



**THE STATES assembled on Wednesday
2nd February 2011, at 09.30 a.m. under
the Presidency of the Deputy Bailiff,
William James Bailhache, Esquire.**

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

Senator Sarah Craig Ferguson – en défaut
Connétable Kenneth Priaulx Vibert of St. Ouen – en défaut
Deputy Roy George Le Hérissier of St. Saviour – absent on States business
Deputy Trevor Mark Pitman of St. Helier – en défaut (défaut raised at 9.44 a.m.)
Deputy Anne Teresa Dupré of St. Clement – excused attendance

Prayers read by the Dean Substitute

Documents presented or laid

Land Transactions under Standing Order 168(3) –

R.9/2011.

- (a) Public land at Le Hocq Point, Le Hocq, St. Clement – proposed sale of public land and minor boundary arrangement with Le Hocq Villa;
- (b) Les Quennevais Park, Blocks A, B and C – proposed conversion of long leaseholds to flying freehold;
- (c) Albert Pier (Office and Store) A29 – lease;
- (d) Southlands, 18 Green Road, St. Clement – sale;
- (e) Shed at Howard Davis Farm, Trinity – proposed conversion to new pet cremator for Jersey Society for the Prevention of Cruelty to Animals.

Presented: 2nd February 2011.

Minister for Treasury and Resources.

Notification of lodged propositions

Historical Child Abuse: request to Council of Ministers.

P.19/2011.

Lodged: 2nd February 2011.

Senator F. du H. Le Gresley.

Minister for Housing – resignation

The Chief Minister, in accordance with Article 22(4) of the States of Jersey Law 2005, notified the Assembly that he had received the resignation of Deputy Sean Seamus Patrick Augustine Power of St. Brelade from his post as Minister for Housing.

Personal statements

(see Official Report/Hansard)

Deputy Sean Seamus Patrick Augustine Power of St. Brelade made a statement regarding his resignation as Minister for Housing.

Standing Orders: additional signatories on propositions P.174/2010

THE STATES resumed consideration of the proposition of Senator Paul Francis Routier entitled ‘Standing Orders: additional signatories on propositions’ (P.174/2010), and rejected the proposition to request the Privileges and Procedures Committee to bring forward an amendment to Standing Orders to require a proposition for debate lodged by a member of the States in his or her own right to be endorsed and countersigned by 7 other members.

Members present voted as follows –

POUR: 10

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator B.E. Shenton
 Senator J.L. Perchard
 Connétable of Grouville
 Connétable of St. Clement
 Connétable of St. Peter
 Deputy J.B. Fox (H)
 Deputy E.J. Noel (L)

CONTRE: 38

Senator F.E. Cohen
 Senator A. Breckon
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Saviour
 Connétable of St. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 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 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 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)

ABSTAIN: 0

Jersey Consumer Council: future mandate P.182/2010

THE STATES, adopting a proposition of the Minister for Economic Development, agreed –

