

# THE STATES assembled on Wednesday 18th January 2012, 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 –

Connétable Stephen William Pallett of St. Brelade – en défaut (défaut raised at 9.49 a.m.) Deputy Trevor Mark Pitman of St. Helier – en défaut (défaut raised at 9.49 a.m.)

Prayers read by the Deputy Greffier of the States

#### Health Insurance Fund: transfer to Health and Social Services Department for 2012 P.185/2011

THE STATES resumed consideration of a proposition of the Minister for Social Security and agreed to refer to their Act dated 18th November 2010 in which they adopted, subject to the sanction of Her Most Excellent Majesty in Council, the Health Insurance Fund (Miscellaneous Provisions) (Jersey) Law 201and to their Act dated 15th September 2011 in which they adopted the Annual Business Plan 2012 and agreed, inter alia, that there should be a transfer of £6,131,000 from the Health Insurance Fund in 2012; and, in accordance with the provisions of Article 2 of the Health Insurance Fund (Miscellaneous Provisions) (Jersey) Law 2011, that there should be withdrawn from the Health Insurance Fund and credited to the Consolidated Fund, for the purpose of funding primary care services in 2012, the sum of £6,131,000 with the sum to be treated as income of the Health and Social Services Department in accordance with the provisions of Article 2.

Members present voted as follows –

**POUR: 43 CONTRE: 6** ABSTAIN: 0

Senator P.F. Routier Senator P.F.C. Ozouf Senator S.C. Ferguson Senator A.J.H. Maclean Senator B.I. Le Marquand Senator F. du H. Le Greslev Senator I.J. Gorst

Senator P.M. Bailhache

Connétable of St. Helier

Connétable of Trinity

Connétable of Grouville

Connétable of St. Peter

Connétable of St. Lawrence

Connétable of St. Mary

Connétable of St. Ouen

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. Saviour

Deputy R.C. Duhamel (S)

Senator A. Breckon Connétable of St. Clement Connétable of St. John Deputy of Grouville Deputy M.R. Higgins (H) Deputy G.C.L. Baudains (C)

Deputy R.G. Le Hérissier (S)

Deputy J.A. Martin (H)

Deputy of St. Ouen

Deputy J.A. Hilton (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 M. Tadier (B)

Deputy T.M. Pitman (H)

Deputy E.J. Noel (L)

Deputy T.A. Vallois (S)

Deputy A.K.F. Green (H)

Deputy J.M. Maçon (S)

Deputy of St. John

Deputy J.P.G. Baker (H)

Deputy J.H. Young (B)

Deputy S.J. Pinel (C)

Deputy of St. Mary

Deputy of St. Martin

Deputy R.G. Bryans (H)

Deputy of St. Peter

Deputy R.J. Rondel (H)

# Draft Cold Weather Bonus (Jersey) Regulations 201- P.186/2011

THE STATES commenced consideration of the Draft Cold Weather Bonus (Jersey) Regulations 201-and adopted the principles.

Members present voted as follows –

POUR: 35 CONTRE: 0 ABSTAIN: 0

Senator A. Breckon

Senator S.C. Ferguson

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

Senator I.J. Gorst

Senator L.J. Farnham

Connétable of St. Helier

Connétable of Trinity

Connétable of Grouville

Connétable of St. Peter

Connétable of St. Lawrence

Connétable of St. Mary

Connétable of St. Ouen

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. Saviour

Deputy R.C. Duhamel (S)

Deputy R.G. Le Hérissier (S)

Deputy of St. Ouen

Deputy J.A. Hilton (H)

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

Deputy S. Pitman (H)

Deputy K.C. Lewis (S)

Deputy T.M. Pitman (H)

Deputy T.A. Vallois (S)

Deputy M.R. Higgins (H)

Deputy A.K.F. Green (H)

Deputy J.M. Maçon (S)

Deputy G.C.L. Baudains (C)

Deputy of St. John

Deputy S.J. Pinel (C)

Deputy of St. Mary

Deputy of St. Martin

Deputy of St. Peter

Deputy R.J. Rondel (H)

THE STATES, having been informed that the relevant scrutiny panel had indicated that it did not wish to scrutinise the draft legislation, commenced consideration of the Regulations in second reading.

