

# THE STATES assembled on Wednesday 16th January 2013, at 09.30 a.m. under the Presidency of the Deputy Bailiff, William James Bailhache, Esquire.

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

Senator Sarah Craig Ferguson - ill

Deputy Judith Ann Martin of St. Helier – ill

Deputy Geoffrey Peter Southern of St. Helier – en défaut (défaut raised at 9.41 a.m.)

Deputy John Alexander Nicholas Le Fondré of St. Lawrence – en défaut (défaut raised at 9.41 a.m.)

Deputy Montfort Tadier of St. Brelade – en défaut (défaut raised at 9.41 a.m.)

Deputy Trevor Mark Pitman of St. Helier – en défaut (défaut raised at 9.41 a.m.)

Prayers

### Greville Bathe Fund: appointment of Jurat P.123/2012

THE STATES, adopting a proposition of the Minister for Treasury and Resources, approved the appointment of Jurat Paul Nicolle for the purpose of administering the income of the Greville Bathe Fund.

# **Draft Community Provisions (Goods Infringing Intellectual Property Rights) (Jersey) Regulations 201- P.125/2012**

THE STATES commenced consideration of the Draft Community Provisions (Goods Infringing Intellectual Property Rights) (Jersey) Regulations 201- and adopted the principles.

Members present voted as follows –

POUR: 43 CONTRE: 2 ABSTAIN: 0

Senator P.F. Routier Senator A. Breckon 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

Deputy M.R. Higgins (H) Deputy G.C.L. Baudains (C)

13 Price code: C

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 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 A.K.F. Green (H)

Deputy J.M. Maçon (S)

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)

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 9.

Members present voted as follows -

POUR: 42 CONTRE: 2 ABSTAIN: 0

Senator P.F. Routier

Senator A. Breckon

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 Trinity

Connétable of Grouville

Connétable of St. Clement

Connétable of St. Peter

Connétable of St. Lawrence

Connétable of St. Mary

Connétable of St. John

Deputy S. Pitman (H)

Deputy G.C.L. Baudains (C)

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 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 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 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)

THE STATES, in pursuance of Article 2 of the European Communities Legislation (Implementation) (Jersey) Law 1996, made Regulations entitled the Community Provisions (Goods Infringing Intellectual Property Rights) (Jersey) Regulations 2013.

# Draft Public Employees (Contributory Retirement Scheme) (States of Jersey Prison Service – Amendments) (Jersey) Regulations 201- P.126/2012

THE STATES commenced consideration of the Draft Public Employees (Contributory Retirement Scheme) (States of Jersey Prison Service – Amendments) (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 19.

Members present voted as follows –

POUR: 38 CONTRE: 0 ABSTAIN: 0

Senator P.F. Routier

Senator A. Breckon

Senator A.J.H. Maclean

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 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 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 G.C.L. Baudains (C)

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)

THE STATES, in pursuance of Article 2 of the Public Employees (Retirement) (Jersey) Law 1967, made Regulations entitled the Public Employees (Contributory Retirement Scheme) (States of Jersey Prison Service – Amendments) (Jersey) Regulations 2013.

Senators Bryan Ian Le Marquand and Ian Joseph Gorst, the Connétable of St. Peter and Deputies Andrew Kenneth Francis Green of St. Helier and John Hilary Young of St. Brelade, in accordance with the provisions of Standing Order 106(b), declared an interest not being of a direct financial nature and remained in the Chamber for the duration of the debate.

#### Arrangement of public business for the present meeting

THE STATES rejected a proposition of the Connétable of St. Saviour that Standing Order 106 should be suspended in order that Members could consider her proposition entitled 'States Members' remuneration: proposed increase for 2013' (P.127/2012) without having to declare a direct financial interest and withdrawing from the Chamber for the duration of the debate and any vote on the said proposition.