- (a) to refer to their Act of the 25th April 1995 regarding the establishment of the Jersey Consumer Council and agree the following future Mandate for the Council –
 - (i) to seek information, investigate, highlight and publicise anomalies and irregularities in consumer affairs and to encourage good trading practice by local business;
 - (ii) to provide a consumer response to consultations, to advise on consumer priorities and concerns and identify anti-competitive practices in support of the statutory roles and responsibilities of the Jersey Competition Regulatory Authority, the Jersey Financial Services Commission, the Department of Economic Development, other relevant Departments, and in future a financial ombudsman;
 - (iii) to provide consumers with adequate, accurate and timely information so that they are able to make informed decisions and to know their rights in doing so, where this is not already adequately provided for by the activities of relevant statutory agencies of the Economic Development Department, to include the Jersey Competition Regulatory Authority, the Jersey Financial Services Commission, and any future financial Ombudsman;
- (b) to request the Minister for Economic Development to take the necessary steps to provide for the Council's effective operations by –
 - (i) preparing for the establishment of the Council as a separate legal entity able to rent accommodation and enter into employment and research/consultancy contracts in its own right and to bring a proposition to the States for approval by July 2011;
 - (ii) recommending to the States for approval the appointment of a Chairman who should not be limited to being a States member, and should be appointed in accordance with the Jersey Appointment Commission's Code of Good Practice;
 - (iii) appointing the members of the Board of the Council in accordance with the Jersey Appointment Commission's Code of Good Practice, which membership should be fully representative of consumer interests generally, with the opportunity to co-opt individuals with appropriate experience/expertise to assist in the undertaking of research or to form consumer focus groups;
 - (iv) requiring the Council to present to the States an annual report and accounts;
 - (v) requiring the Council to present an annual business plan to the Minister for Economic Development;
 - (vi) seeking to obtain funding for the Council through a States' grant, to be supplemented by private donations and/or members' subscriptions so that it was able to carry out a proper programme of investigations/research in respect of those matters that fell within the remit of the Council;

- (vii) ensuring that there was a clear and specific line of responsibility for consumer affairs to the Minister or Assistant Minister;
- (viii) requesting the Chief Minister to arrange for the States Statistics Unit to advise and agree with the Consumer Council on the best approach to collect prices, make price comparisons, and present price information to the general public; and
- (ix) requesting the Minister for Treasury and Resources to arrange for the States insurance arrangements for indemnifying States' employees to be extended to the Board members and Executive(s) of the Council.

Members present voted as follows –

POUR: 46

CONTRE: 1

ABSTAIN: 0

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 A. Breckon
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 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 of St. Martin
 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 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 A.E. Jeune (B)

Deputy M. Tadier (B)

Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy E.J. Noel (L)
 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)

Draft Public Employees (Contributory Retirement Scheme) (Amendment No. 18) (Jersey) Regulations 201- P.185/2010

THE STATES commenced consideration of the Draft Public Employees (Contributory Retirement Scheme) (Amendment No. 18) (Jersey) Regulations 201- and adopted the principles.

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 and 2.

THE STATES, in pursuance of Article 2 of the Public Employees (Retirement) (Jersey) Law 1967, made Regulations entitled the Public Employees (Contributory Retirement Scheme) (Amendment No. 18) (Jersey) Regulations 2011.

In accordance with Standing Order 106(1)(b), Senators Alan Breckon and Bryan Ian Le Marquand, the Connétables of St. Helier and St. Peter, Deputies Robert Charles Duhamel of St. Saviour and John Benjamin Fox of St. Helier, the Deputy of Trinity and Deputies Ian Joseph Gorst of St. Clement, Angela Elizabeth Jeune of St. Brelade, Michael Roderick Higgins of St. Helier and Andrew Kenneth Francis Green of St. Helier had declared an interest but remained in the Chamber for the duration of the debate.

Draft Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 11) (Jersey) Regulations 201- P.186/2010

THE STATES commenced consideration of the Draft Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 11) (Jersey) Regulations 201- and adopted the principles.

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 4.

Members present voted as follows –

POUR: 37

CONTRE: 0

ABSTAIN: 0

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator B.E. Shenton
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Brelade
 Connétable of St. Martin

Connétable of St. John
Connétable of St. Saviour
Connétable of St. Peter
Connétable of St. Lawrence
Deputy R.C. Duhamel (S)
Deputy of St. Martin
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 of Trinity
Deputy S.S.P.A. Power (B)
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 E.J. Noel (L)
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)

THE STATES, in pursuance of Article 2 of the Public Employees (Retirement) (Jersey) Law 1967, made Regulations entitled the Draft Public Employees (Contributory Retirement Scheme) (Existing Members) (Amendment No. 11) (Jersey) Regulations 2011.