# Bailiff's Ruling - Standing Order 167

The Deputy Bailiff ruled that, in accordance with Standing Order 167, which enabled the Presiding Officer to decide upon a question of order or procedure which was not provided for in Standing Orders, the debate on the Draft Cold Weather Bonus (Jersey) Regulations 201- (P.186/2011) should be suspended until H.M. Attorney General had considered the questions relating to Regulation 1(2) of the said Draft which had been raised by the Deputy of St. Martin in relation to the aggregation of the daily temperatures which determined whether the period qualified as a 'cold weather month'.

#### Statements on a matter of official responsibility

(see Official Report/Hansard)

The Minister for Education, Sport and Culture made a statement regarding the future funding of St. George's and St. Michael's Schools.

#### Draft Cold Weather Bonus (Jersey) Regulations 201- P.186/2011

THE STATES, having received the advice of H.M. Attorney General, resumed consideration of the Draft Cold Weather Bonus (Jersey) Regulations 201- and adopted Regulations 1 to 8.

THE STATES, in pursuance of the Order in Council dated 28th March 1771, made Regulations entitled the Cold Weather Bonus (Jersey) Regulations 2012.

### Planning Applications Panel: appointment of Members P.189/2011

THE STATES, adopting a proposition of the Minister for Planning and Environment, appointed, in accordance with Article 9A(2) of the Planning and Building (Jersey) Law 2002, the following persons as members of the Planning Applications Panel (PAP) until 31st December 2014, with immediate effect –

Deputy S.S.P.A. Power of St. Brelade (nominated as Chairman)

The Connétable of Trinity

The Connétable of St. Mary

Deputy R.G. Le Hérissier of St. Saviour

Deputy J.M. Maçon of St. Saviour

Deputy G.C.L. Baudains of St. Clement.

Members present voted as follows -

POUR: 44 CONTRE: 2 ABSTAIN: 2

Deputy J.A. Martin (H)

Deputy T.M. Pitman (H)

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

Deputy G.C.L. Baudains (C)

Senator P.F. Routier

Senator A. Breckon

Senator S.C. Ferguson

Senator A.J.H. Maclean

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

Senator I.J. Gorst

Senator L.J. Farnham

Senator P.M. Bailhache

Connétable of St. Helier

Connétable of Trinity

Connétable of Grouville

Connétable of St. Clement

Connétable of St. Peter

Connétable of St. Lawrence

Connétable of St. Mary

Connétable of St. John

Connétable of St. Ouen

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. Saviour

Deputy R.C. Duhamel (S)

Deputy R.G. Le Hérissier (S)

Deputy G.P. Southern (H)

Deputy of St. Ouen

Deputy J.A. Hilton (H)

Deputy J.A.N. Le Fondré (L)

Deputy of Trinity

Deputy S. Pitman (H)

Deputy K.C. Lewis (S)

Deputy M. Tadier (B)

Deputy E.J. Noel (L)

Deputy T.A. Vallois (S)

Deputy M.R. Higgins (H)

Deputy A.K.F. Green (H)

Deputy M.K.I. Green (I

Deputy J.M. Maçon (S)

Deputy of St. John

Deputy J.H. Young (B)

Deputy S.J. Pinel (C)

Deputy of St. Mary

Deputy of St. Martin

Deputy R.G. Bryans (H)

Deputy of St. Peter

Deputy R.J. Rondel (H)

### Jersey Employment Tribunal: appointment of Members P.190/2011

THE STATES, adopting a proposition of the Minister for Social Security, appointed, further to a process overseen by the Jersey Appointments Commission and in accordance with the Employment Tribunal (Jersey) Regulations 2005, the following persons as members of the Jersey Employment Tribunal, each for a period of 5 years from the dates indicated –

Mrs. Angela Swindell (1st February 2012)

Mr. Ian Carr (1st February 2012)

Mr. Timothy Allen (1st April 2012)