Members present voted as follows -

POUR: 16 CONTRE: 31 ABSTAIN: 0

Senator P.F. Routier Senator A.J.H. Maclean Senator B.I. Le Marquand Senator F. du H. Le Gresley Senator I.J. Gorst Connétable of St. John Connétable of St. Martin Connétable of St. Saviour Deputy R.G. Le Hérissier (S) Deputy of St. Ouen Deputy of Grouville Deputy J.A. Hilton (H) Deputy J.A.N. Le Fondré (L) Deputy T.A. Vallois (S) Deputy of St. John Deputy R.J. Rondel (H)

Senator P.F.C. Ozouf Senator A. Breckon 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. Ouen Connétable of St. Brelade Deputy R.C. Duhamel (S) Deputy G.P. Southern (H) Deputy of Trinity

Deputy S.S.P.A. Power (B)
Deputy S. Pitman (H)
Deputy M. Tadier (B)
Deputy T.M. Pitman (H)
Deputy E.J. Noel (L)
Deputy M.R. Higgins (H)
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. Mary
Deputy R.G. Bryans (H)
Deputy of St. Peter

Following the rejection of the proposition of the Connétable of St. Saviour to suspend Standing Order 106, the Deputy Bailiff informed the Assembly that the proposition entitled 'States Members' remuneration: proposed increase for 2013' (P.127/2012) was deemed to have been withdrawn.

### Draft Limited Liability Partnerships (Amendment of Law) (Jersey) Regulations 201- P.132/2012

THE STATES commenced consideration of the principles of the Draft Limited Liability Partnerships (Amendment of Law) (Jersey) Regulations 201- and rejected a proposition of Deputy Montfort Tadier of St. Brelade that, in accordance with Standing Order 79(2), the Economic Affairs Scrutiny Panel should be requested to consider having the proposition referred to it.

Members present voted as follows -

POUR: 5 CONTRE: 37 ABSTAIN: 0

Senator A. Breckon Deputy R.C. Duhamel (S) Deputy G.P. Southern (H) Deputy M. Tadier (B) Deputy G.C.L. Baudains (C) Senator P.F. Routier Senator P.F.C. Ozouf 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 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

Deputy R.G. Le Hérissier (S)

Deputy of St. Ouen Deputy of Grouville 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 M.R. Higgins (H)
Deputy A.K.F. Green (H)
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)

THE STATES, having resumed consideration of the Draft Limited Liability Partnerships (Amendment of Law) (Jersey) Regulations 201-, adopted the principles.

Members present voted as follows –

POUR: 43 CONTRE: 3 ABSTAIN: 0

Senator P.F. Routier Senator P.F.C. Ozouf Senator A.J.H. Maclean Senator B.I. Le Marquand Senator F. du H. Le Gresley Senator A. Breckon Deputy G.P. Southern (H) Deputy M. Tadier (B)

Senator L.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 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 K.C. Lewis (S)

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)

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 12.

Members present voted as follows –

POUR: 44 CONTRE: 3 ABSTAIN: 0

Senator A. Breckon

Deputy G.P. Southern (H) Deputy M. Tadier (B)

Senator P.F. Routier

Senator P.F.C. Ozouf

Senator A.J.H. Maclean

Senator B.I. Le Marquand

Senator F. du H. Le Gresley

Senator I.J. Gorst

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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 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 K.C. Lewis (S)

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)

THE STATES, in pursuance of Articles 44 and 45 of the Limited Liability Partnerships (Jersey) Law 1997, made Regulations entitled the Limited Liability Partnerships (Amendment of Law) (Jersey) Regulations 2013.

#### Draft Income Tax (Amendment No. 42) (Jersey) Law 201- P.133/2012

THE STATES commenced consideration of the Draft Income Tax (Amendment No. 42) (Jersey) Law 201- and adopted the principles.

Members present voted as follows –

POUR: 43 CONTRE: 4 ABSTAIN: 0

Senator P.F. Routier

Senator P.F.C. Ozouf

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 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 K.C. Lewis (S)

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)

Senator A. Breckon

Deputy G.P. Southern (H)

Deputy M. Tadier (B)

Deputy T.M. Pitman (H)

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 and 2.

Members present voted as follows –

POUR: 43 CONTRE: 4 ABSTAIN: 0

Senator P.F. Routier

Senator P.F.C. Ozouf

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 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 K.C. Lewis (S)

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)

Senator A. Breckon Deputy G.P. Southern (H) Deputy M. Tadier (B) Deputy T.M. Pitman (H)

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, adopted a Law entitled the Income Tax (Amendment No. 42) (Jersey) Law 201-.