In accordance with Standing Order 106(1)(b), Senators Alan Breckon and Bryan Ian Le Marquand, the Connétables of St. Helier and St. Peter, Deputies Robert Charles Duhamel of St. Saviour and John Benjamin Fox of St. Helier, the Deputy of Trinity and Deputies Ian Joseph Gorst of St. Clement, Angela Elizabeth Jeune of St. Brelade, Michael Roderick Higgins of St. Helier and Andrew Kenneth Francis Green of St. Helier had declared an interest but remained in the Chamber for the duration of the debate.

Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 14) (Jersey) Regulations 201- P.187/2010

THE STATES commenced consideration of the Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 14) (Jersey) Regulations 201- and adopted the principles.

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 and 2.

THE STATES, in pursuance of Article 2 of the Public Employees (Retirement) (Jersey) Law 1967, made Regulations entitled the Draft Public Employees (Contributory Retirement Scheme) (New Members) (Amendment No. 14) (Jersey) Regulations 2011.

Members present voted as follows –

POUR: 37

CONTRE: 0

ABSTAIN: 0

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator B.E. Shenton
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of St. Brelade
 Connétable of St. Martin
 Connétable of St. John
 Connétable of St. Saviour
 Connétable of St. Peter
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 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 of Trinity
 Deputy S.S.P.A. Power (B)
 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 E.J. Noel (L)
 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)

In accordance with Standing Order 106(1)(b), Senators Alan Breckon and Bryan Ian Le Marquand, the Connétables of St. Helier and St. Peter, Deputies Robert Charles Duhamel of St. Saviour and John Benjamin Fox of St. Helier, the Deputy of Trinity and Deputies Ian Joseph Gorst of St. Clement, Angela Elizabeth Jeune of St. Brelade, Michael Roderick Higgins of St. Helier and Andrew Kenneth Francis Green of St. Helier had declared an interest but remained in the Chamber for the duration of the debate.

**Draft Public Employees (Contributory Retirement Scheme) (Former Hospital Scheme)
(Amendment No. 5) (Jersey) Regulations 201- P.188/2010**

THE STATES commenced consideration of the Draft Public Employees (Contributory Retirement Scheme) (Former Hospital Scheme) (Amendment No. 5) (Jersey) Regulations 201- and adopted the principles.

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 5.

THE STATES, in pursuance of Article 2 of the Public Employees (Retirement) (Jersey) Law 1967, made Regulations entitled the Public Employees (Contributory Retirement Scheme) (Former Hospital Scheme) (Amendment No. 5) (Jersey) Regulations 2011.

Members present voted as follows –

POUR: 38

CONTRE: 0

ABSTAIN: 0

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator P.F.C. Ozouf
 Senator B.E. Shenton
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 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. Peter
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 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 of Trinity
 Deputy S.S.P.A. Power (B)
 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 E.J. Noel (L)
 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)

In accordance with Standing Order 106(1)(b), Senators Alan Breckon and Bryan Ian Le Marquand, the Connétables of St. Helier and St. Peter, Deputies Robert Charles Duhamel of St. Saviour and John Benjamin Fox of St. Helier, the Deputy of Trinity and Deputies Ian Joseph Gorst of St. Clement, Angela Elizabeth Jeune of St. Brelade, Michael Roderick Higgins of St. Helier and Andrew Kenneth Francis Green of St. Helier had declared an interest but remained in the Chamber for the duration of the debate.

Draft Terrorist Asset-Freezing (Jersey) Law 201- P.191/2010

THE STATES commenced consideration of the principles of the Draft Terrorist Asset-Freezing (Jersey) Law 201- (P.191/2010) as amended by the Chief Minister and rejected a proposition of the Deputy of St. John, in accordance with Standing Order 81, that the matter should be considered 'in camera'.

Members present voted as follows –

POUR: 2

Deputy P.V.F. Le Claire (H)
 Deputy of St. John

CONTRE: 40

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 A. Breckon
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 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. Lawrence
 Connétable of St. Mary
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 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 S. Pitman (H)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)

ABSTAIN: 1

Connétable of St. Peter

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

THE STATES, having resumed consideration of the Draft Terrorist Asset-Freezing (Jersey) Law 201-, adopted the principles.

