/2010. Amd.(2)
North of Town Masterplan (Revised) (P.190/2010): third amendment. Lodged: 25th January 2011. Connétable of St. Helier.	P.190/2010. Amd.(3)
North of Town Masterplan (Revised) (P.190/2010): fourth amendment. Lodged: 15th February 2011. <i>Deputy of St. Mary</i> .	P.190/2010. Amd.(4)

THE STATES rose at 5.37 p.m.

M.N. DE LA HAYE

Greffier of the States