Members present voted as follows -

POUR: 48 CONTRE: 0 ABSTAIN: 0

Senator P.F. Routier

Senator S.C. Ferguson

Senator A.J.H. Maclean

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

Senator I.J. Gorst

Senator L.J. Farnham

Senator P.M. Bailhache

Connétable of St. Helier

Connétable of Trinity

Connétable of Grouville

Connétable of St. Clement

Connétable of St. Peter

Connétable of St. Lawrence

Connétable of St. Mary

Connétable of St. John

Connétable of St. Ouen

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. Saviour

Deputy R.C. Duhamel (S)

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 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 M. Tadier (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 J.M. Maçon (S)

Deputy G.C.L. Baudains (C)

Deputy of St. John

Deputy J.H. Young (B)

Deputy S.J. Pinel (C)

Deputy of St. Mary

Deputy of St. Martin

Deputy R.G. Bryans (H)

Deputy of St. Peter

Deputy R.J. Rondel (H)

## Jersey Police Complaints Authority: appointment of Member P.191/2011

THE STATES, adopting a proposition of the Minister for Home Affairs, agreed in accordance with Article 2 of, and the Schedule to, the Police (Complaints and Discipline) (Jersey) Law 1999, to appoint Dr. John Birtwistle as a member of the Jersey Police Complaints Authority for a period of 3 years.

Members present voted as follows –

POUR: 47 CONTRE: 0 ABSTAIN: 0

Senator P.F. Routier

Senator S.C. Ferguson

Senator A.J.H. Maclean

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

Senator I.J. Gorst

Senator L.J. Farnham

Senator P.M. Bailhache

Connétable of St. Helier

Connétable of Trinity

Connétable of Grouville

Connétable of St. Clement

Connétable of St. Peter

Connétable of St. Lawrence

Connétable of St. Mary

Connétable of St. John

Connétable of St. Ouen

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. Saviour

Deputy R.C. Duhamel (S)

Deputy R.G. Le Hérissier (S)

Deputy G.P. Southern (H)

Deputy of St. Ouen

Deputy of Grouville

Deputy J.A. Hilton (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 M. Tadier (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 J.M. Maçon (S)

Deputy G.C.L. Baudains (C)

Deputy of St. John

Deputy J.H. Young (B)

Deputy S.J. Pinel (C)

Deputy of St. Mary

Deputy of St. Martin

Deputy R.G. Bryans (H)

Deputy of St. Peter

Deputy R.J. Rondel (H)

### Jersey Overseas Aid Commission: re-appointment of Non-States Commissioner P.194/2011

THE STATES, adopting a proposition of the Chairman of the Overseas Aid Commission, appointed, in accordance with clause 7.4 of the Constitution of the Jersey Overseas Aid Commission as set out in Schedule 1 to the Jersey Overseas Aid Commission (Jersey) Law 2005, Mrs. Toni Roberts as a Non-States Commissioner for a further period of 3 years.

Members present voted as follows –

POUR: 48 CONTRE: 0 ABSTAIN: 0

Senator P.F. Routier

Senator A. Breckon

Senator S.C. Ferguson

Senator A.J.H. Maclean

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

Senator I.J. Gorst

Senator L.J. Farnham

Senator P.M. Bailhache

Connétable of St. Helier

Connétable of Trinity

Connétable of Grouville

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Connétable of St. John

Connétable of St. Ouen

Connétable of St. Brelade

Connétable of St. Martin

Connétable of St. Saviour

Deputy R.C. Duhamel (S)

Deputy R.G. Le Hérissier (S)

Deputy G.P. Southern (H)

Deputy of St. Ouen

Deputy of Grouville

Deputy J.A. Hilton (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 M. Tadier (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 J.M. Maçon (S)

Deputy G.C.L. Baudains (C)

Deputy of St. John

Deputy J.H. Young (B)

Deputy S.J. Pinel (C)

Deputy of St. Mary

Deputy of St. Martin

Deputy R.G. Bryans (H)

Deputy of St. Peter

Deputy R.J. Rondel (H)

#### Jersey Financial Services Commission: re-appointment of Commissioner P.193/2011

THE STATES commenced consideration of a proposition of the Minister for Economic Development regarding the re-appointment of a Commissioner to 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 proceeded to vote in public assembly and rejected a proposition of the Connétable of St. John that, in accordance with Standing Order 85, the Assembly should move to the consideration of the next item of public business.