Members present voted as follows –

POUR: 43

CONTRE: 1

ABSTAIN: 0

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 A. Breckon
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 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 of St. Martin
 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 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 M. Tadier (B)

Deputy of St. John

Deputy A.E. Jeune (B)
 Deputy T.M. Pitman (H)
 Deputy E.J. Noel (L)
 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)

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, adopted Articles 1 to 43, as amended and Schedules 1 and 2.

Members present voted as follows –

POUR: 39**CONTRE: 1****ABSTAIN: 0**

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator J.L. Perchard
 Senator A. Breckon
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Helier
 Connétable of St. Brelade
 Connétable of St. Martin
 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 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 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 M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)

Deputy of St. John

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

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Terrorist Asset-Freezing (Jersey) Law 201-.

Members present voted as follows –

POUR: 38**CONTRE: 2****ABSTAIN: 0**

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator J.L. Perchard
 Senator A. Breckon
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Connétable of St. Helier
 Connétable of St. Brelade
 Connétable of St. Martin
 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 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 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 M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy E.J. Noel (L)
 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 of St. John
 Deputy T.M. Pitman (H)

Changes in Presidency

The Deputy Bailiff retired from the Chamber during consideration of the Draft Terrorist Asset-Freezing (Jersey) Law 201- (P.191/2010), and the meeting continued under the presidency of Mrs. Anne Helen Harris, Deputy Greffier of the States.

THE STATES re-assembled after the lunch adjournment under the Presidency of the Deputy Bailiff.

Jersey Police Authority: establishment P.192/2010

THE STATES, adopting a proposition of the Minister for Home Affairs, agreed to refer to their Act dated 19th May 1998 in which they approved the establishment by law of a Police Authority, and

- (a) agreed that the following principles should apply to the establishment of a Police Authority in Jersey and to the roles to be played thereafter by the Minister for Home Affairs, the Police Authority and the Chief Officer of Police –
 - (1) The Minister shall have overall responsibility for the functioning of the States of Jersey Police Force and the responsibility of ensuring that the Police Authority exercises proper oversight over the States of Jersey Police Force.
 - (2) The Minister, with the advice of the Police Authority –
 - (i) shall set the key aims and objectives of the States of Jersey Police Force; and
 - (ii) may set management policies of the States of Jersey Police Force in areas which could impact on the reputation or image of the States of Jersey Police Force or the Island of Jersey.
 - (3) The Minister shall, with the advice of the Chief Officer of Police, determine –
 - (i) the ranks in the States of Jersey Police Force; and
 - (ii) the number of police officers that could be appointed to each rank.
 - (4) The Police Authority shall have the duty of ensuring that the States of Jersey Police Force –
 - (i) is an efficient and effective police force;
 - (ii) delivers the key aims and objectives set by the Minister within the available resources; and
 - (iii) acts in accordance with any management policies set by the Minister under (2) above.
 - (5) The Police Authority shall have a duty to refer back to the Minister any need for additional resources.