THE STATES, in accordance with the provisions of Standing Order 80A and in pursuance of Article 15 of the Public Finances (Jersey) Law 2005, declared that the Bill entitled the Income Tax (Amendment No. 42) (Jersey) Law 201- should immediately have effect as if it were a Law sanctioned by Her Majesty in Council.

## Jersey Appointments Commission: appointment of Commissioner P.136/2012

THE STATES, adopting a proposition of the Chief Minister, in accordance with Article 18(1) of the Employment of States of Jersey Employees (Jersey) Law 2005, which was concerned with the appointment of Commissioners to the Jersey Appointments Commission, appointed Professor Edward Sallis, O.B.E., as a Commissioner of the Jersey Appointments Commission until 23rd February 2014.

Members present voted as follows –

POUR: 44 CONTRE: 0 ABSTAIN: 0

Senator P.F. Routier

Senator A. Breckon

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 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 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)

## 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) –

## 29th January 2013

Comptroller and Auditor General: appointment.

P.138/2012.

Lodged: 28th December 2012.

Chief Minister.

Minister for Justice and Department of Justice: report.

P.120/2012.

Lodged: 13th November 2012.

Senator L.J. Farnham.

Minister for Justice and Department of Justice: report (P.120/2012) – amendment.

P.120/2012.

Amd.

Lodged: 15th January 2013. Senator L.J. Farnham.

Draft Civil Partnership (Consequential Amendments) (No. 2) (Jersey) Regulations 201-.

Lodged: 4th December 2012.

P.128/2012.

Chief Minister.

Ratification of the Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income between the Government of Jersey and the Government of the Republic of Singapore.

P.129/2012.

Lodged: 4th December 2012.

Chief Minister.

Draft Taxation (Double Taxation) (Amendment) (Jersey) Regulations 201-.

P.130/2012.

Lodged: 4th December 2012.

Chief Minister.

Higher Education Grants: method of assessment.

P.134/2012.

Lodged: 11th December 2012.

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

Draft Motor Traffic (Third Party Insurance) (Cost Recovery) (Jersey) Regulations 201-.

P.135/2012.

Lodged: 13th December 2012.

Minister for Health and Social Services.

Statistics User Group: appointment of Chairman. P.137/2012.

Lodged: 27th December 2012.

Chief Minister.

19th February 2013

Police Station Relocation: review of decision (as amended). P.92/2012.

Lodged: 2nd October 2012.

Deputy J.A. Martin of St. Helier.

Police Station Relocation: review of decision (P.92/2012) – comments. P.92/2012.

Presented: 19th November 2012.

Council of Ministers.

Police Station Relocation: review of decision (P.92/2012) – comments. P.92/2012.

Presented: 20th November 2012. Com.(2)

Minister for Planning and Environment.

Committee of Inquiry: Historical Child Abuse. P.118/2012.

Lodged: 6th November 2012.

Council of Ministers.

Draft Referendum (Reform of States Assembly) (Jersey) Act 201-. P.5/2013.

Lodged: 15th January 2013.

Privileges and Procedures Committee.

**5th March 2013** 

Starter Home Deposit Loan Scheme. P.131/2012.

Lodged: 4th December 2012.

Minister for Treasury and Resources.

Draft Control of Housing and Work (Residential and Employment Status) (Jersey) P.2/2013.

Regulations 201-.

Lodged: 11th January 2013.

Chief Minister.

Draft Control of Housing and Work (Transitional and Consequential) (Jersey) P.3/2013.

Regulations 201-.

Lodged: 11th January 2013.

Chief Minister.

Code of Conduct for Elected Members: Commissioner for Standards. P.4/2013.

P.124/2012.

Lodged: 14th January 2013.

Privileges and Procedures Committee.

19th March 2013

Jersey Innovation Fund: establishment, funding and operation.

Lodged: 20th November 2012.

Minister for Treasury and Resources.

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# 14th May 2013

Draft Discrimination (Jersey) Law 201-. Lodged: 15th January 2013. *Minister for Social Security*. P.6/2013.

THE STATES rose at 12.33 p.m.

M.N. DE LA HAYE

Greffier of the States