Connétable of St. Clement

Deputy T.M. Pitman (H)

Members present voted as follows –

Deputy M.R. Higgins (H)

#### POUR: 17 CONTRE: 31 ABSTAIN: 1

Senator A. Breckon Senator P.F. Routier Connétable of Grouville Senator P.F.C. Ozouf Connétable of St. John Senator S.C. Ferguson Connétable of St. Ouen Senator A.J.H. Maclean Connétable of St. Martin Senator B.I. Le Marquand Deputy R.C. Duhamel (S) Senator F. du H. Le Gresley Deputy R.G. Le Hérissier (S) Senator I.J. Gorst Deputy J.A.N. Le Fondré (L) Senator L.J. Farnham Deputy S. Pitman (H) Senator P.M. Bailhache Deputy M. Tadier (B) Connétable of St. Helier

Connétable of St. Peter

Deputy A.K.F. Green (H)
Deputy J.M. Maçon (S)
Deputy G.C.L. Baudains (C)
Deputy J.H. Young (B)
Deputy S.J. Pinel (C)
Deputy of St. Peter

Connétable of St. Lawrence Connétable of St. Mary Connétable of St. Brelade Connétable of St. Saviour Deputy G.P. Southern (H) Deputy of St. Ouen Deputy of Grouville Deputy J.A. Hilton (H) Deputy of Trinity Deputy S.S.P.A. Power (B) Deputy K.C. Lewis (S) Deputy E.J. Noel (L) Deputy T.A. Vallois (S) Deputy of St. John Deputy J.P.G. Baker (H) Deputy of St. Mary Deputy of St. Martin Deputy R.G. Bryans (H) Deputy R.J. Rondel (H)

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 and the Assembly resumed consideration of the proposition of the Minister for Economic Development regarding the reappointment of a Commissioner to the Jersey Financial Services Commission.

THE STATES, having concluded the debate *in camera*, proceeded to vote in public assembly and appointed, in pursuance of Article 3 of the Financial Services Commission (Jersey) Law 1998, Mr. John Clark Averty as a Commissioner of the Jersey Financial Services Commission, with effect from 20th January 2012 for a further period of 4 years.

Members present voted as follows –

# POUR: 38 CONTRE: 3 ABSTAIN: 7

Senator P.F. Routier Senator P.F.C. Ozouf Senator S.C. Ferguson Senator A.J.H. Maclean Senator B.I. Le Marquand Senator F. du H. Le Gresley Senator I.J. Gorst Senator L.J. Farnham Senator P.M. Bailhache Connétable of St. Helier Connétable of Grouville Connétable of St. Clement Connétable of St. Peter Connétable of St. Lawrence Connétable of St. John Connétable of St. Ouen

Connétable of St. Brelade Connétable of St. Martin Deputy R.C. Duhamel (S) Deputy M.R. Higgins (H) Deputy J.M. Maçon (S)

Senator A. Breckon Connétable of St. Mary Deputy R.G. Le Hérissier (S) Deputy S. Pitman (H) Deputy M. Tadier (B) Deputy T.M. Pitman (H) Deputy J.H. Young (B)

Connétable of St. Saviour

Deputy G.P. Southern (H)

Deputy of St. Ouen

Deputy of Grouville

Deputy J.A. Hilton (H)

Deputy of Trinity

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

Deputy K.C. Lewis (S)

Deputy E.J. Noel (L)

Deputy T.A. Vallois (S)

Deputy A.K.F. Green (H)

Deputy G.C.L. Baudains (C)

Deputy of St. John

Deputy J.P.G. Baker (H)

Deputy S.J. Pinel (C)

Deputy of St. Mary

Deputy of St. Martin

Deputy R.G. Bryans (H)

Deputy of St. Peter

Deputy R.J. Rondel (H)

# Arrangement of public business for future meetings

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) –

# **31st January 2012**

Draft Maintenance Orders (Facilities for Enforcement – Convention Countries)

P.184/2011.