- (6) In exercising their functions the Minister and the Police Authority shall respect the operational independence of the States of Jersey Police Force although this shall not prevent the Minister or the Police Authority from making enquiries as to the manner in which any operation was being conducted, so that the States of Jersey Police Force can be made accountable for the manner in which the operation is being conducted.
- (7) The Minister may –
- (i) require the Police Authority to enquire into and provide a report to the Minister on any matter relating to the States of Jersey Police Force;
 - (ii) direct the Police Authority to submit the States of Jersey Police Force to an inspection by a suitably qualified person determined by the Minister; and
 - (iii) if a report or inspection identified an area for improvement, a training need or any inadequacy in the States of Jersey Police Force, the Minister may direct the Police Authority to ensure that the States of Jersey Police Force took appropriate remedial action.
- (8) The Chief Officer shall have the command, direction and control of the States of Jersey Police Force and each of its police officers and shall be the Accounting Officer in relation thereto.
- (9) The Chief Officer in carrying out his or her function shall give effect in so far as circumstances permit to –
- (i) the key aims and objectives set by the Minister;
 - (ii) the Annual Policing Plan;
 - (iii) any management policies set by the Minister under (2) above.
- (10) The Chief Officer shall be accountable to the Minister for carrying out his or her function in accordance with the key aims and objectives and any management policies set by the Minister under (2) above and shall be accountable to the Police Authority for –
- (i) the general administration, governance and business of the States of Jersey Police Force; and
 - (ii) the discipline and organisation of his or her officers and their appropriate training to ensure effective succession planning.
- (11) The Chief Officer, if required to do so by the Police Authority or the Minister, must advise or provide a report on any policing matter and may in particular be required to advise or provide –
- (i) a report on an event arising out of a matter specified in the Annual Policing Plan;
 - (ii) a report on an event arising out of the direction, governance or control of the States of Jersey Police Force;

- (iii) a report on any deployment of police officers;
 - (iv) a factual assessment of any policing matter.
- (12) The Police Authority with the advice of the Chief Officer shall, before 1st December in each year –
- (i) prepare a draft Annual Policing Plan for the next year; and
 - (ii) present it to the Minister.
- (13) The Minister with the advice of the Police Authority may, having consulted with the Chief Officer of Police, amend the Annual Policing Plan and must lay the approved plan before the States Assembly at the first reasonable opportunity.
- (14) The Police Authority shall consist of 7 people made up as follows –
- (i) the Chairman shall be appointed by the Minister following an appropriate selection process;
 - (ii) 2 States Members shall be appointed by the States; and
 - (iii) 4 other members shall be appointed by the Minister and the Chairman following an appropriate selection process:

Provided that the Minister and Assistant Minister (or the equivalent thereof) and the Connétables shall not be eligible to be members of the Police Authority.

- (b) requested the Minister for Home Affairs to bring forward for approval the necessary draft legislation to include the foregoing provisions.

Members present voted as follows –

POUR: 48

CONTRE: 0

ABSTAIN: 0

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator A. Breckon
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 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 of St. Martin
 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 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 E.J. Noel (L)
 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)

Draft Employment (Minimum Wage) (Amendment No. 7) (Jersey) Regulations 201- P.193/2010

THE STATES commenced consideration of the Draft Employment (Minimum Wage) (Amendment No. 7) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows –

POUR: 43

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator A. Breckon
 Senator A.J.H. Maclean
 Senator B.I. Le Marquand
 Senator F. du H. Le Gresley
 Connétable of St. Helier
 Connétable of Trinity

CONTRE: 1

Deputy S. Pitman (H)

ABSTAIN: 0

Connétable of Grouville
Connétable of St. Brelade
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 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 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 of St. Mary
Deputy T.M. Pitman (H)
Deputy E.J. Noel (L)
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)

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 4.

THE STATES, in pursuance of Articles 17 and 104 of the Employment (Jersey) Law 2003, made Regulations entitled the Draft Employment (Minimum Wage) (Amendment No. 7) (Jersey) Regulations 2011.

Standing Orders: minimum lodging periods – revision P.194/2010

THE STATES commenced consideration of a proposition of Senator Paul Francis Routier entitled ‘Standing Orders: minimum lodging periods – revision’ (P.194/2010) and, adopting an amendment of the Deputy of St. Martin, agreed that after paragraph (a) there should be inserted a new paragraph (b) as follows –

“(b) to agree that any Comments that were to be presented to the States under Standing Order 37 in relation to a proposition that was subject to a 4 or 6 week minimum lodging period should be submitted to the Greffier of the States for distribution no later than noon on Friday in the week preceding the week in which the proposition was listed for debate;”,

and paragraph (b) should be renumbered as paragraph (c).

Members present voted as follows –

POUR: 34

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator J.L. Perchard
 Senator A. Breckon
 Senator A.J.H. Maclean
 Senator F. du H. Le Gresley
 Connétable of St. Helier
 Connétable of Trinity
 Connétable of Grouville
 Connétable of St. Martin
 Connétable of St. Clement
 Connétable of St. Peter
 Connétable of St. Lawrence
 Deputy R.C. Duhamel (S)
 Deputy of St. Martin
 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. Pitman (H)
 Deputy of St. John
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy E.J. Noel (L)
 Deputy T.A. Vallois (S)
 Deputy M.R. Higgins (H)
 Deputy A.K.F. Green (H)
 Deputy D.J. De Sousa (H)

CONTRE: 12

Senator F.E. Cohen
 Senator B.I. Le Marquand
 Connétable of St. Brelade
 Connétable of St. John
 Connétable of St. Saviour
 Deputy J.B. Fox (H)
 Deputy of St. Ouen
 Deputy of Trinity
 Deputy S.S.P.A. Power (B)
 Deputy K.C. Lewis (S)
 Deputy I.J. Gorst (C)
 Deputy J.M. Maçon (S)

ABSTAIN: 1

Connétable of St. Mary

THE STATES, having resumed consideration of the proposition of Senator Paul Francis Routier entitled ‘Standing Orders: minimum lodging periods – revision’ (P.194/2010), as amended, agreed –

- (a) that the current 2 week minimum lodging period for the following categories of propositions should be increased to a minimum lodging period of 4 weeks –
- (i) a proposition for the appointment of any person to any tribunal or to any public body or office;
 - (ii) a draft legislative Act or draft standing orders;
 - (iii) any proposition lodged by a member of the States in his or her own right and to which a 6 week lodging period does not already apply;
- (b) that any Comments that were to be presented to the States under Standing Order 37 in relation to a proposition that was subject to a 4 or 6 week minimum lodging period should be submitted to the Greffier of the States for distribution no later than noon on Friday in the week preceding the week in which the proposition was listed for debate;
- (c) to request the Privileges and Procedures Committee to bring forward for approval the necessary amendments to Standing Orders to give effect to the proposal.

Members present voted as follows –

POUR: 31**CONTRE: 16****ABSTAIN: 0**

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 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. 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 J.B. Fox (H)
 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 A.E. Jeune (B)
 Deputy E.J. Noel (L)
 Deputy A.K.F. Green (H)

Senator A. Breckon
 Deputy of St. Martin
 Deputy J.A. Martin (H)
 Deputy G.P. Southern (H)
 Deputy of St. Ouen
 Deputy P.V.F. Le Claire (H)
 Deputy J.A.N. Le Fondré (L)
 Deputy S. Pitman (H)
 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)

Assistant Ministers: notification of appointments and dismissals P.5/2011

THE STATES, adopting a proposition of Deputy Paul Vincent Francis Le Claire of St. Helier, agreed to request the Chief Minister and all other Ministers to notify the Assembly of any appointment or dismissal of an Assistant Minister by a Minister through a Statement on a Matter of Official Responsibility made in the Assembly by the Minister concerned at the earliest possible opportunity.

Members present voted as follows –

POUR: 46

CONTRE: 0

ABSTAIN: 0

Senator T.A. Le Sueur
 Senator P.F. Routier
 Senator T.J. Le Main
 Senator B.E. Shenton
 Senator F.E. Cohen
 Senator J.L. Perchard
 Senator A. Breckon
 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. 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 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 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 of St. John
 Deputy M. Tadier (B)
 Deputy A.E. Jeune (B)
 Deputy of St. Mary
 Deputy T.M. Pitman (H)
 Deputy E.J. Noel (L)

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)

Arrangement of public business for future meetings

THE STATES, adopting a proposition of Deputy Geoffrey Peter Southern of St. Helier, agreed that his proposition entitled 'Minister for Treasury and Resources: request to Chief Minister to lodge proposition for dismissal – petition' (P.16/2011) should be taken as the first item of business on 15th February 2011.