(Amendment) (Jersey) Act 201-.

Lodged: 28th November 2011. *Chief Minister*.

Draft Policing of Beaches (Amendment No. 10) (Jersey) Regulations 201-.

P.192/2011.

Lodged: 20th December 2011.

Minister for Economic Development.

Jersey Consumer Council: appointment of Chairman.

P.195/2011.

Lodged: 23rd December 2011.

Minister for Economic Development.

#### 21st February 2012

Standing Orders: Answers to Questions.

P.177/2011.

Lodged: 21st October 2011.

Deputy G.P. Southern of St. Helier.

Standing Orders: Answers to Questions (P.177/2011) – comments.

P.177/2011.

Com.

Presented: 6th January 2012.

Privileges and Procedures Committee.

Draft States of Jersey Police Force Law 201-. P.182/2011. Lodged: 16th November 2011. Minister for Home Affairs. Draft States of Jersey (Transfer of Functions No. 5) (Economic Development to Chief P.196/2011. Minister) (Jersey) Regulations 201-. Lodged: 23rd December 2011. Chief Minister. Draft Civil Aviation (Amendment of Law) (Jersey) Regulations 201-. P.197/2011. Lodged: 23rd December 2011. Chief Minister. Draft Social Security (Amendment of Law No. 2) (Jersey) Regulations 201-. P.1/2012. Lodged: 4th January 2012. Minister for Social Security. Committee of Inquiry: payments on premature cessation of employment contracts. P.2/2012. Lodged: 11th January 2012. Deputy R.G. Le Hérissier of St. Saviour. Manual Workers' Joint Council: Employers' Side membership. P.3/2012. Lodged: 12th January 2012. States Employment Board. Law Revision Board: appointment of member. P.7/2012. Lodged: 17th January 2012. Minister for Treasury and Resources. Property and Infrastructure Regeneration: appointment of Member to the Regeneration P.8/2012. Steering Group. Lodged: 17th January 2012. Chief Minister. 6th March 2012 Ex gratia payment: Mr. D. Turner. P.166/2011. Lodged: 4th October 2011. Deputy M.R. Higgins of St. Helier. Draft Amendment (No. 18) of the Standing Orders of the States of Jersey. P.4/2012. Lodged: 13th January 2012. Privileges and Procedures Committee. Electoral Commission: composition and terms of reference. P.5/2012. Lodged: 13th January 2012. Privileges and Procedures Committee.

P.6/2012.

(re-issue) 33

Channel Islands Lottery: allocation of profits for 2011.

Lodged: 17th January 2012.

Minister for Economic Development.

### 20th March 2012

Old Age Pension: method for increase. P.164/2011.

Lodged: 3rd October 2011.

Senator A. Breckon.

**17th April 2012** 

Election campaign period: restrictions. P.174/2011.

Lodged: 21st October 2011.

Deputy R.G. Le Hérissier of St. Saviour.

Election campaign period: restrictions (P.174/2011) – comments. P.174/2011.

Presented: 6th January 2012.

Privileges and Procedures Committee.

29th May 2012

Machinery of Government: review by Privileges and Procedures Committee. P.187/2011.

Lodged: 29th November 2011.

Deputy G.C.L. Baudains of St. Clement.

Machinery of Government: review by Privileges and Procedures Committee P.187/2011.

(P.187/2011) – comments.

Presented: 6th January 2012.

Privileges and Procedures Committee.

Open ballot for Ministers and Chairmen. P.188/2011.

Lodged: 5th December 2011.

Deputy T.M. Pitman of St. Helier.

Open ballot for Ministers and Chairmen (P.188/2011): comments. P.188/2011.

Presented: 6th January 2012.

Privileges and Procedures Committee.

THE STATES rose at 12.43 p.m.

A.H. HARRIS

Com.

Deputy Greffier of the States

#### **Re-issue Note**

As a consequence of the Minutes of 17th January being re-issued with the inclusion of the 2 Acts which were omitted from the original version, these Minutes are also re-issued, with new page numbers.