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) –

15th February 2011

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

Lodged: 1st February 2011.

Deputy G.P. Southern of St. Helier.

Pomme d'Or Farm: refurbishment. P.177/2010.

Lodged: 1st December 2010.

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

Esplanade Quarter: deferment of works. P.181/2010.

Lodged: 7th December 2010.

Deputy of St. John.

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.

Lodged: 23rd December 2010.

Chief Minister.

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.

Lodged: 23rd December 2010.

Chief Minister.

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

Lodged: 29th December 2010.

Minister for Economic Development.

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

Lodged: 31st December 2010.

Minister for Economic Development.

Standing Orders: time limits on speeches during debates. Lodged: 4th January 2011. <i>Senator P.F. Routier.</i>	P.1/2011.
Cold weather payments: amendment to income support. Lodged: 19th January 2011. <i>Senator F. du H. Le Gresley.</i>	P.4/2011.
Income Support Medical Appeal Tribunal: appointment of members. Lodged: 27th January 2011. <i>Minister for Social Security.</i>	P.11/2011.
Social Security Tribunal: appointment of members. Lodged: 27th January 2011. <i>Minister for Social Security.</i>	P.12/2011.
Jersey Employment Tribunal: appointment of members. Lodged: 27th January 2011. <i>Minister for Social Security.</i>	P.13/2011.
Manual Workers' Joint Council: Employers' Side membership. Lodged: 1st February 2011. <i>States Employment Board.</i>	P.17/2011.
<u>1st March 2011</u>	
Housing issues in Jersey. Lodged: 21st December 2010. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.189/2010.
North of Town Masterplan (Revised). Lodged: 21st December 2010. <i>Minister for Planning and Environment.</i>	P.190/2010.
North of Town Masterplan (Revised) (P.190/2010): amendment. Lodged: 22nd December 2010. <i>Deputy P.V.F. Le Claire of St. Helier.</i>	P.190/2010. Amd.
North of Town Masterplan (Revised) (P.190/2010): second amendment. Lodged: 10th January 2010. <i>Deputy A.K.F. Green of St. Helier.</i>	P.190/2010. Amd.(2)
North of Town Masterplan (Revised) (P.190/2010): third amendment. Lodged: 25th January 2011. <i>Connétable of St. Helier.</i>	P.190/2010. Amd.(3)
Composition of the States: implementation of remaining Clothier reforms – referendum. Lodged: 18th January 2011. <i>Deputy S. Pitman of St. Helier.</i>	P.3/2011.

Composition of the States: implementation of remaining Clothier reforms – referendum (P.3/2011) – amendment. P.3/2011.
Amd.
Lodged: 26th January 2011.
Senator F. du H. Le Gresley.

Electoral Commission: establishment. P.15/2011.
Lodged: 31st January 2011.
Deputy of St. Mary.

Standing Orders: oral questions with notice. P.18/2011.
Lodged: 1st February 2011.
Deputy P.V.F. Le Claire of St. Helier.

Historical Child Abuse: request to Council of Ministers. P.19/2011.
Lodged: 2nd February 2011.
Senator F. du H. Le Gresley.

15th March 2011

Draft Loi (No. 7) (201-) concernant la charge de Juge d’Instruction. P.148/2010.
Lodged: 19th October 2010.
Chief Minister.

Ratification of a Double Taxation Agreement between the States of Jersey and the Government of Estonia. P.7/2011.
Lodged: 24th January 2011.
Chief Minister.

Ratification of the Agreement for the Exchange of Information relating to Tax Matters between the Government of Jersey and the Government of Canada. P.8/2011.
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.

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.

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

THE STATES rose at 4.48 p.m.

A.H. HARRIS

Deputy Greffier of the States